

## **CHILDRENS SERVICES COOPERATION BILL**

### **1. Introduction**

The HSCB views on the proposed Bill 'Children's Services Cooperation Bill' are set out below.

HSCB convenes the multi-agency Children and Young People's Strategic Partnership to support the development and implementation of the Children's Services Plan as required under Children (1995 Order) (Amendment) (Children Services Planning) Order 1998.

HSCB has considered the merit of placing the CYPSP on a statutory basis and the reasons both for and against this approach.

In a paper on international approaches to Children's Services Reform for the Department of Children and Youth affairs prepared by Centre for Effective Services (CES) the following conclusion was drawn in respect of interagency and cross-government working

"All reform initiatives, programmes or policy frameworks emphasise a collective/shared responsibility for the welfare and protection of children, with interagency and cross government collaboration central to improvement and progress" (Children's Services Reform, CES, 2013)

### **2. The existing position- Children (1995 Order) (Amendment) (Children Services Planning) Order 1998**

The Children (1995 Order) (Amendment) (Children's Services Planning) Order (Northern Ireland) 1998 requires HSCB to prepare and publish plans for the provision of children's services within its area and to keep those plans under review. In preparing or updating its plans, a Health and Social Services Board is required to consult Health and Social Services Trusts, education and library boards, district councils, certain voluntary organisations, the Northern Ireland Housing Executive, the Probation Board for Northern Ireland, the police and other relevant bodies. The Department of Health and Social Services may require a

Health and Social Services Board's plan to be submitted to it at any time.

The Guidance to the Order (July 1998) identifies the purpose of Children's Services Plans (CSP) as

- Promote the welfare of children
- Clarify strategic objectives in relation to services;
- Promote integrated provision of services and effective use of available resources
- Ensure consistency of approach to planning by HSS Boards and HSS Trusts
- Promote a high standard of coordination and collaboration between HSS Boards and HSS Trusts across Board and Trust areas and between social care and health services;
- Establish a high standard of co-ordination and collaboration between HSS Boards and HSS Trusts and other agencies and organisations which have a contribution to make to effective provision of local services;
- Facilitate joint commissioning by agencies when this is seen as appropriate to meet the needs of children

The guidance also established that it was important that the development of CSPs is integrated with other planning cycles within the HSC Board and other agencies and that the CSP makes clear its relationship to such other plans.

The guidance to the Order (Children's Services Planning Guidance 1998, DHSS/DENI/NIO) notes that the requirement to consult is

“complimented by a duty in article 46 of the Children Order on HSS Trusts, education and library boards, district councils, the Northern Ireland Housing Executive and ‘such other bodies as the DHSS may direct’ to cooperate with a HSS Board in the discharge of its child care functions under part IV of the Children Order” (page 21)

If such cooperation is requested then “a body whose help is so requested shall comply with the request if it is compatible with that body's own statutory or other duties and obligations and does not unduly prejudice the discharge of any of its functions” (article 46)

Currently, then there is no statutory duty to cooperate but there is a requirement on HSCB to produce a children’s services plan and consult widely on the content. Cooperation can be requested subject to the conditions of article 46.

The current Children’s Services Plan (CYPSP, 2011-2014 Plan), prepared by HSCB and agreed with CYPSP members makes reference to some of the themes in the private members bill and allows for some comparisons to be drawn.

### 3. Comparison between Current CSP Plan and proposed Changes in Private Members Bill

<b>Proposals in the draft bill</b>	<b>Current position</b>	<b>What’s in the current CSP Plan relevant to this theme</b>
Duty to cooperate between departments To achieve the six high level outcomes	No current duty exists	The CYPSP plan has strongly supported the high level outcomes framework (p.10)  The CYPSP plan supported a ‘joined up’ approach to children’s issues in departments (p. 11)
Enabling power to share resources and pool budgets	No current power exists	The CYPSP plan advocated that all departments should ‘develop a single

<b>Proposals in the draft bill</b>	<b>Current position</b>	<b>What's in the current CSP Plan relevant to this theme</b>
		<p>approach to children and young people' and 'in longer term seeking coordinated children's budgets' (p.29)</p>
<p>Children and young people's plan</p> <ul style="list-style-type: none"> <li>-collaboration in planning, commissioning and delivering</li> <li>-development of shared actions and joint commissioning</li> <li>-duty to cooperate in preparation, review, implementation and reporting on the plan.</li> </ul>	<p>No current duty to collaborate.</p> <p>CYPSP member organisations agree to work together on a voluntary basis</p> <p>HSCB has responsibility to produce the plan and consult on its content</p>	<p>The CYPSP plan supported</p> <ul style="list-style-type: none"> <li>-integrated planning and commissioning (p.10)</li> <li>-integrated delivery (p.30)</li> <li>-integrating the use of existing resources to improve outcomes for children (p.30)</li> <li>-integration of separate planning processes (p.30)</li> <li>-established a strategic action to 'activate integrated commissioning to improve</li> </ul>

<b>Proposals in the draft bill</b>	<b>Current position</b>	<b>What's in the current CSP Plan relevant to this theme</b>
		outcomes'(p.54)

#### **4. HSCB View**

In general terms HSCB supports the principles behind this legislation and this is reflected in the current CYPSP plan.

However we would be of a view that further consideration will be needed on the proposed amendments to the Children (Northern Ireland) Order 1995 to ensure that the intent behind the proposed legislation is reflected in its enactment.

We are aware, for example, of concerns that the proposed amendment to the Children (Northern Ireland) Order 1995 could create a situation in which the HSCB would have direct influence on a range of public authorities, including agencies and Departments, and ultimately the Executive.

We also understand that Mr Agnew has confirmed that the policy intention behind Clause 4 is to place the CYPSP, convened by HSCB, on a statutory basis. We would feel that more consideration is needed as to whether or not Clause 4, as currently drafted, achieves that policy aim.

We note that in Scotland a similar statutory duty is being enacted and there may be helpful learning in that process.

The Children and Young People (Scotland) Act 2014

“Places duties on public bodies to coordinate the planning, design and delivery of services for children and young people with a focus on improving wellbeing outcomes, and report collectively on how they are improving those outcomes”

([Implementation of the \*\*Children and Young People \(Scotland\) Act ...\*\*  
www.scotland.gov.uk/Resource/0045/00452065.pdf](http://www.scotland.gov.uk/Resource/0045/00452065.pdf))