

Oral evidence session on Children's Services Co-operation Bill

**Briefing for the Northern Ireland Assembly Committee for the Office of
the First Minister and deputy First Minister** **15 April 2015**

1.0 Introduction

The Office of the Commissioner for Children and Young People (NICCY) was created in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) with the principal aim to 'safeguard and promote the rights and best interests of children and young people'. Under Articles 7(2)(3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. The remit of the Office is children and young people from birth up to 18 years or 21 years if the young person is disabled or care experienced.

In determining how to exercise the Commissioner's functions under the Order, in relation to any particular child or young person, the Commissioner's paramount consideration is for the rights of the child or young person. In exercising the functions under this Order, the Commissioner also has regard for the importance of the role of parents in the upbringing and development of their children and for any relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC). The current Commissioner is Koulla Yiasouma, having taken up the post on 2 March 2015.

2.0 The need for more effective joined up working across Government

In reviewing the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children in Northern Ireland, NICCY has identified a number of problems in relation to the processes and structures by which these are developed, and delivered. In 2011, the Office published a report entitled: 'Barriers to Effective Government delivery for Children in Northern Ireland', based on research conducted by Professor Laura Lundy and Dr. Bronagh Byrne at the Queen's University, Belfast¹. This analysed key structural barriers to government delivery for children, including the absence of a clear

¹ Byrne, B., and L. Lundy, (2013), Legal Measures for Implementing Children's Rights: Options for Northern Ireland, (Belfast: NICCY/QUB).

commitment to children's rights, problems in co-ordination and joined-up working between departments, significant time delays in delivering on commitments for children, a lack of training and awareness on children's and young people's rights, insufficient data and limited meaningful participation of children and young people. NICCY has recently commissioned further research to further investigate examples of good practice in other jurisdictions in relation to inter-departmental and inter-agency working practices for children and young people. This research is due to be completed in May 2015.

The findings from the 2011 Report along with evidence NICCY has gathered through its ongoing work, clearly demonstrate the detrimental impact of ineffective inter-departmental working on the planning and delivery of services and support to children and young people. NICCY therefore warmly welcomes the Private Member' Bill which seeks to secure greater and more effective co-operation on the planning and delivery of children's services and commends Steven Agnew for taking this Bill forward. This Bill reflects the fact that the lives of children and young people do not fit neatly into departmental remits and attempts to alleviate this situation.

3.0 Commentary on the Proposed Children's Services Co-operation Bill

Clause 1: General Duty

NICCY has consistently highlighted the absence of effective inter-departmental and inter-agency working and a failure to co-ordinate strategies has resulted in a fragmented approach to policy development and implementation. While there are some examples of good practice, this is often reliant on the goodwill of individuals and positive working relationships. The six specified outcomes of the Ten Year Strategy for Children and Young People were widely consulted upon and agreed with stakeholders and NICCY would suggest that whilst the detail of the outcomes may be altered, the themes of health, learning, safety, economic and environmental wellbeing, contributing positively to society and children's rights, will remain unchanged. It will be important that the development of the next Ten Year Strategy for Children and Young People takes account of the content of the Bill, however NICCY believes that there is the capacity for flexibility in the wording of the Bill to ensure that the Children's Strategy at any given time, can be referenced. NICCY believes that this Bill will go a long way to ensuring the full implementation of the Executive's next strategy for children.

Clause 2: Co-operation Report

NICCY strongly concurs with the proposed requirement for regular reporting which will demonstrate the effectiveness of inter-departmental working arrangements, identify

challenges or obstacles arising and ensure transparency of implementation. While noting concerns regarding the possible bureaucracy or demanding nature of reporting, NICCY would suggest that the proposed 3-year reporting cycle is not at all onerous and indeed would propose that reports be produced on an annual basis. Currently, under the Child Poverty Act 2010, each department is required to provide an annual report and OFMDFM reports annually on the delivery of the six high level outcomes in the 10 Year Strategy for Children and Young People, against a series of strategic indicators.

NICCY would suggest all the above reporting mechanisms will inevitably include a commentary on partnership and cross departmental working which can then be included in the annual co-operation report. Therefore NICCY would further suggest that all current reporting mechanisms are revised accordingly, to comply with this Bill's proposals and to avoid duplication. The involvement of all relevant departments is critical towards ensuring the accurate monitoring of progress in achieving outcomes for children and young people.

NICCY would strongly suggest that careful consideration is given to determining the criteria for effective reporting, i.e. the level of detail required, scope, type of evidence to be referenced. NICCY's current research into good practice in cross-departmental working is investigating examples of effective templates.

NICCY commissioned a review of 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) in 2013. One of the recommendations emerging from this, was for NICCY to 'provide a clear and focused review of the progress of the Executive regarding protection of the rights and best interests of children in Northern Ireland'. In order to be able to undertake this important scrutiny role effectively and strengthen the status of children's rights in society, NICCY would request that it is actively involved in the preparation of the co-operation report, in order to comment on the effectiveness of co-operative working across departments.

Clause 3: Shared Resources and Pooled Funds

The proposal to create an enabling power for Northern Ireland Government Departments to pool funds and share resources is eminently positive and sensible, particularly given the current budgetary constraints facing departments and agencies and the need to manage and target scarce resources appropriately. Budgets are currently allocated to individual departments, with limited scope for these to be reallocated. Departments may also be reluctant to incur expenditure in relation to a particular issue where another department is likely to reap the benefits or savings. Reshaping resource allocation by pooling budgets,

sharing staff, services, accommodation and other resources will also provide opportunities to focus more spending on prevention and early intervention strategies, avoid duplication of provision, promote more integrated working practices and encourage more effective information sharing between departments and agencies.

Good practice examples of shared resources and pooling funds should be analysed to inform future collaborative practice. The ‘Delivering Social Change’ Programme which incorporates pooled resources from five Executive Departments provides useful evidence in this regard. Ultimately a realisation of this objective, would reflect a more child-focused, holistic approach and effectively support the achievement of the six high level outcomes for children and young people.

Clause 4: Children’s Services Planning

The proposals in respect of children’s services planning reflect some of the arrangements currently in place and will give legislative effect to the work of the Children and Young People Strategic Partnership (CYPSP) which holds responsibility for the statutory process of ensuring integrated planning and commissioning across all relevant agencies and sectors for children and young people deemed to need and which is recorded in the Children and Young People’s plan. Many of the agencies involved are listed under Clause 4 (7) of the Bill. It is important that all relevant public bodies are specified to ensure the effective co-ordination and delivery of services towards the achievement of the six high level outcomes, detailed in the Ten Year Strategy for Children and Young People.

This Clause also states that the Health and Social Care Board (HSCB) shall keep the Children and Young People’s Services Plan under review and prepare and publish any modifications required at intervals of not more than 3 years. In keeping with its recommendation for annual reports to be produced and therefore to ensure consistency, NICCY would propose that the timeframe be altered to require reviews and modification requirements be produced on an annual basis.

NICCY believes the HSCB is the most appropriate body to assume the monitoring and reporting duties outlined under this Clause. The HSCB, established by the Health Minister in 2009, remains directly accountable to the Minister for translating his vision for health and social care into a range of services² and the Board’s functions are delivered in line with Ministerial objectives. There are evidently clear governance and accountability

²<http://www.hscboard.hscni.net/about%20us/20%20The%20Role%20of%20the%20Health%20and%20Social%20Care%20Board.html#TopOfPage>

structures in place which require the HSCB to regularly report to Minister and to work closely with him and his officials.

Additional Comments

NICCY believes that children and young people should have the opportunity to contribute their views about the design and delivery of support and services and to have these taken into account. An additional clause, to this effect, could be inserted alongside sub clause 4 (4) which requires the HSCB to consult with public bodies on the children and young people's services plan. Children and young people should also have their views taken into account in relation to the effectiveness of cross-departmental working and therefore should be able to contribute to the co-operation report highlighted in Clause 2.

NICCY would reiterate its support for the Childrens Services Co-operation Bill and welcomes the unique opportunity it offers to plan, deliver and monitor effective joined-up services and provision for children and young people which will promote their rights and help the NI Assembly and Executive fulfil their obligations to children and young people as outlined in the UNCRC.