



NILGA Views on the proposed Children’s Services Co-operation Bill

Pre-amble

NILGA, the Northern Ireland Local Government Association, is the representative body for district councils in Northern Ireland. NILGA represents and promotes the interests of local authorities and is supported by all the main political parties in Northern Ireland. The effectiveness of children services and the delivery of improved outcomes for children are greatly dependent on the strength of relationships between councils, departments and other public bodies. NILGA welcomes the proposed Bill and commends its attempts to address the absence of a coordinated approach at government level.

NILGA welcomes the opportunity to comment on the proposed Children Services Co-operation Bill. The Bill will enact a statutory duty to co-operate thereby legally requiring departments to work together and for those public bodies currently on the Children and Young People’s Strategic Partnership to work together. The Bill would enact the Executives agreed six high level outcomes from its Children’s Strategy (Ten Year Strategy for Children and Young People in Northern Ireland 2006 – 2016) in legislation and require departments to further these outcomes. The Bill would establish new review and reporting mechanisms which will require departments and public bodies to assess the efficiency and effectiveness of their services for children and, when opportunities exist, to enhance cooperation. The Bill will also contain an enabling power which will permit departments to pool their budgets and share resources for the purposes of fulfilling their duties to achieve the six high level outcomes.

Local government is engaged, in a variety of ways, in collaborative approaches and currently participates on the Children and Young People’s Strategic Partnership (CYPSP). Through participation on this partnership local government Chief Executives have been working collaboratively to plan and provide services for children and young people more efficiently. NILGA acknowledges that the CYPSP is working at an agency level only and there are issues regarding reciprocal duties to cooperate in return.

Local government lobbied on the basis of similar concerns in relation to the new statute-based community planning process which will be led and facilitated by councils. It is the sector’s view that the absence of statutory duties on departments and reciprocal duties on agencies will hamper the effectiveness of Community Planning in Northern Ireland.

NILGA is pleased to be able to have an opportunity to comment on the proposed Bill and we trust that our comments will be taken into account when developing the final proposals. This response has been developed in liaison with local government.

NILGA would be keen to discuss this issue with the Committee, should an oral evidence session be planned in the future. For further information on this submission please contact f.douglas@nilga.org or call Fiona Douglas at the NILGA Offices (028) 90798972.

General

NILGA commends the proposed Bill in placing a strong statutory duty on departments to co-operate in furthering the achievement of the six high level outcomes that were laid out in the 10-year strategy for children and young people; as well as a duty on agencies of the departments to co-operate with each other in planning, commissioning and delivering of children services.

NILGA welcomes the approach taken with the proposed Bill and considers it robust in its attempt to address issues relating to lack of strategy delivery and overreliance on goodwill. Further, vital to the success of any piece of legislation is the need to ensure its adequate resourcing. NILGA is pleased that in this instance initiative has been taken to attempt to address this through the inclusion of an enabling power to allow for the pooling of resources by Departments. The power to pool budgets and share resources, it is evidenced, can improve co-operation as it will facilitate the provision of joint services which would otherwise not be provided by any department acting alone. Evidence further suggests that pooled budgets also create opportunities for early intervention and preventative spending as it can enable departments to fund services outside of their statutory remit which may be a more effective means of meeting their own statutory responsibilities.

NILGA was disappointed that the Local Government Act (Northern Ireland) 2014 did not go far enough to place a *statutory duty* on departments, relevant public bodies and agencies to participate in and contribute to the community planning process. In particular, NILGA was disappointed that the legislation was not strengthened in relation to collaborative resources and alignment. NILGA welcomes the pioneering approach taken in this proposed legislation to include an enabling power for Departments to pool budgets. NILGA considers this a resource efficient means of delivering aims and outcomes. NILGA considers that further clarification is required on how the pooling of budgets will operate particularly for public bodies and arms length agencies in relation to the collaborative use of resources and in general the alignment of plans.

NILGA believes that this is an opportune time for departments and agencies to develop robust arrangements to collaborate to meet the needs of children. It must be pointed out that the genesis of this Bill predates the contemporary plans to reconfigure government departments and the impact of this will need to be considered. New councils will be fully operational as of 1st of April 2015 and will lead and facilitate a statute-based community planning process. It will be interesting to see how such strong legislative provision for Departments, agencies and relevant bodies to co-operate in relation to children services,

as well as provision to enable departments to pool resources will operate alongside the much weaker legislative provisions for co-operation regarding community planning. NILGA expected that the Bill and associated debates would have given cognizance to community planning. Clarity is urgently required about where the synergies, overlaps, conflicts or indeed gaps will exist between Community Planning and the proposed Children's Services Co-operation Bill.

Analysis: Clause by Clause Evidence

Clause 1 – General Duty

NILGA welcomes the intention of the proposed Bill to make integrated working good practice common practice which is likely to lead to better outcomes. However, it is concerning that there has been no consideration within the proposals and discussions to date about how this Bill will integrate with local government reform and in particular councils new community planning powers as there are obvious synergies in terms of government and relevant bodies involvement. It is NILGA's view that this omission could exacerbate issues regarding the bureaucratic and financial impact of the proposed Bill.

NILGA is supportive of the high level duty contained within Clause 1, which requires Departments to cooperate in furthering the achievement of the six-high level outcomes that were laid out in the 10-year strategy for children and young people. NILGA recommends consistency in the usage of the term outcomes throughout the legislation as this will ensure that it is directly referenced to the six high level outcomes as specified in the strategy. The emergence of disconnect between the highly commended 10-year strategy for children and young people and its delivery is all too familiar in the Northern Ireland policy context. NILGA considers that placing a statutory duty on departments to cooperate is certainly a fundamental step in addressing lack of delivery. Further NILGA considers such an approach to be in the spirit of the single outcome agreements in Scotland and supports the emergence of this form of governance in Northern Ireland.

Clause 2 – Co-operation Report

Clause 2 requires OFMdfM to publish periodically a report on the progress of the department towards achieving the specified outcomes; the extent to which they have co-operated with each other under Clause 1; any efficiency achieved through co-operation and any opportunities identified for further co-operation. The other departments are required to co-operate with OFMdfM in preparing the report and OFMdfM must lay a copy of the report before the Assembly as soon as is practicable after publication.

NILGA welcomes this provision as an effective means of holding departments to account on their obligations under the proposed Bill. NILGA seeks clarification on what sanctions or penalties will be imposed for late reporting or non-compliance with the duty.

Clause 3 – Sharing Resources and Pooling Funds

Clause 3 is an enabling power which will permit Northern Ireland departments to establish pooled budgets and share resources to achieve the six outcomes outlined in clause 1.

NILGA welcomes the attempt to address the impact that an absence of adequate resourcing and financial provision can have on strategy delivery. NILGA agrees that the power to pool budgets and share resources can improve co-operation as it will facilitate the provision of joint services which would otherwise not be provided by any department acting alone. Further, NILGA appreciates that a single pooled budget which each department feeds into has the potential to significantly reduce the level of administration required to allocate funding from various departmental funding streams. NILGA welcomes this provision intention to reduce administration and as a consequence enable funding to be allocated directly to children's services.

However, as Clause 3 is merely an enabling provision it is crucial that the correct management, audit and accountability arrangements are put in place to ensure the pooling of resources is done effectively. Further, as per our views in relation to Community Planning provisions contained within the Bill of the Local Government Act (Northern Ireland) 2014, NILGA that it could be strengthened to include collaborative use of resources by public bodies in general and the alignment of plans.

Clause 4 – Amendment of the Children (Northern Ireland) Order 1995

Clause 4 amends the Children (Northern Ireland) Order 1995 substituting the existing paragraph 2A of Schedule 2 with a more detailed provision. Clause 4 essentially places a duty on agencies of those Departments to cooperate with each other in the planning, commissioning and delivering children's services. In particular this provision requires the Health and Social Care Board (Regional Board) to review and publish a children and young people's plan and list a number of bodies, including district councils, required to cooperate in the planning and commissioning and delivery of children's services.

NILGA accepts that much of the perceived failure related to the 10-year strategy is attributable to the delivery side and not the strategy itself. NILGA welcomes the intention of this provision to help tackle some of the problems with delivery. In particular we welcome the intention of this clause to strengthen the principles of the Children and Young Persons Strategic Partnership to address an overreliance on good will and standardise good practice. NILGA does however, recognise that this clause is far-reaching and will have major impact for the Board and the named public bodies. It is not clear what the true extent of this impact will be but it is obvious that there will be potential cost and resource implications for local government. This is at a time when the sector is about to implement its local government reform, which has far reaching implications in terms of costs and resources. NILGA reiterates its disappointment that this Bill is being proposed with no consideration of the objectives of local government reform.

NILGA urges the Committee to consider how this regional integrated statute-based approach to co-operation in children services will translate at a local level and in particular integrate with new governance structures that will emerge from local government reform.

Clause 5 - Interpretation

Clause 5 defines children and young people in accordance with the meaning prescribed in the Commissioner for Children and Young People (Northern Ireland) Order 2003. It is advised that this will ensure that this legislation mirrors existing legislative definitions of children and young people.

It is the Association's understanding that there is no standard approach to how councils define young people, with the inclusion of under 25's applying in some approaches. NILGA urges the need for a broad discussion to consider how this is currently being applied and what the implications of the proposed definition will have.

Also, NILGA is aware that the Statutory Community Planning Guidance makes reference to the role that can be played by children and young people in community planning. Further, the guidance states that the Community Planning Partnership should seek to do this through reference to the structure set out in the Northern Ireland Commissioner for Children and Young People's (NICCY) proposal for a Northern Ireland regional model of engagement. Discussions with the councils have indicated that this engagement model was developed at a particular time for a particular purpose and that it needs refreshed. Further, local government is surprised that there is no reference to the role of children and young people in the proposed Bill.