

Committee for the Office of the First Minister and deputy First Minister

Report on the Children's Services Co-operation Bill (NIA Bill 44/11-16)

**Together with the Minutes of Proceedings of the Committee relating to the Report,
Minutes of Evidence, Memoranda and Written Submissions**

**Ordered by the Committee for the Office of the First Minister and deputy First Minister
to be printed on 1 July 2015**

Membership and Powers

Powers

The Committee for the Office of the First Minister and deputy First Minister is a Statutory Committee established in accordance with paragraphs 8 and 9 of the Belfast Agreement, Section 29 of the Northern Ireland Act 1998 and under Assembly Standing Order 48. The Committee has a scrutiny, policy development and consultation role with respect to the Office of the First Minister and deputy First Minister and has a role in the initiation of legislation.

The Committee has the power to;

- consider and advise on Departmental Budgets and Annual Plans in the context of the overall budget allocation;
- approve relevant secondary legislation and take the Committee stage of primary legislation;
- call for persons and papers;
- initiate inquiries and make reports; and
- consider and advise on matters brought to the Committee by the First Minister and deputy

Membership

The Committee has eleven members, including a Chairperson and Deputy Chairperson, and a quorum of five members.

The membership of the Committee is as follows:

Mr. Mike Nesbitt (Chairperson) ^{1,2}

Mr. Chris Lyttle (Deputy Chairperson)

Mr. Alex Attwood ¹⁴

Mr. Michael Copeland ^{3,10,11,12,16,17}

Miss Megan Fearon ⁵

Mrs. Brenda Hale ⁸

Mr. Alex Maskey

Ms. Bronwyn McGahan ⁶

Mr. David McIlveen ¹⁵

Mr. Stephen Moutray ⁷

Mr. Jimmy Spratt ^{4,9,13}

- 1 With effect from 26 September 2011 Mr Mike Nesbitt replaced Ms Sandra Overend
- 2 With effect from 17 April 2012 Mr Mike Nesbitt replaced Mr Tom Elliott as Chairperson
- 3 With effect from 23 April 2012 Mr Danny Kinahan was appointed to the committee
- 4 With effect from 21 May 2012 Mr Tom Buchanan replaced Mr Jimmy Spratt
- 5 With effect from 10 September 2012 Ms Megan Fearon replaced Mr Francie Molloy
- 6 With effect from 10 September 2012 Ms Bronwyn McGahan replaced Ms Caitriona Ruane
- 7 With effect from 01 October 2012 Mr Stephen Moutray replaced Mr William Humphrey
- 8 With effect from 01 October 2012 Mrs Brenda Hale replaced Mr Trevor Clarke
- 9 With effect from 01 October 2012 Mr Paul Givan replaced Mr Tom Buchanan
- 10 With effect from 15 October 2012 Mr John McCallister replaced Mr Danny Kinahan
- 11 With effect from 25 February 2013 Mr Robin Swann replaced Mr John McCallister
- 12 With effect from 11 March 2013 Mr Leslie Cree replaced Mr Robin Swann
- 13 With effect from 15 April 2013 Mr Jimmy Spratt replaced Mr Paul Givan
- 14 With effect from 07 October 2013 Mr Alex Attwood replaced Mr Colum Eastwood
- 15 With effect from 06 October 2014 Mr David McIlveen replaced Mr George Robinson
- 16 With effect from 06 October 2014 Mr Roy Beggs replaced Mr Leslie Cree
- 17 With effect from 13 October 2014 Mr Michael Copeland replaced Mr Roy Beggs

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List of Abbreviations and Acronyms used in the Report

ABI	Acquired Brain Injury
CiNI	Children in Northern Ireland
CLC	Children's Law Centre
COT	College of Occupational Therapists
CYPSP	Children and Young People's Strategic Partnership
DE	Department of Education
DEL	Department for Employment and Learning
DHSSPS	Department for Health, Social Services and Public Safety
DOE	Department of the Environment
HSCB	Health and Social Care Board
NICCY	Northern Ireland Commissioner for Children and Young People
NICVA	Northern Ireland Council for Voluntary Action
NILGA	Northern Ireland Local Government Association
NSPCC	National Society for the Prevention of Cruelty to Children
OFMDFM	Office of the First Minister and deputy First Minister
OLC	Office of the Legislative Counsel
PMB	Private Members' Bill
RNIB	Royal National Institute for the Blind
UNCRC	United Nations Convention on the Rights of the Child

Executive Summary

This Report sets out the Committee for the Office of the First Minister and deputy First Minister's consideration of the Children's Services Co-operation Bill, a Private Members' Bill sponsored by Mr Steven Agnew MLA.

The Bill has 6 clauses and its principle purpose is to introduce a statutory duty to co-operate, which would require Northern Ireland departments to work together and bodies currently represented on the Children and Young People's Strategic Partnership to work together towards the achievement of six specified high level outcomes relating to the well-being of children and young people. The Bill also seeks to establish reporting mechanisms and provides an enabling power to allow departments to share resources and pool funds.

To inform its consideration of the Bill, the Committee issued a public call for evidence and heard directly from a range of key stakeholders. The Committee took evidence from and liaised with the Bill sponsor as necessary throughout the course of the Committee Stage. Officials from the Office of the First Minister and deputy First Minister also attended Committee to brief Members on amendments being considered by the Department.

The amendments under consideration within the Department were significant to the extent that a revised draft Bill was presented so the Committee, and indeed the Bill sponsor, could clearly see how the Bill would look should the amendments be accepted. The Department considers that the amendments under consideration can address concerns raised in relation to the Bill as introduced to the Assembly, while still delivering against the Bill sponsor's key objectives. The Committee took account of OFMDFM's revised draft Bill in its clause by clause consideration of the Bill.

Although it was not content with the substantive clauses of the Bill as introduced, the Committee wishes to point out that it has always been generally supportive of the principles behind the Bill. The Committee agreed that it was broadly content with the direction of travel proposed by OFMDFM in the revised draft Bill, subject to sight of the final amendments. Members noted that the Bill sponsor was of a similar view and continues to work with OFMDFM in relation to potential amendments.

The Committee regrets that the Department's amendments were not available in their final form for full and proper scrutiny within the time available to the Committee, and notes that the agreement of other departments and the Executive will be required. The Committee would hope that the final amendments can be agreed and brought forward quickly to allow the Bill sponsor to progress the Bill.

Introduction

Background to the Bill

1. The Children's Services Co-operation Bill was introduced to the Assembly by Mr Steven Agnew MLA, the Bill sponsor, on 8 December 2014.¹ The Bill comprises 6 clauses and its key objectives are to:
 - place a duty on all Departments to co-operate in furthering the achievement of the six specified high-level outcomes;
 - amend the Children (Northern Ireland) Order 1995 to require relevant agencies and Departments to co-operate in the planning, commissioning and delivery of children's services; and
 - provide an enabling power to allow Departments to pool budgets in respect of cross-cutting children's issues.

The Committee's Approach

2. In previous Assembly sessions Mr Agnew had attended Committee to provide briefings on the development of his Private Members' Bill (PMB). Following the Bill's introduction to the Assembly, the Committee invited Mr Agnew to give evidence at its meeting on 14 January 2015 to provide an update and ensure Members were fully informed in advance of the Second Stage debate. The Committee also heard from officials from the Office of the First Minister and deputy First Minister (OFMDFM) on that date (see **Appendix 2**). In accordance with Standing Order 33(1), the Bill was referred to the OFMDFM Committee following the Second Stage debate on 26 January.
3. In their evidence to the Committee on 14 January OFMDFM officials indicated that the Department was, in principle, supportive of the Bill; however, they believed that significant amendments would be required to ensure it met its own objectives. Members of the Committee indicated at that stage that they expected an extension to the Committee Stage would be required to enable the Committee to undertake detailed scrutiny of the Bill.
4. The view of the OFMDFM officials was subsequently echoed by junior Minister Bell during the Second Stage debate. During that debate, the Bill sponsor also acknowledged that *"there is much more work still to do on the Bill, with consultation and potential amendments."*² The Committee therefore agreed at its meeting on 11 February to extend the Committee Stage to 3 July 2015. The motion to extend the Committee Stage was approved by the Assembly on 2 March.
5. A public call for evidence was issued following the Bill's referral to the Committee. The Committee also wrote to a wide range of key stakeholders inviting views on the Bill. In response, 27 substantive submissions were received and a number of respondents indicated that they would also wish to be considered to give oral evidence on the Bill. To enable the Committee to hear from as wide a range of stakeholders as possible Members agreed to invite themed panels of stakeholders to give oral evidence. These panels included representatives from: children's groups and the voluntary sector; disability groups and occupational health practitioners; and local councils. In addition, the Committee heard from the Health & Social Care Board and Children and Young People's Strategic Partnership, the Children's Law Centre, and an individual with a background in children's services planning.

1 <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/current-non-executive-bill-proposals/childrens-services-co-operation-bill/>

2 <http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2015/01/26&docID=220588#777314>

The Committee received a briefing from OFMDFM officials on 27 April on the Department's initial views on potential amendments to the Bill.

6. The Committee also held two further evidence sessions with the Bill sponsor. These were to allow Mr Agnew to respond to a number of technical issues that had been raised in respect of the Bill at an early stage of the Committee's scrutiny of the Bill and, at the end of the evidence gathering phase, to provide the Member with an opportunity to respond to all the issues that had been raised. The Official Reports of the evidence sessions are provided at **Appendix 2** and the written submissions received are included at **Appendix 3**. Research papers commissioned by the Committee are provided at **Appendix 7**.
7. The Committee commenced its deliberations on the evidence on 13 May. A final evidence session was held with OFMDFM officials on 17 June when potential amendments were discussed further. Formal decisions on the clauses of the Bill were taken on 24 June. The Committee agreed its report and ordered that it should be printed on 1 July.

Summary of Consideration

8. The Bill as introduced has six clauses. Details of the evidence received and the key issues raised in respect of the provisions of the Bill are set out below.

Statutory Duty to Co-operate

9. The majority of those who responded to the Committee's call for evidence were supportive of placing a general duty on departments to work towards the achievement of the outcomes specified at clause 1 of the Bill. It was acknowledged by a number of organisations that some cross-departmental work does currently happen; however, it was felt that the level of co-operation varies across departments and is often on an informal basis. It was considered that this is unlikely to change without the introduction of a statutory duty. Ann Godfrey told the Committee that

*"without the statutory duty to collaborate, however much goodwill there is – I am really aware that there is a lot at different levels in agencies – we are limited by the fact that each agency and Department does not have a duty to collaborate to deliver the outcomes. That then puts it further down the pecking order of importance and below everything that is required in each Department or agency."*³

The Health and Social Care Board (HSCB) stressed in oral evidence that much positive work is being undertaken currently, but was of the view that *"more could be done and this legislation provides us with that opportunity."*⁴

10. Members also heard examples of the difficulties that arise when an issue crosses more than one departmental boundary from a number of organisations, including the College of Occupational Therapists (COT), representatives of parents caring for children with Acquired Brain Injury (ABI) and the Royal National Institute of Blind People (RNIB).⁵ The National Society for the Prevention of Cruelty to Children (NSPCC) advised that it was their experience that *"where a policy issue crosses several government departments and their remits, it becomes increasingly difficult to progress in terms of determining leadership and priority."*⁶ The Northern Ireland Local Government Association (NILGA) advised that there was work to be done in *"overcoming silo approaches, both in local government and in central government, to work towards a single outcome agreement approach."*⁷

11. The Northern Ireland Commissioner for Children and Young People (NICCY) referred to the 'Barriers to Effective Government Delivery for Children in Northern Ireland' report, published by that office in 2011⁸ which stated that

"The 'silo' mentality that exists among...individual government departments is thought to sometimes impinge upon the outworking of strategies, policies and action plans on cross-cutting issues impacting across children's lives."

That report also included a recommendation for a *"statutory duty to co-operate at both central government and inter-agency level."*

12. In its submission to the Committee, the Department of Education (DE) advised it was uncertain that the Bill will effect greater co-operation and collaboration beyond what already

3 Appendix 2: Ann Godfrey oral evidence

4 Appendix 2: HSCB oral evidence

5 Appendix 2: COT/RNIB/MS Maria Treacy oral evidence

6 Appendix 3: NSPCC written submission

7 Appendix 2: Belfast City Council/NILGA oral evidence

8 <http://www.niccy.org/publications/barriers-to-effective-government-delivery/>

takes place. The Health Minister also questioned if it is actually necessary to introduce a statutory duty or if it will add a further layer of bureaucracy.⁹ The question of the usefulness of guidelines as opposed to the imposition of a statutory duty was raised with a number of witnesses. In response, Members heard that there are instances where guidelines can work. The COT provided an example relating to the statementing process within the education system, which health professionals feed into. Others, however, did not believe that guidelines are always effective. The RNIB consider that guidelines do not always result in multidisciplinary working at all levels, while the parent of a child with ABI advised that

“If ...guidelines worked or had been working, the parents of children with acquired brain injury would be saying that they felt that their children’s needs were being met. We are here today saying that they are not being met. There is something terribly wrong.”¹⁰

13. In oral evidence NILGA noted that, where involvement is discretionary, it is often up to individuals to champion and drive forward issues. Members were advised that, in the absence of legislation, it would be helpful to look at the issue of “drivers.”
14. Although the introduction of a statutory duty to co-operate was widely welcomed, suggestions were also put forward for possible amendments to this clause. The current Children’s Strategy runs until 2016 and the Children’s Law Centre (CLC) was concerned that the specification of the high level outcomes in legislation should not predetermine or fetter the development of the new strategy. It therefore suggested that, rather than specify the high-level outcomes, an amendment should be made to link to the high level outcomes in the Children’s Strategy “currently operative.”¹¹ In evidence to the Committee NICCY advised “I would like to see the children and young people’s strategy named so that people are clear that we are trying to achieve those outcomes.”¹²
15. In responding to this issue, the Bill sponsor advised that he would be concerned if the Bill was to link solely to the Children’s Strategy. Mr Agnew felt that an amendment to pin the legislation to the strategy as suggested would mean that instances where departments had failed to co-operate in the best interests of children and young people in respect of other strategies (e.g. early years) would not be covered by this legislation.¹³
16. CLC also recommended that the duty to co-operate should be extended to include statutory agencies responsible for functions relating to children and young people; that reference is made to obligations under the United Nations Convention on the Rights of the Child (UNCRC); and that the statutory duty to co-operate should be at the earliest possible opportunity.

Co-operation Report

17. The principle of a co-operation report was welcomed by many of those who responded to the Committee, although a number of those considered that reporting should be at annual intervals rather than every three years. Playboard NI suggested that the impact of co-operation could be reviewed annually with a more comprehensive report against the specified outcomes being completed every three years. Children in Northern Ireland (CiNI) suggested that the report should be laid before and debated by the Assembly on an annual basis.¹⁴ CLC believes that annual reporting would improve transparency and accountability and lead to better monitoring and data collection, which will lead to improved outcomes for children.¹⁵

9 Appendix 3: DE and DHSSPS written submissions
 10 Appendix 2: COT/RNIB/Ms Maria Treacy oral evidence
 11 Appendix 3: CLC written submission
 12 Appendix 2: NICCY oral evidence
 13 Appendix 4: Bill sponsor - response to clause by clause summary of responses
 14 Appendix 2: CiNI/NSPCC/NICVA/Playboard NI oral evidence
 15 Appendix 2: CLC oral evidence

18. DE noted that the requirement to report to OFMDFM may place a greater administrative burden on departments.¹⁶ A similar concern was voiced by a number of Members during various evidence sessions. In discussions on the Department's early thoughts on proposed amendments¹⁷ officials advised that they too had concerns about added bureaucracy. They went on to advise that they would want to include the report required by this Bill within *"the reporting requirements of all the other strategies so, where we can, we are doing one report."* In terms of the frequency of reporting, the officials advised that there may be a compromise between annual reporting and reporting every three years.¹⁸
19. A further issue raised by some Members was that, while the report might set out how departments have co-operated, it would not necessarily show how that co-operation had led to better outcomes for children. OFMDFM similarly noted in its paper of 23 April that the focus of the report appeared to be on co-operation rather than the achievement of policy objectives and furthering outcomes for children and young people. It proposed to amend clause 2 to make delivery the focus of the report, while also assessing the operation of the duty to co-operate.

Pooled Budgets

20. Many of the stakeholders welcomed the provisions regarding the pooling of budgets and sharing resources, and believe that it will make it easier for departments to share financial and staff resources to deliver the specified outcomes. Delivering Social Change was cited by some stakeholders as an example of good practice in pooling budgets. In their evidence to the Committee, OFMDFM officials acknowledged that pooling budgets can be effective where a common goal or vision are shared by two or more departments, but that *"processes already exist to move money around to deliver on that."*¹⁹
21. The HSCB advised in oral evidence that organisations in the community and voluntary sector often need to apply to a number of different sources for funding to deliver one service. Feedback received by the HSCB from that sector suggested that, by pooling resources, organisations may only be required to make *"one application to deliver a particular priority as opposed to several applications to different statutory organisations."*²⁰
22. A number of stakeholders also believed that the targeting of resources in a more cost-effective way could also deliver savings, which could be of particular importance in view of current financial climate. In oral evidence to the Committee the Northern Ireland Council for Voluntary Action (NICVA) stated that

*"it is very clear to us that in a situation of tough and constrained public finance, a Bill such as this is really desirable for two very practical reasons; it encourages better use of scarce resources and it will provide that overview that we think has been missing so far in the services for children and young people that are being cut."*²¹

Ann Godfrey pointed out that *"it is about collaborating better with the existing resources; it is not about new resources."*²²
23. It was felt by some that this clause could go further. CiNI and Playboard NI suggested that the power should be extended to include agencies and an approach to the joint commissioning of

16 Appendix 3: DE written submission
17 Appendix 5: OFMDFM paper of 23 April 2015
18 Appendix 2: OFMDFM oral evidence 27 April 2015
19 ibid
20 Appendix 2: HSCB oral evidence
21 Appendix 2: CiNI/NSPCC/NICVA/Playboard NI oral evidence
22 Appendix 2: Ann Godfrey oral evidence

services should be adopted.²³ CLC believe that this should not simply be an enabling power but instead a statutory obligation on NI and UK Government Departments and agencies. The Commissioner for Children and Young People also advised in her oral evidence that there had been internal discussions within that organisation about whether Departments should be compelled to pool budgets. The Commissioner advised

“My experience of Departments is that, if you do not make them do it, they will not do it. It should be kept under review at the moment. I would probably prefer to see them being compelled, but we are in a process and I would like to see whether they would come to that willingly.”²⁴

24. The need for clear governance and accountability arrangements was raised by a number of stakeholders including DE and NILGA. In its paper to the Committee of 23 April OFMDFM stated that *“clear guidance would be needed on their [pooled budgets] operation (accountability, authority for payments, cost control, risk management etc).”²⁵* The Bill sponsor agreed that new accountability structures would be required but was of the view that, once these are in place, more resources would go to service delivery. In response to questions over potential costs of putting such structures in place, Mr Agnew acknowledged that there may be initial costs but that

“Once that is set up, there are savings in the medium term because, rather than five different accounting officers, you have one, and, rather than several application processes for funds, you have one.”²⁶

This view was not necessarily shared by all Committee Members, as each Department will have to account for funds that it contributes to a pooled budget.

25. In the same evidence session, Mr Agnew’s colleague, Mr Brown, also advised that a further advantage of a pooled budget may be when services “fall between the cracks.” He stated that

“a pooled budget could operate effectively to bring something into place where everybody has some level of interest but nobody is taking the overall responsibility for driving it forward.”

Mr Maskey pointed out that this may not be the case - while budgets may be pooled, Departments would *“not necessarily cede authority over policy.”*

Children’s Services Planning

26. The Committee received a briefing from the Bill sponsor on the Bill’s provisions and from OFMDFM on its implications in advance of the Second Stage debate and before it was referred to for Committee Stage scrutiny.²⁷ Mr Agnew advised that clause 4 of the Bill aims to strengthen the work that is already undertaken by the Children and Young People’s Strategic Partnership (CYPSP); however, it was not possible to list all the bodies that make up the Partnership as some do not exist in legislation.
27. At that early stage concerns were raised in relation to clause 4, in particular around the power that appeared to be conferred on the HSCB. Members questioned if the HSCB, as an arm’s-length body, would have power over and above Executive Departments. OFMDFM officials echoed this, advising of their concern regarding the *“democratic accountability of the Executive and the Ministers.”*

23 Appendix 3: CiNI and Playboard NI written submissions

24 Appendix 2: NICCY oral evidence

25 Appendix 5: OFMDFM paper 23 April 2015

26 Appendix 2: Steven Agnew MLA and Ross Brown oral evidence 27 April 2015

27 Appendix 2: Steven Agnew and Ross Brown oral evidence 14 January 2015; OFMDFM oral evidence 14 January 2015

28. While DE also raised this issue in its written submission a number of other stakeholders did not agree that it should be a matter for concern. NICCY, for example, advised that governance and accountability structures would be in place and that the HSCB would be required to work closely with the Health Minister and his officials in carrying out its functions.²⁸ In its written submission CiNI noted that the HSCB

“is directly accountable to the Health Minister for translating his vision for health and social care into a range of services...The very idea that the Health and Social Care Board could ‘usurp ministerial authomomy [sic] to set policy direction’ is totally unfounded.”²⁹

Nevertheless CiNI went on to suggest in oral evidence that, to allay some concerns, there could be an option to amend the Bill to place the duty on the Executive.

29. In its oral evidence the HSCB advised that, under the Children (Northern Ireland) Order 1995 (the Children's Order) and the 1998 children's services planning order, the Board is required to produce a plan and to consult widely in drafting or updating the plan. In response to the concerns about whether too much power would be conferred on the HSCB they advised

“we do not necessarily see it like that, although I understand how it might be viewed like that. How the partnership has worked to date, and how we envisage it working in the future, is that it is very much about collaboration...the proposed legislation is about giving that greater focus, direction and impetus.”³⁰

30. There were some suggestions put forward with regard to the list of bodies at 4(7). Include Youth suggested that the Department for Employment and Learning (DEL) should be included. A number of stakeholders also advocated reference to children and young people in the development, review or modification of plans, including CLC, NICCY and Ann Godfrey.

31. Both the Department of the Environment (DOE) and NILGA cautioned about the potential impact of this clause on a council's new duties in respect of community planning. NILGA asked that consideration was given as to

“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.”³¹

32. A further issue raised was whether the Bill will actually deliver on the policy intent. It was noted that the Bill sponsors intention is very much to improve outcomes for all children and young people; however, the Children's Order, which the Bill seeks to amend, focuses on children in need. In correspondence to the Committee the Health Minister noted that legal advice indicated that clause 4 could not amend the Children's Order to achieve the policy purposes of the Bill in respect of children's services planning.³²

Sanctions

33. In its written submission the NSPCC noted that there are no provisions regarding penalties or sanctions in respect of non-co-operation or limited compliance. It suggested that further consideration was given to this issue *“to avoid a simple tick box exercise.”³³* This matter was also raised by a number of other stakeholders including NILGA which, in its written submission, requested clarification on the sanctions or penalties to be imposed for late reporting or non-compliance with the statutory duty. In oral evidence, NILGA questioned the

28 Appendix 3: NICCY written submission

29 Appendix 3: CiNI written submission

30 Appendix 2: HSCB oral evidence

31 Appendix 3: NILGA written submission

32 Appendix 6: Health Minister's correspondence 11 May 2015

33 Appendix 3: NSPCC written submission

usefulness of a statutory duty if sanctions could or would not be imposed where it was not complied with.

34. Judicial reviews were cited as the “ultimate sanction,” although it was accepted that these can be costly. CiNI was of the view that the approach could instead be one of *“carrot and not a stick in that, if you work together, you will improve outcomes and get better results and, ultimately, could save money by making that investment at the start.”* NICVA suggested that there could be an element of “peer pressure” among departments to deliver on outcomes and that if *“a Department is not playing ball or coming along, there will be sanctions from within.”*³⁴
35. In his written response to the issues raised in evidence to the Committee, the Bill sponsor advised that he had considered the issue of sanctions but was unable to identify any which he believed were appropriate. He stated that *“the requirement to report on co-operation and the ultimate sanction, a judicial review, is sufficient method of holding the Government to account.”*³⁵ The Committee explored this matter further during the final evidence session with the Bill sponsor on 27 April. Mr Agnew advised Members
- “I still have not got a concrete example from anyone of what a sanction could look like, other than fines. I do not see how fining a Department for not delivering services to children will help children. I think that the ultimate sanction is always judicial review, which is not in anyone’s interest. It is always the ultimate sanction. The Department should work cooperatively to avoid such a sanction.”*³⁶
36. The Committee noted that it is difficult to provide a remedy to this issue where no potential sanctions have been identified, other than recourse to judicial review.

Definitions

37. Not all respondents commented on the definitions included in the Bill, although the majority of those who did supported a definition of children and young people in line with The Commissioner for Children and Young People (NI) Order 2003 with just a few exceptions. In their written submission, representatives of parents caring for children with ABI stated that the Bill should cater for young people up to the age of 23 as this would *“go further to meeting the needs of children and young people with ABI than the current transitions to adult services at age 18,”*³⁷ but subsequently confirmed in oral evidence that they were content with the proposed definition.³⁸ NILGA advised it was its understanding that *“there is no standard approach to how councils define young people, with the inclusion of under 25’s applying in some approaches”* and urged that consideration was given to the implications of the proposed definition.³⁹ In oral evidence, Belfast City Council advised that, when necessary, it looks to the UNCRC which provides that young people are aged under 21 years, although the Council provides family services and funding and also supports a student body in the city. The representative concluded *“We are undecided, but we are mindful that still needs reflection.”*⁴⁰
38. The CLC advised that it would wish to see a definition of functions included in clause 5 and pointed to s98(1) of the Northern Ireland Act 1998 in this regard.^{41 42} During the Committee’s

34 Appendix 2: CiNI/NSPCC/NICVA/PlayboardNI oral evidence

35 Appendix 4: Bill sponsor - response to clause by clause summary of responses

36 Appendix 2: Steven Agnew and Ross Brown oral evidence, 27 April 2015

37 Appendix 3: Parents Caring for Children with ABI written submission

38 Appendix 2: COT/RNIB/Ms Maria Treacy oral evidence

39 Appendix 3: NILGA written submission

40 Appendix 2: Belfast City Council/ NILGA oral evidence

41 Appendix 3: CLC written submission

42 S98(1) of the Northern Ireland Act 1998 states that “‘functions’ includes powers and duties.” See <http://www.legislation.gov.uk/ukpga/1998/47/section/98> (accessed 11 June 2015)

post-evidence deliberations on the Bill, Members noted that s46 of the Interpretation (Northern Ireland) Act 1954 states *"functions' shall include jurisdictions, powers and duties."*⁴³

39. In its written submission the NSPCC advised that, with regard to clause 4, it should be made clear that references to "the Department" refer to the Department of Health, Social Services and Public Safety (DHSSPS).

Statutory Guidance

40. A number of those who responded to the Committee considered that it would be helpful if there was statutory guidance to accompany the Bill, including CLC, the NSPCC, CiNI and Ann Godfrey. It was felt that this would help ensure that all parties understood their obligations under the legislation. CLC, for example, believe that such guidance would be *"of considerable assistance in the practical interpretation of the legislation and to aid legal compliance with the legislation"*⁴⁴ and that it *"holds sway with decision-makers."*⁴⁵ CiNI also advised that, as well as guidance, there should be a *"memorandum of understanding for Departments and agencies so that everybody knows what their statutory obligations are and how to carry those out."*⁴⁶
41. In his written response to the issues that arose in the evidence the Bill sponsor noted his agreement with the suggestions that statutory guidance be developed, advising that *"statutory guidance accompanied the 2004 Children's Act and this ought to be something that the Department considers for this bill."* In subsequent oral evidence to the Committee he advised that it is not uncommon for such guidance to follow legislation, but that he considered it to be outside the legislation.

OFMDFM Proposed Amendments

42. In a paper to the Committee dated 23 April and a subsequent briefing on 27 April, OFMDFM set out its assessment of the Bill and early thoughts on potential amendments.⁴⁷ The Department advised that it believed the amendments being considered would address concerns it had regarding the Bill while delivering against the Bill sponsor's intentions.
43. The Department's proposals included: a purpose clause to set out the general aims of the Bill; placing a duty on the Executive to put arrangements in place to ensure co-operation by Departments, agencies and other relevant partners; to require the Executive to bring forward a strategy for children and young people with clear, evidence-based outcomes; for the Executive to report regularly to the Assembly on delivery and co-operation; and a memorandum of understanding in respect to the pooling of budgets. In addition, rather than amend the Children's Order as set out at clause 4 of the Bill as introduced, OFMDFM suggested that there should be a standalone provision with a relevant Department being responsible for the development and delivery of the plan, under the authority of the Executive.
44. Following its deliberations on 13 May the Committee agreed that it was broadly supportive in principle of the direction that OFMDFM was proceeding in respect of potential amendments to the Bill, subject to sight of the text of the proposed amendments. The Committee also requested views or clarification from the Department on a number of points including: referencing UNCRC on the face of the Bill; consultation with children and young people; and potential conflict with local councils' power of wellbeing.⁴⁸

43 <http://www.legislation.gov.uk/apni/1954/33/section/46> (accessed 11 June 2015)

44 Appendix 3: CLC written submission

45 Appendix 2: CLC oral evidence

46 Appendix 2: CiNI/NSPCC/NICVA/Playboard NI oral evidence

47 The OFMDFM paper is at Appendix 5 and the transcript of the oral evidence is at Appendix 2.

48 Appendix 6: Letter from Committee Clerk to OFMDFM

45. OFMDFM wrote to the Committee on 11 June to advise that officials had worked with the Office of the Legislative Counsel (OLC) to look at appropriate amendments to the Bill which were *“designed to alleviate the concerns raised while ensuring that the Bill would deliver against the key objectives proposed by Mr Agnew.”*⁴⁹ Rather than providing amendments to the Bill as introduced, OLC prepared a revised draft Bill with 9 clauses. Departmental officials briefed the Committee on the substantive provisions of the revised draft Bill at the meeting on 17 June.⁵⁰ With the exception of clause 4 (see paragraph 51 below) officials advised that there may be some things to *“tighten up”* but that they were *“reasonably content”* with the vast majority of the revised draft Bill. The Committee noted that amendments proposed by the Department will require the support of the wider Executive.

Well-being of children and young persons

46. Members heard that clause 1 of the revised draft Bill specifies that the purpose of the Bill is to improve the well-being of children and young people. Officials advised that they did not believe it would be appropriate to include high level outcomes from the children’s strategy in legislation; therefore, high level policy outcomes have been used to set out the meaning of ‘well-being.’ It may not be necessary to change the legislation in the event that the high level outcomes in the new children’s strategy, due in 2016, differ from those in the current strategy, provided the new outcomes link to the parameters at 1(2); however, the clause includes an enabling power for the First and deputy First Ministers to amend the legislation if required.
47. The Committee agreed that it was broadly content with the Department’s proposal.

Co-operation to improve well-being

48. The second clause in the revised draft Bill imposes a duty on all Departments, agencies and other bodies to co-operate with each other and with other children’s services providers to improve the well-being of children and young people. It also places a duty on the Executive to promote co-operation. Following discussion with Members, the officials undertook to consider the use of *“advance”* rather than *“promote”* with OLC colleagues. Officials also clarified that the inclusion of Northern Ireland departments within the meaning of *“children’s authority”* would extend to non-departmental public bodies or arm’s length bodies that fall under a department and are not necessarily separate in statute. In response to questions officials advised that the term *“so far as is consistent with the proper exercise of their functions”* is not intended to be a get out clause; rather, it is a recognition that departments will perform other functions that are not related to the delivery of children’s services and ensures that they *“suddenly do not have to stop their core business and think about the impact on children and young people on every single issue.”*
49. The Committee was again broadly content with the proposals, with Mr Atwood advising that he would reserve his position until all matters had been considered in more detail.

Children and young persons strategy

50. Clause 3 in the revised draft Bill requires the Executive to bring forward a strategy to improve the well-being of children and young people. It sets out what should be included in the strategy and the requirements in respect of consultation, including consultation with children and young people, parents, guardians and representative groups. Officials stressed that this did not change the overall principle of consultation on policy development, but they wished to see consultation with children embedded in this Bill.

49 Appendix 5: OFMDFM paper 11 June 2015

50 Appendix 2: OFMDFM oral evidence 17 June 2015

Children and young persons plan

51. It is proposed that the Executive will be required to adopt a plan setting out how children's services will be planned, commissioned and delivered to support the achievement of the strategy. However, officials advised that they still do not believe that clause 4 in the revised draft Bill will deliver what is required and, indeed, a further clause may be required. In this regard, discussions are ongoing with the CYPSP, DHSSPS and DE in relation to a statutory partnership comprising members of the HSCB, Health and Social Care Trusts, the Education Authority and other relevant agencies within those two Departments. This statutory partnership would be enabled to develop and deliver the plan.

Sharing of resources and pooling of funds

52. In respect of the pooling of budgets and sharing of resources, officials advised that Mr Agnew's intention is reflected in the new clause 5, which remains an enabling power. They pointed out that a technical amendment may also be required to enable departments to establish a fund in the first instance as well as to pool budgets.

Report on the operation of this Act

53. To address concerns that the co-operation report at clause 2 of the Bill as introduced was too focused on process, the report proposed in OFMDFM's amendments will include a range of information such as: actions taken to achieve the outcomes in the strategy; progress made in the achievement of the outcomes; whether or not the well-being of children and young people has improved; and the co-operation that has taken place across departments and how it could be improved. Although the Bill proposes that the Executive reports formally every three years, officials stressed that this will not preclude annual reporting being carried out at lower levels.

Interpretation

54. Clause 7 of the revised draft Bill provides a list of meanings for various terms used, including "children's authority," "children's service" and "other children's service provider." In response to a Member's query, officials advised that it was their understanding that the Council for Catholic Maintained Schools is a statutory body which would not be bound by the legislation unless named, although further clarification is being sought on this matter and in respect of other bodies such as the Northern Ireland Housing Executive.

55. Clause 7(3) of the revised draft Bill provides that:

(3) A person falls within this subsection if the person –

(a) is under the age of 21 years, and

(b) is a disabled person within the meaning of the Disability Discrimination Act 1995.

Officials advised that DE had raised concerns about this provision and that it may need to be changed. They noted that there may be some young people with particular circumstances who are *"slipping through, in that they are not treated as children and are not being treated, as they need to be, as adults."*

Commencement

56. The revised draft Bill specifies that the Act will come into operation on the day after Royal Assent is received. The strategy and plan must both be laid before the Assembly within one year of the date that the Act receives Royal Assent.

Clause by Clause Consideration

57. The Committee undertook formal clause by clause consideration of the Bill at its meeting on 24 June. Regrettably, the final version of the OFMDFM amendments was not available by that date. The Committee therefore took account of the revised draft Bill that had been provided by the Department on 11 June and discussed with officials on 17 June, whilst acknowledging that further amendments will be required. A copy of the revised draft Bill is provided at **Appendix 5**.
58. In its formal clause by clause consideration of the Bill, the Committee was mindful that the Bill sponsor had indicated that he was content of the direction of travel proposed by OFMDFM as set out in the revised draft Bill, subject to sight of the final amendments. The Bill sponsor had also provided the Committee with his initial response to OFMDFM for reference during clause by clause consideration.
59. The Committee agreed that it had always been broadly supportive of the principles of the Bill.

Clause 1: General Duty

60. This clause places a duty on departments to work towards the achievement of six specified outcomes relating to children and young people; and requires departments to co-operate in order to further the achievement of those objectives. The specified outcomes are:
 - a) being healthy;
 - b) enjoying learning and achieving;
 - c) living in safety and with stability;
 - d) experiencing economic and environmental well-being;
 - e) contributing positively to community and society; and
 - f) living in a society which respects their rights.

These reflect the outcomes included in the 10-year strategy for children and young people in Northern Ireland 2006-16.⁵¹ The clause also allows OFMDFM to amend the outcomes by means of subordinate legislation.

61. The Committee agreed that it was not content with clause 1 as drafted.
62. The Committee agreed that it was broadly content with the direction of travel indicated by OFMDFM in clause 1 “Well-being of children and young persons” in the revised draft Bill, subject to sight of the final wording of the proposed amendment.
63. The Committee agreed that it was broadly content with the direction of travel indicated by OFMDFM in clause 2 “Co-operation to improve well-being” in the revised draft Bill, subject to sight of the final wording of the proposed amendment.
64. The Committee noted that Mr Agnew had suggested that the wording “so far as is consistent with the proper exercise of its children functions” at 2(1) of the Department’s revised draft Bill should be removed.

Clause 2 – Co-operation Report

65. Clause 2 requires OFMDFM to publish a report at intervals of not more than three years detailing: progress of departments towards achieving the specified outcomes; the extent to which they have co-operated; and efficiencies achieved and opportunities identified for further

51 <http://www.ofmdfmi.gov.uk/ten-year-strategy.pdf>

co-operation. Departments are also required to co-operate with OFMDFM in the preparation of the report.

66. The Committee agreed that it was not content with clause 2 as drafted.
67. The Committee agreed that it was broadly content with the direction of travel indicated by OFMDFM in the revised draft Bill at clause 6 "Report on the operation of this Act," subject to sight of the final wording of the proposed amendment.
68. The Committee noted that Mr Agnew expressed a preference for the report to be conducted by an independent body.

Clause 3: Sharing resources and pooling funds

69. This clause enables but does not require departments to establish pooled budgets and share resources to achieve the six outcomes specified in the Bill.
70. The Committee agreed that it was not content with clause 3 as drafted.
71. The Committee agreed that it was broadly content with the direction of travel indicated by OFMDFM at clause 5 "Sharing of resources and pooling of funds" in the revised draft Bill, subject to sight of the final wording of the proposed amendment.

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

72. Clause 4 amends the Children (Northern Ireland) Order 1995 substituting the existing paragraph of 2A of Schedule 2 with more detailed provision. This will replace the current duty on the Regional Health and Social Care Board ("the Regional Board") to review and publish a children's plan with the requirement to review and publish a children and young people's plan, and lists a number of public bodies required to cooperate with each other in the planning, commissioning and delivery of children and young people's services.
73. The Committee agreed that it was not content with clause 4 as drafted.
74. The Committee noted OFMDFM's proposals to place a duty on the Executive to adopt a children and young persons strategy at clause 3 of the revised draft Bill; and the proposal that the Executive adopts a children and young persons plan at clause 4 of the revised draft Bill. The Committee understands that the Department is actively considering further amendments and its support or otherwise is dependent on sight of the final amendments.

Clause 5: Interpretation

75. This clause defines children and young people in accordance with the meaning prescribed in The Commissioner for Children and Young People (NI) Order 2003⁵² – that is, a child or young person is defined as a person under the age of 18 or under the age of 21 if they have a disability or are/have been in care. It also defines "the Office" as the Office of the First Minister and deputy First Minister.
76. The Committee agreed that it was not content with clause 5 as drafted.
77. The Committee was broadly content with the direction of travel indicated by OFMDFM in the revised draft Bill at clause 7 "Interpretation", but is conscious that further amendment to this provision was required. The Committee indicated that it was not in a position to endorse this provision without sight of the final wording.

Clause 6: Short Title

78. This clause states that "This Act may be cited as the Children's Services Co-operation Act (Northern Ireland) 2015."

52 <http://www.legislation.gov.uk/nisi/2003/439/contents/made>

79. The Committee agreed that it was content with clause 6 as drafted; and noted that this was clause 9 in the revised draft Bill provided by OFMDFM.

Long Title

80. “A Bill to require Northern Ireland departments to discharge their functions and co-operate with one another in order to contribute to the achievement of certain specified outcomes relating to the well-being of children and young people, and to amend the Children (Northern Ireland) Order 1995.”
81. The Committee agreed that it was content with the long title of the Bill, subject to the Department’s proposed amendment as set out in the revised draft Bill.



Northern Ireland
Assembly

Appendix 1

Minutes of Proceedings

Wednesday 10 December 2014

Room 30, Parliament Buildings

Present: Mr Mike Nesbitt (Chairperson)
Mrs Brenda Hale
Ms Bronwyn McGahan
Mr David McIlveen
Mr Stephen Moutray
Mr Jimmy Spratt

Apologies: Mr Alex Attwood
Mr Michael Copeland
Ms Megan Fearon
Mr Chris Lyttle (Deputy Chairperson)
Mr Alex Maskey

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)
Miss Karen Jardine (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Miss Zuzana Polackova (Clerical Officer)
Ms Roisin Kelly (Assembly Clerk) Item 1 only
Mr Alyn Hicks (Assistant Assembly Clerk) Item 1 only
Mr Jonathan McMillen (Legal Adviser) Item 1 only

1:36pm The meeting began in closed session.

1:54pm Mrs Hale left the meeting.

8. Draft Forward Work Programme

The Committee considered the Forward Work Programme up to March 2015.

Agreed: The Committee agreed to request a briefing from Mr Steven Agnew MLA, sponsor of the Children's Services Co-operation Bill, prior to second stage which is expected at the end of January.

2:29pm The Chairperson adjourned the meeting.

[EXTRACT]

Wednesday 14 January 2015

Senate Chamber, Parliament Buildings

Present: Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mr Alex Attwood
Ms Megan Fearon
Mr Alex Maskey
Ms Bronwyn McGahan
Mr Stephen Moutray
Mr Jimmy Spratt

Apologies: Mr Michael Copeland
Mrs Brenda Hale

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)
Miss Karen Jardine (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Miss Zuzana Polackova (Clerical Officer)
Ms Roisin Kelly (Assembly Clerk) Item 1 only
Mr Alyn Hicks (Assistant Assembly Clerk) Item 1 only

2:06pm The meeting began in closed session.

3:45pm Mr Moutray left the meeting.

3:50pm Mr Maskey left the meeting.

10. **Private Members Bill - Children's Services Co-operation Bill**

3:51pm Mr Steven Agnew and Mr Ross Brown joined the meeting.

Mr Steven Agnew and Mr Ross Brown appeared before the Committee for discussion and questions on the Children's Services Co-operation Bill. The evidence session was recorded by Hansard.

3:54pm Mr Moutray returned to the meeting.

3:58pm Ms McGahan left the meeting.

4:06pm Mr Maskey returned to the meeting.

4:08pm Ms Fearon left the meeting.

Mr Agnew agreed to provide the Committee with further information on a number of issues.

4:42pm The witnesses left the meeting.

4:42pm Mr Attwood left the meeting.

11. Private Members Bill – Children's Services Bill

Departmental officials Mrs Margaret Rose McNaughton and Mrs June Wilkinson appeared before the Committee for discussion and questions on the Children's Services Co-operation Bill. The evidence session was recorded by Hansard.

4:59pm The witnesses left the meeting.

Agreed: Members agreed to ask Assembly Research to draw up a list of stakeholders to be contacted by the Committee regarding the Committee Stage of the Bill.

5:01pm The Chairperson adjourned the meeting.

[EXTRACT]

Wednesday 21 January 2015

Senate Chamber, Parliament Buildings

Present: Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mr Alex Attwood
Ms Megan Fearon
Mrs Brenda Hale
Mr Alex Maskey
Ms Bronwyn McGahan
Mr David McIlveen
Mr Stephen Moutray
Mr Jimmy Spratt

Apologies: Mr Michael Copeland

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)
Miss Karen Jardine (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Miss Zuzana Polackova (Clerical Officer)

2:00pm The meeting began in closed session.

2:08pm Mr Spratt left the meeting.

2:09pm Mr McIlveen left the meeting.

2:12pm Mr Moutray left the meeting.

5. **Matters Arising**

Children's Services Co-operation Bill

The Committee noted that Second Stage of the Children's Services Co-operation Bill was scheduled for plenary business on Monday 26 January, and would then be referred to COFMDFM for Committee Stage.

Agreed: The Committee approved a public advertisement and text for inclusion on its webpages for publication if the Children's Service Co-operation Bill passes Second Stage on Monday 26 January, and is subsequently referred to COFMDFM for Committee Stage.

4:56pm The Chairperson adjourned the meeting.

[EXTRACT]

Wednesday 4 February 2015

Room 30, Parliament Buildings

Present:	Mr Mike Nesbitt (Chairperson) Mr Chris Lyttle (Deputy Chairperson) Mr Alex Attwood Mrs Brenda Hale Ms Bronwyn McGahan Mr David McIlveen Mr Stephen Moutray Mr Jimmy Spratt
Apologies:	Mr Michael Copeland Ms Megan Fearon Mr Alex Maskey
In Attendance:	Mrs Kathy O'Hanlon (Assembly Clerk) Miss Karen Jardine (Assistant Assembly Clerk) Mr Stephen Magee (Clerical Supervisor) Miss Zuzana Polackova (Clerical Officer) Mr Alyn Hicks (Assistant Assembly Clerk) Item 1 only

2:02pm The meeting began in closed session.

5. **Matters Arising**

Children's Services Co-operation Bill

Members noted that the Bill was now in Committee Stage and that public advertisements requesting comment on the Bill and its clauses were placed in the press last week.

Members also noted a list of relevant stakeholders which had been provided by the Assembly's Research and Information Service to which the Committee could write specifically seeking comment on the Bill. The Chairperson invited Members to suggest other stakeholders which could be added to the list.

2:14pm Mr Attwood MLA joined the meeting.

Members noted a draft letter to issue to stakeholders inviting comment on the Bill, and suggested the addition of a pro forma to focus responses on the key issues of the legislation.

Agreed: The Committee agreed to issue the letter and an accompanying pro forma to the stakeholders identified by Assembly Research; to NILGA on behalf of district councils; to all Departments; and to those organisations specifically listed at Clause 4 of the Bill.

4:30pm The Chairperson adjourned the meeting.

[EXTRACT]

Wednesday 11 February 2015

Room 30, Parliament Buildings

Present: Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mrs Brenda Hale
Ms Bronwyn McGahan
Mr Stephen Moutray
Mr Jimmy Spratt

Apologies: Mr Michael Copeland
Mr Alex Maskey

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)
Miss Karen Jardine (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Miss Zuzana Polackova (Clerical Officer)

2:03pm The meeting began in open session.

4. **Matters Arising**

Children's Services Co-operation Bill

Agreed: The Committee agreed to hold a longer meeting on Wednesday 4 March to facilitate an evidence session with regard to the Bill, along with previously scheduled briefings on victims' issues from the Victims and Survivors Service and Departmental officials.

Agreed: The Committee agreed the draft timetable for Committee Stage of the Bill, which extended the Committee Stage until Friday 3 July 2015.

Agreed: The Committee agreed the wording of a motion to seek an extension to Committee stage until Friday 3 July 2015.

Agreed: The Committee agreed to seek a briefing from the Health and Social Care Board in relation to the Bill.

Agreed: The Committee agreed to seek comment from statutory committees with regard to Bill.

2:24pm The Chairperson adjourned the meeting due to plenary business.

[EXTRACT]

Wednesday 18 February 2015

Interaction Belfast, 638 Springfield Road

Belfast BT12 7DY

Present: Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mr Alex Attwood
Mrs Brenda Hale
Mr Alex Maskey
Ms Bronwyn McGahan
Mr Stephen Moutray

Apologies: Mr Michael Copeland
Mr Jimmy Spratt
Ms Megan Fearon

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)
Miss Karen Jardine (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Miss Zuzana Polackova (Clerical Officer)

2:30pm The meeting began in public session with the following Members present:

Mr Mike Nesbitt (Chairperson), Mr Alex Attwood, Mr Alex Maskey and Mr Stephen Moutray.
In the absence of a decision-making quorum proceedings commenced in line with Standing Order 49(5), and the Committee moved to the first evidence session.

3:27pm Mr Moutray left the meeting.

3:50pm Mrs Hale left the meeting.

5. Matters Arising

Children's Services Co-operation Bill

Agreed: The Committee agreed to arrange an additional evidence session with the Bill sponsor; and agreed that staff would prepare a summary of issues to be agreed by the Committee and provided to the Bill sponsor in advance.

Agreed: The Committee agreed to invite representatives from the Children and Young People's Strategic Partnership to give evidence in relation to the Bill.

Members noted that the motion to extend Committee Stage of the Bill until Friday 3 July was provisionally scheduled for plenary business on Monday 2 March.

3:54pm Mrs Hale returned to the meeting.

5:04pm The Chairperson adjourned the meeting.

[EXTRACT]

Monday 2 March 2015

Room 21, Parliament Buildings

Present: Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mr Alex Attwood
Mrs Brenda Hale
Mr Alex Maskey
Ms Bronwyn McGahan
Mr David McIlveen
Mr Stephen Moutray
Mr Jimmy Spratt

Apologies: Mr Michael Copeland

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)
Miss Karen Jardine (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Miss Zuzana Polackova (Clerical Officer)
Mr Alyn Hicks (Assistant Assembly Clerk) Item 1 only

1:32pm The meeting began in closed session.

1:45pm Mr McIlveen left the meeting.

5. Matters Arising

Children's Services Co-operation Bill

Members noted the list of stakeholders that had responded to date to the Committee's call for evidence in relation to its scrutiny of the Children's Services Co-operation Bill.

Agreed: The Committee agreed to publish the submissions on the Committee's webpages.

Members considered a note provided by Daniel Greenberg to assist the Committee's scrutiny of the Bill.

Agreed: The Committee agreed to provide an amended version of Mr Greenberg's note to the Bill Sponsor Mr Steven Agnew MLA in advance of his evidence session with the Committee.

Members noted that, when bringing a Bill forward, a Department will provide its Committee with a Delegated Powers Memorandum, providing further information on the delegated legislation included within the Bill.

Agreed: The Committee agreed to request a Delegated Powers Memorandum on the delegated powers contained within the Bill from the Bill sponsor.

1:59pm The Chairperson adjourned the meeting.

[EXTRACT]

Wednesday 4 March 2015

Room 30, Parliament Buildings

Present: Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mr Alex Attwood
Ms Megan Fearon
Mr Alex Maskey
Ms Bronwyn McGahan
Mr Stephen Moutray
Mr Jimmy Spratt

Apologies: Mr Michael Copeland
Mr David McIlveen
Mrs Brenda Hale

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)
Miss Karen Jardine (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Miss Zuzana Polackova (Clerical Officer)
Mr Alyn Hicks (Assistant Assembly Clerk) Item 2 only
Mr Jonathan McMillen (Legal Adviser) Item 2 only

1:41pm The meeting began in public session with the following Members present: Mr Mike Nesbitt (Chairperson), Mr Alex Maskey, Ms Bronwyn McGahan and Mr Stephen Moutray. In the absence of a decision-making quorum proceedings commenced in line with Standing Order 49(5), and the Committee moved to the first evidence session.

1. Children's Services Co-operation Bill – briefing by the Health and Social Care Board

1:42pm Witnesses from the Health and Social Care Board joined the meeting.

Tony Rodgers, Assistant Director Social Care, Health and Social Care Board; and Maurice Leeson, Children's Services Planning Professional Advisor, Children and Young People's Strategic Partnership, appeared before the Committee for discussion and questions on the Children's Services Co-operation Bill. The evidence session was recorded by Hansard.

1:46pm Mr Attwood joined the meeting.

1:53pm Mr Spratt joined the meeting.

2:17pm The witnesses left the meeting.

Agreed: The Committee agreed to release the Committee's Bill timetable and an amended technical note from Daniel Greenberg to the relevant officials in OFMDFM for their information.

Agreed: The Committee agreed to include the papers relevant to the evidence session in its final Bill report.

Agreed: The Committee agreed to invite the Northern Ireland Commissioner for Children and Young People to give evidence on the Bill.

2:18pm The Committee moved into closed session.

2:26pm Mr Lyttle joined the meeting.

4:23pm The Chairperson adjourned the meeting.

[EXTRACT]

Wednesday 11 March 2015

Ballymoney Resource Centre, Acorn Business Centre, Ballymoney

Present: Mr Mike Nesbitt (Chairperson)
Mr Alex Attwood
Mrs Brenda Hale
Ms Bronwyn McGahan
Mr David McIlveen
Mr Stephen Moutray
Mr Jimmy Spratt

Apologies: Mr Michael Copeland
Mr Chris Lyttle (Deputy Chairperson)
Mr Alex Maskey

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)
Miss Karen Jardine (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Miss Zuzana Polackova (Clerical Officer)
Mr Alyn Hicks (Assistant Assembly Clerk) Item 1 only
Mr Jonathan McMillen (Legal Adviser) Item 1 only

2:00pm The meeting began in closed session.

2:23pm Mrs Hale and Mr Spratt left the meeting.

9. Private Members Bill - Children's Services Co-operation Bill

2:32pm Mr Steven Agnew joined the meeting.

Mr Steven Agnew appeared before the Committee for discussion and questions on the Children's Services Co-operation Bill. The evidence session was recorded by Hansard.

3:13pm The witness left the meeting.

Agreed: The Committee agreed that staff would prepare a plan for gathering oral evidence with regard to the Bill for consideration by the Committee; and Members were asked to notify the Committee Office of any particular organisations they wished to invite to give oral evidence on the Bill.

4:21pm As the quorum to take evidence was lost the Chairperson adjourned the meeting.

10. Date, Time and Location of next meeting

The next meeting will be held at 2.00pm on Wednesday 18 March 2015, in Room 30, Parliament Buildings.

[EXTRACT]

Wednesday 18 March 2015

Room 30, Parliament Buildings

Present: Mr Chris Lyttle (Deputy Chairperson)
Mr Alex Attwood
Ms Megan Fearon
Mrs Brenda Hale
Mr Alex Maskey
Mr David McIlveen
Mr Stephen Moutray
Mr Jimmy Spratt

Apologies: Mr Michael Copeland
Mr Mike Nesbitt (Chairperson)
Ms Bronwyn McGahan

In Attendance: Ms Stella McArdle (Assembly Clerk)
Miss Karen Jardine (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Miss Zuzana Polackova (Clerical Officer)

2:15pm The meeting began in public session.

4. Matters Arising

Children's Services Co-operation Bill

The Committee noted the latest update on written submissions received to date, and Members were reminded to advise Committee staff of any particular organisations they wished to invite to give oral evidence on the Bill.

2:56pm Mr Spratt joined the meeting.

5:00pm The Chairperson adjourned the meeting.

[EXTRACT]

Wednesday 25 March 2015

Room 30, Parliament Buildings

Present: Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mrs Brenda Hale
Mr Alex Maskey
Ms Bronwyn McGahan
Mr Jimmy Spratt

Apologies: Mr Alex Attwood
Mr Michael Copeland
Mr Stephen Moutray
Mr David McIlveen

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)
Miss Karen Jardine (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Mrs Marion Johnson (Clerical Supervisor)

2.06pm The meeting began in public session.

7. Children's Services Co-operation Bill

The Committee considered a paper on issues arising during the Committee Stage of the Children's Services Co-operation Bill

Agreed: The Committee agreed to take oral evidence on a thematic basis; and agreed to hear from Disability Groups/Healthcare Professionals, NILGA, and an experienced individual who had submitted written evidence. The Committee also agreed to invite Children in Northern Ireland to co-ordinate a panel of up to four groups from the children's sector/voluntary sector that had responded to the call for written evidence.

Agreed: The Committee agreed to commission Assembly Research to undertake research into integrated working with regard to children's services in other jurisdictions.

Agreed: The Committee agreed to write again to the Department of Health, Social Services and Public Safety to seek its views on the provisions of the Bill.

Agreed: The Committee agreed to issue the clause-by-clause table to the Bill sponsor and the Department for comment in advance of their scheduled evidence sessions on 29 April, with the caveat that it may be subject to change following the oral evidence sessions.

4.48pm The Chairperson adjourned the meeting.

Committee for the Office of the First Minister and deputy First Minister
[EXTRACT]

Wednesday 15 April 2015

Room 30, Parliament Buildings

Present:	Mr Mike Nesbitt (Chairperson) Mr Chris Lyttle (Deputy Chairperson) Ms Megan Fearon Mrs Brenda Hale Mr Alex Maskey
Apologies:	Mr Michael Copeland Ms Bronwyn McGahan Mr David McIlveen Mr Stephen Moutray Mr Jimmy Spratt
In Attendance:	Mrs Kathy O'Hanlon (Assembly Clerk) Miss Karen Jardine (Assistant Assembly Clerk) Mr Stephen Magee (Clerical Supervisor) Miss Zuzana Polackova (Clerical Officer) Mr Alyn Hicks (Assistant Assembly Clerk) Item 11 only

2.17pm The meeting began in public session with the following Members present:

Mr Mike Nesbitt (Chairperson), Ms Megan Fearon, Mr Chris Lyttle, and Mr Alex Maskey. In the absence of a decision-making quorum proceedings commenced in line with Standing Order 49(5), and the Committee moved to the first evidence session.

8. **Children's Services Co-operation Bill - Evidence from the Northern Ireland Commissioner for Children and Young People**

The Chairperson advised Members that Committee staff had met informally with OFMDFM officials during Easter recess to discuss progress on the Bill, and thanked the Department for its constructive approach.

Agreed: The Committee agreed to make provision for a 20 minute evidence session with the Children's Law Centre on Wednesday 22 April.

Agreed: The Committee agreed to bring forward the meeting scheduled for Wednesday 29 April to Monday 27 April at 12.15pm.

Agreed: The Committee agreed to ask the Examiner of Statutory Rules for his assessment of the delegated powers contained within the Bill.

3.20pm Witnesses from the Northern Ireland Commissioner for Children and Young People joined the meeting.

Ms Koulla Yiasouma, Commissioner for Children and Young People; and Dr Alison Montgomery Senior Policy and Research Officer, appeared before the Committee for discussion and questions on the Children's Services Co-operation Bill.

3.21pm Ms Fearon left the meeting. The Committee lost its decision-making quorum. In the absence of a decision-making quorum proceedings continued in line with Standing Order 49(5).

3.24pm Ms Fearon returned to the meeting.

Ms Yiasouma also responded to the briefing from junior Ministers on proposals for age discrimination legislation.

The evidence session was recorded by Hansard.

4.04pm The witnesses left the meeting.

9. Children's Services Co-operation Bill - Evidence from Ms Ann Godfrey

4.04pm The witness joined the meeting.

Ms Ann Godfrey, retired Children's Services Planning Professional Advisor appeared before the Committee for discussion and questions on the Children's Services Co-operation Bill. The evidence session was recorded by Hansard.

4.25pm The witness left the meeting.

4.43pm The Chairperson adjourned the meeting.

Committee for the Office of the First Minister and deputy First Minister

[EXTRACT]

Wednesday 22 April 2015

Room 30, Parliament Buildings

Present: Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mr Alex Maskey
Ms Bronwyn McGahan
Mr David McIlveen
Mr Jimmy Spratt

Apologies: Mr Alex Attwood
Mrs Brenda Hale
Mr Michael Copeland
Ms Megan Fearon
Mr Stephen Moutray

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)
Miss Karen Jardine (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Miss Zuzana Polackova (Clerical Officer)

2:09pm The meeting began in public session.

4. **Matters Arising**

Children in Northern Ireland

Members noted that a meeting with Children in Northern Ireland to discuss the policy implications in respect of children and young people with regard to the re-organisations of departments was scheduled for Tuesday 12 May at 11am.

7. **Children's Services Co-operation Bill - Evidence from representatives from the disability and health sector**

The Committee noted correspondence from the Minister of Health, Social Services and Public Safety with regard to his views on the Bill, and indicating his intention to seek 'substantial amendments' to clause 4.

Agreed: The Committee agreed to forward the correspondence to OFMDFM and Steven Agnew in advance of the evidence sessions scheduled for the next meeting. The Committee also agreed to forward the correspondence to the Committee for Health, Social Services and Public Safety for information.

2:16pm Witnesses from the disability and health sector joined the meeting.

Ms Maria Treacy, carer of a child with Acquired Brain Injury; Ms Rosaleen Dempsey Royal National Institute for Blind People; and Ms Sandra Allen, College of Occupational Therapists NI appeared before the Committee for discussion and questions on the Children's Services Co-operation Bill.

The evidence session was recorded by Hansard.

Agreed: The Committee agreed to forward the Official Report of the evidence session to the Committee for Employment and Learning to inform their ongoing Inquiry which focuses on post special educational need provision in education, employment and training for those with learning disabilities.

3.00pm The witnesses left the meeting.

3.00pm Ms McGahan left the meeting.

8. Children's Services Co-operation Bill - Evidence from representatives from the children's and voluntary sector

3:01pm Witnesses representing the children's and voluntary sector joined the meeting.

Ms Ellen Finlay, Children in Northern Ireland; Mr Colin Reid, NSPCC; Ms Lisa McElherron, NICVA; and Mr Alan Herron, Playboard NI appeared before the Committee for discussion and questions on the Children's Services Co-operation Bill. The evidence session was recorded by Hansard.

3:04pm Ms McGahan returned to the meeting.

3:31pm The witnesses left the meeting.

9. Children's Services Co-operation Bill - Evidence from Children's Law Centre

3:32pm Witnesses from the Children's Law Centre joined the meeting.

Ms Natalie Whelehan and Ms Rachel Hogan from the Children's Law Centre appeared before the Committee for discussion and questions on the Children's Services Co-operation Bill. The evidence session was recorded by Hansard.

3:53pm The witnesses left the meeting.

10. Children's Services Co-operation Bill - Evidence from Northern Ireland Local Government Association

3:54pm Witnesses from NILGA joined the meeting.

Ms Karen Smyth, Head of Policy, NILGA; Councillor Sean McPeake, Vice-President, NILGA; and Elaine Black, Children and Young People's Officer, Belfast City Council, appeared before the Committee for discussion and questions on the Children's Services Co-operation Bill. The evidence session was recorded by Hansard.

4:24pm The witnesses left the meeting.

4:25pm The Chairperson adjourned the meeting.

Committee for the Office of the First Minister and deputy First Minister
[EXTRACT]

Monday 27 April 2015

Room 30, Parliament Buildings

Present: Mr Mike Nesbitt (Chairperson)
Mr Alex Attwood
Mrs Brenda Hale
Mr Alex Maskey
Ms Bronwyn McGahan
Mr Stephen Moutray
Mr Jimmy Spratt

Apologies: Mr Michael Copeland
Mr Chris Lyttle (Deputy Chairperson)

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)
Miss Karen Jardine (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Miss Zuzana Polackova (Clerical Officer)

12:20pm The meeting began in public session.

7. **Children's Services Co-operation Bill - Evidence from OFMDFM officials**

12:25pm Departmental officials joined the meeting.

Margaret Rose McNaughton, June Wilkinson and Peter Hutchinson appeared before the Committee for discussion and questions on the Children's Services Co-operation Bill.

The evidence session was recorded by Hansard.

12:46pm Mrs Hale left the meeting.

12:47pm Mr Attwood left the meeting.

12:57pm The witnesses left the meeting.

8. **Children's Services Co-operation Bill - Evidence from Bill Sponsor**

12:57pm The witnesses joined the meeting.

Mr Steven Agnew MLA and Mr Ross Brown Party Researcher, Green Party appeared before the Committee for discussion and questions on the Children's Services Co-operation Bill. The evidence session was recorded by Hansard.

1:18pm Mr Moutray left the meeting.

The Committee lost its decision-making quorum. In the absence of a decision-making quorum proceedings continued in line with Standing Order 49(5).

1:33pm The witnesses left the meeting.

1:34pm The Chairperson adjourned the meeting.

Committee for the Office of the First Minister and deputy First Minister
[EXTRACT]

Wednesday 13 May 2015

Room 30, Parliament Buildings

Present:	Mr Mike Nesbitt (Chairperson) Mr Chris Lyttle (Deputy Chairperson) Ms Megan Fearon Mr Alex Maskey Mr David McIlveen
Apologies:	Mr Alex Attwood Mr Michael Copeland Mrs Brenda Hale Ms Bronwyn McGahan Mr Stephen Moutray Mr Jimmy Spratt
In Attendance:	Mrs Kathy O'Hanlon (Assembly Clerk) Miss Karen Jardine (Assistant Assembly Clerk) Mr Stephen Magee (Clerical Supervisor) Mr Alyn Hicks (Assistant Assembly Clerk) Item 1 only Ms Éilis Haughey (Bill Clerk) Item 2 only

2.11pm The meeting began in closed session.

2. Children's Services Co-operation Bill

2.19pm Ms Haughey joined the meeting.

2.24pm The meeting moved into open session.

The Committee considered the Children's Services Co-operation Bill in light of the oral and written evidence received from stakeholders, OFMDFM and the Bill sponsor. The Committee's deliberations were recorded by Hansard.

Agreed: The Committee agreed to write to the Department to indicate that it is broadly supportive in principle of the direction of the Department in relation to the Bill, but to request early sight of any proposed amendments before taking a formal view. The Committee also agreed to seek clarification on a number of issues relating to the Bill.

Agreed: The Committee agreed to seek clarification from the Bill Sponsor on an issue relating to the Bill; and to request sight of any amendments that he may plan to bring forward separately from OFMDFM.

3.10pm Ms Haughey left the meeting.

4.01pm The Chairperson adjourned the meeting.

Committee for the Office of the First Minister and deputy First Minister
[EXTRACT]

Wednesday 20 May 2015

Room 30, Parliament Buildings

Present: Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Ms Megan Fearon
Mrs Brenda Hale
Mr Alex Maskey
Ms Bronwyn McGahan
Mr Stephen Moutray
Mr Jimmy Spratt

Apologies: Mr Alex Attwood
Mr Michael Copeland
Mr David McIlveen

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)
Miss Karen Jardine (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Mr Richard Reid (Clerical Officer)

2.03pm The meeting began in closed session.

2.05pm The meeting moved into open session.

1. Matters Arising

Children's Services Co-operation Bill

Agreed: The Committee agreed to forward correspondence recently received from the Minister of Health, Social Services and Public Safety to the Committee for Health, Social Services and Public Safety for information.

2.12pm Mr Maskey joined the meeting.

2.14pm Mr Spratt joined the meeting.

3.34pm The Chairperson adjourned the meeting.

Committee for the Office of the First Minister and deputy First Minister
[EXTRACT]

Wednesday 27 May 2015

Room 30, Parliament Buildings

Present: Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mr Alex Attwood
Mr Alex Maskey
Ms Bronwyn McGahan
Mr David McIlveen
Mr Stephen Moutray
Mr Jimmy Spratt

Apologies: Mr Michael Copeland
Ms Megan Fearon
Mrs Brenda Hale

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)
Miss Karen Jardine (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Miss Allison Ferguson (Clerical Officer)

2.00pm The meeting began in closed session.

2.02pm The meeting moved into open session.

8. Children's Services Co-operation Bill.

The Committee noted correspondence from the Bill Sponsor indicating that he considers responsibility for compiling the co-operation report in respect of the legislation, should lie with the Office of the First Minister and deputy First Minister. Members noted that the Bill Sponsor has indicated he is generally supportive of the direction being taken by OFMDFM with regard to proposed amendments, but that he wished to see final proposals before making a decision regarding bringing forward further amendments.

The Committee noted an updated timetable for the remaining stages of the Committee's consideration of the Bill.

3.58pm The Chairperson adjourned the meeting.

Committee for the Office of the First Minister and deputy First Minister
[EXTRACT]

Wednesday 3 June 2015

Room 30, Parliament Buildings

Present: Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mr Alex Attwood
Ms Megan Fearon
Mrs Brenda Hale
Ms Bronwyn McGahan
Mr Stephen Moutray
Mr Jimmy Spratt

Apologies: Mr Michael Copeland
Mr Alex Maskey
In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)
Miss Karen Jardine (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Mr Alyn Hicks (Bill Team - for agenda item 2 only)

2.05 pm The meeting began in closed session.

3.15pm Mrs Hale left the meeting.

4.01pm The meeting moved into open session.

1. Children's Services Co-operation Bill.

The Committee noted that draft amendments from the Department were not available for consideration; and noted an updated timetable for the Committee Stage of the Bill. The Chairperson advised Members that, should the draft amendments being considered by the Department not be available for the meeting on 10 June, the Committee will need to decide how it wishes to proceed with its consideration of the Bill.

Members noted that Committee staff had reviewed the Official Report of the briefing from NI Kinship Care to the Committee for Employment and Learning on Wednesday 27 May. While the Children's Services Co-operation Bill had been raised during the briefing, it did not appear that the issues discussed were relevant to the Committee's remit.

4.42 pm The Chairperson adjourned the meeting.

Committee for the Office of the First Minister and deputy First Minister
[EXTRACT]

Wednesday 10 June 2015

Senate Chamber, Parliament Buildings

Present: Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Ms Megan Fearon
Mr Alex Maskey
Ms Bronwyn McGahan
Mr Stephen Moutray
Mr Jimmy Spratt

Apologies: Mr Michael Copeland
Mrs Brenda Hale
Mr David McIlveen
Mr Alex Attwood

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)
Miss Karen Jardine (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Mr Alyn Hicks (Bill Team - for item 1 only)
Ms Eilis Haughey (Bill Clerk - for item 2 only)

2.10 pm The meeting began in closed session.

2. Children's Services Co-operation Bill

The Committee received an informal briefing from the Ms Eilis Haughey, Bill Clerk, on matters relating to the Children's Services Co-operation Bill.

2.31pm Mr Spratt joined the meeting.

2.45pm Mr Spratt left the meeting.

2.46pm Mr Maskey left the meeting and the Committee lost its decision-making quorum.

2.46pm The Chairperson suspended the meeting.

2.50pm The Chairperson resumed the meeting with the following Members in attendance:

Mr Mike Nesbitt (Chair), Mr Chris Lyttle (Deputy Chair), Ms Megan Fearon, Ms Bronwyn McGahan, Mr Stephen Moutray, Mr Jimmy Spratt.

2.59 pm The meeting moved into open session.

7. Children's Services Co-operation Bill.

The Committee noted that draft amendments from the Department were not available for consideration; and noted an updated timetable for the Committee Stage of the Bill.

Agreed: Members agreed that an extraordinary meeting of the Committee should be arranged as soon as is practical following receipt of the Department's proposed amendments to the Bill.

3.49 pm The Chairperson adjourned the meeting.

Committee for the Office of the First Minister and deputy First Minister

[EXTRACT]

Wednesday 17 June 2015

Room 30, Parliament Buildings

Present: Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mr Alex Attwood
Ms Megan Fearon
Mrs Brenda Hale
Ms Bronwyn McGahan
Mr David McIlveen
Mr Stephen Moutray
Mr Jimmy Spratt

Apologies: Mr Michael Copeland
Mr Alex Maskey

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)
Miss Karen Jardine (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)

3.56pm The meeting moved into open session.

9. Children's Services Co-operation Bill.

4.03pm Departmental officials joined the meeting.

Members noted a revised draft Bill from the Department and in initial response from the Bill Sponsor, Mr Steven Agnew MLA, to the proposed OFMDFM amendments.

Ms Margaret Rose McNaughton, Ms June Wilkinson and Mr Peter Hutchinson joined the Committee for discussion and questions on the Department's proposed amendments to the Children's Services Co-operation Bill. The evidence session was recorded by Hansard.

4.29pm Mr Spratt left the meeting.

Members noted that the Department may wish to make further amendments following ongoing consultation with other government departments. While acknowledging this the Committee agreed that it was content in principle with a number of the amendments proposed by the Department, with Mr Attwood advising he would reserve judgement until he has considered them further.

4.47pm The officials left the meeting.

The Chairperson advised Members that clause by clause scrutiny of the Bill was scheduled for the meeting on 24 June, and that the Committee would be required to make decisions on the basis of the information that would be available at that time.

5.39pm The Deputy Chairperson adjourned the meeting.

Committee for the Office of the First Minister and deputy First Minister
[EXTRACT]

Wednesday 24 June 2015

Room 30, Parliament Buildings

Present: Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mr Alex Attwood
Mrs Brenda Hale
Ms Megan Fearon
Mr Alex Maskey
Ms Bronwyn McGahan
Mr David McIlveen
Mr Stephen Moutray

Apologies: Mr Michael Copeland
Mr Jimmy Spratt

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)
Miss Karen Jardine (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Ms Éilis Haughey (Bill Clerk - for item 10 only)

2.42pm The meeting moved into open session.

10. Children's Services Co-operation Bill.

2.47pm Ms Éilis Haughey, Bill Clerk, joined the meeting.

The Committee carried out clause-by-clause consideration of the Children's Services Co-operation Bill, taking account of a revised draft Bill provided by OFMDFM that had been discussed with officials at the meeting of 17 June 2015. The Committee noted the Bill Sponsor's initial views on the Department's revised Bill which indicated that he is content with the overall direction of travel and provided some suggestions for further consideration.

It was noted that it had not been possible for officials to provide the final text of agreed OFMDFM amendments for the clause by clause consideration.

The discussion was recorded by Hansard.

Clause 1 - General Duty

Agreed: The Committee agreed that it was not content with Clause 1 as drafted.

Agreed: The Committee agreed that it was broadly content with the direction of travel indicated by OFMDFM in Clause 1 "Well-being of children and young persons" in the revised draft Bill subject to sight of the final wording of the proposed amendment.

Agreed: The Committee agreed that it was broadly content with the direction of travel indicated by OFMDFM in Clause 2 "Co-operation to improve well-being" in the revised draft Bill, subject to sight of the final wording of the proposed amendment.

The Committee noted that Mr Agnew had suggested that the wording "so far as is consistent with the proper exercise of its children functions" should be removed from 2(1) of the Department's revised draft Bill.

Clause 2 - Report on Co-operation

Agreed: The Committee agreed that it was not content with Clause 2 as drafted.

Agreed: The Committee agreed that it was broadly content with the direction of travel indicated by OFMDFM in the revised draft Bill at Clause 6 “Report on the operation of this Act” subject to sight of the final wording of the proposed amendment.

The Committee noted that Mr Agnew expressed a preference for the report to be conducted by an independent body.

Clause 3 - Sharing resources and pooling funds

Agreed: The Committee agreed that it was not content with Clause 3 as drafted.

Agreed: The Committee agreed that it was broadly content with the direction of travel indicated by OFMDFM at Clause 5 “Sharing of resources and pooling of funds” in the revised draft Bill, subject to sight of the final wording of the proposed amendment.

Clause 4 - Amendment of the Children (Northern Ireland) Order

Agreed: The Committee agreed that it was not content with Clause 4 as drafted.

Agreed: The Committee noted OFMDFM’s proposals to place a duty on the Executive to adopt a children and young persons strategy at Clause 3 of the revised draft Bill; and the proposal that the Executive adopts a children and young persons plan at clause 4 of the revised draft Bill. The Committee understands that the Department is actively considering further amendments and its support or otherwise is dependent on sight of the final amendments.

Clause 5 - Interpretation

Agreed: The Committee agreed that it was not content with Clause 5 as drafted.

Agreed: The Committee was broadly content with the direction of travel indicated by OFMDFM in the revised draft Bill at Clause 7 “Interpretation”, but is conscious that further amendment is required. The Committee indicated that it was not in a position to endorse this provision without sight of the final wording.

Clause 6 - Short Title

Agreed: The Committee agreed that it was content with Clause 6 as drafted; and noted that this was clause 9 in the revised draft Bill provided by OFMDFM.

3.39pm Mr Moutray left the meeting.

Long Title of the Bill

Agreed: The Committee agreed that it was content with the long title of the Bill, subject to the Department’s proposed amendment as set out in the revised draft Bill.

11. Children’s Services Co-operation Bill.

The Committee considered an initial draft of its Report on the Children’s Services Co-operation Bill.

3.45pm Mr Maskey left the meeting.

The Committee recorded its regret that it was not possible to have final amendments available in time for consideration during the extended Committee Stage; and expressed its hope that these would be brought forward as a matter of urgency.

The Committee also noted that whilst automatic agreement to amendments brought forward should not be assumed, Members have consistently been supportive of the main principle behind the Bill.

4.34pm The Chairperson adjourned the meeting.

Committee for the Office of the First Minister and deputy First Minister

[EXTRACT]

Wednesday 1 July 2015

Room 30, Parliament Buildings

Present: Mr Chris Lyttle (Deputy Chairperson)
Mr Alex Attwood
Mrs Brenda Hale
Mr Alex Maskey
Ms Bronwyn McGahan
Mr David McIlveen
Mr Stephen Moutray
Mr Jimmy Spratt

Apologies: Mr Mike Nesbitt (Chairperson)
Mr Michael Copeland
Ms Megan Fearon

n Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)
Miss Karen Jardine (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Mr Alyn Hicks (Bill Team - for item 1 only)

2.02pm The meeting began in closed session.

3.05pm The meeting moved into open session.

8. Children's Services Co-operation Bill.

The Committee considered the final draft of its Report on the Children's Services Co-operation Bill. The session was recorded by Hansard.

Agreed: The Committee agreed paragraphs 1 - 7 of the report.

Agreed: The Committee agreed paragraphs 8 - 16 of the report.

Agreed: The Committee agreed paragraphs 17 - 19 of the report.

Agreed: The Committee agreed paragraphs 20 - 25 of the report.

Agreed: The Committee agreed paragraphs 26 - 32 of the report.

Agreed: The Committee agreed paragraphs 33 - 36 of the report.

Agreed: The Committee agreed paragraphs 37 - 39 of the report.

Agreed: The Committee agreed paragraphs 40 - 41 of the report.

Agreed: The Committee agreed to add "The Committee noted that amendments proposed by the Department will require the support of the wider Executive" to paragraph 45.

Agreed: The Committee agreed paragraphs 42 – 56 of the report as amended.

Agreed: The Committee agreed paragraphs 57 - 59 of the report.

Agreed: The Committee agreed paragraphs 60 - 64 of the report.

Agreed: The Committee agreed paragraphs 65 - 68 of the report.

Agreed: The Committee agreed paragraphs 69 - 71 of the report.

Agreed: The Committee agreed paragraphs 72 - 74 of the report.

- Agreed:* The Committee agreed paragraphs 75 - 77 of the report.
- Agreed:* The Committee agreed paragraphs 78 - 79 of the report.
- Agreed:* The Committee agreed paragraphs 80 - 81 of the report.
- Agreed:* The Committee agreed the Executive Summary.
- Agreed:* The Committee agreed the list of appendices to be included in the report.
- Agreed:* The Committee agreed that the Deputy Chairperson should approve the relevant extract from the Minutes of Proceedings of this meeting for inclusion in Appendix 1 of the report.
- Agreed:* The Committee agreed that the Report be the Fourteenth Report of the Committee, and ordered the report to be printed and published.
- Agreed:* The Committee agreed to lay a typescript copy of the Report in the Business Office; and to issue a typescript copy to the Bill Sponsor, and the Department in advance of its formal publication.

4.02pm The Deputy Chairperson adjourned the meeting.

Committee for the Office of the First Minister and deputy First Minister
[EXTRACT]



Northern Ireland
Assembly

Appendix 2

Minutes of Evidence

14 January 2015

Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
 Mr Chris Lyttle (Deputy Chairperson)
 Mr Alex Attwood
 Ms Megan Fearon
 Mr Alex Maskey
 Ms Bronwyn McGahan
 Mr Stephen Moutray
 Mr Jimmy Spratt

Witnesses:

Mr Agnew *MLA - North Down*
 Mr Ross Brown *Green Party*

1. **The Chairperson (Mr Nesbitt):** We welcome Steven and Ross Brown, researcher for the Green Party. Do you have some opening comments, Steven?
2. **Mr Steven Agnew (Northern Ireland Assembly):** I will be brief, Chair, because this is the third time that we have been in front of the Committee. You have the Bill so I will not go through it in detail. To give you an update on the progress since the last time we were in front of the Committee, probably most significantly, after the launch of the Bill this week, we met with OFMDFM and have now agreed to cooperate on the Bill and in getting it right. We now have common cause in the principles and, assuming that it passes Second Stage, we have agreed to look at potential future amendments that can address some of OFMDFM's concerns. Indeed, if there are concerns in other Departments, we will look at how we can address those and try to take that forward together, where possible, in a manner similar to what took place with the Human Trafficking Bill.
3. The Committee may already be aware that, as well as the support that we now seem to be getting from OFMDFM, we have had supported indicated either specifically for the Bill or for the principle of a statutory duty from

the Agriculture Minister, the children's sector, fronted by children in Northern Ireland, the Children's Commissioner, Criminal Justice Inspection, UNESCO, the Children and Young People's Strategic Partnership, the Children's Law Centre and, previously, from this Committee in 2008, when it called for a statutory duty to cooperate. So, as you can see, the principles are supported. Having done a lot of work to get it to this stage, assuming that it goes through the Assembly, the debate has been confirmed for 26 January. Assuming that the Second Stage debate goes through, we are very much in the process of working with others to try to get the Bill progressed but to get as well-drafted legislation as possible.

4. **The Chairperson (Mr Nesbitt):** OK. Thank you very much. Obviously, that is a very positive development if you are saying that you have a common cause with the Department. Could I just ask for clarification though, Steven? I think that the Department was expecting a revised version of the Bill some time around November. So, I suppose the question is this: did OFMDFM see the Bill as it was presented to the Assembly?
5. **Mr Agnew:** We have tried to include the Department or, at least, liaise with the Department as much as possible — sorry, the Office — in producing the Bill. I will be completely candid about the time delays. We had some issues with the drafting services, to the extent that one of the earlier drafts included reference to the department for social justice, which does not exist. We had things in the Bill that we did not ask for that we had to get written out. We had policy changes, but, as I said, this is my third time in front of the Committee. I had my first meeting with the Bill Office close to three and a half years ago. Part of that has been trying to get it right through working with others, but part of that is difficulties in drafting services.

6. **The Chairperson (Mr Nesbitt):** So, was that a yes or a no?
7. **Mr Agnew:** I am trying to remember which was the last draft that OFMDFM saw. It might be able to confirm it, but I believe that it was draft 10.
8. **The Chairperson (Mr Nesbitt):** The one that was presented on 8 December.
9. **Mr Agnew:** The final Bill was draft 10.
10. **The Chairperson (Mr Nesbitt):** But you are not sure whether OFMDFM had seen that prior to its introduction?
11. **Mr Agnew:** As I said, they saw a late version, but I cannot recall whether it was the most recent version.
12. **The Chairperson (Mr Nesbitt):** OK. To emphasise, you are now saying that, as of today, engagement with OFMDFM is as good as you would hope for.
13. **Mr Agnew:** As I said, that is as good as we could make it, without the drafting expertise that the Departments have. That is from working with the Bill Office and our legislative team.
14. **The Chairperson (Mr Nesbitt):** You need buy-in from a huge number of public bodies. What about the Minister of Health, Social Services and Public Safety and that Department?
15. **Mr Agnew:** We have not had an update on the position from when we first asked and the response was that cooperative working was already happening and that legislation was not required. As I said, part of the engagement work that we will be doing in conjunction with OFMDFM will, again, involve meeting the Department. We have met officials, and, at that time, it was stated that they believed that cooperative working was already happening and legislation was unnecessary.
16. **The Chairperson (Mr Nesbitt):** When was that?
17. **Mr Agnew:** It was 2012, I believe.
18. **The Chairperson (Mr Nesbitt):** So, you have not spoken to the current Minister.
19. **Mr Agnew:** We have not spoken to the current Minister. We did meet officials from the Department of Health, Social Services and Public Safety, who — Ross can correct me if I am wrong — were looking for an update from us more than giving the Minister's position.
20. **The Chairperson (Mr Nesbitt):** What about the Commissioner for Children and Young People?
21. **Mr Agnew:** We have worked with that office consistently through this. It commissioned a report from Queen's University, 'Barriers to Effective Government Delivery for Children in Northern Ireland'. One of its recommendations was for a statutory duty to cooperate. Mairéad McCafferty, the chief executive and current commissioner, spoke at the launch of the event, not only in support of it but, indeed, to explain why the Children's Commissioner was in support of it. We have had its support throughout, and we have engaged with it. It has been campaigning for this for some time.
22. **The Chairperson (Mr Nesbitt):** There are a large number of public bodies listed at clause 4(7). I will not go through them all, but, to give a flavour, it is every health and social care trust, every district council, the Housing Executive, the Police Service, the Probation Board, the Council for Catholic Maintained Schools and so it goes. Can you give us a broad flavour of where you are with all of the people who will have to buy into this if it becomes law?
23. **Mr Agnew:** To give some background, those specific bodies were referenced. I suppose that the purpose of clause 4 is to strengthen the work that is being done by the Children and Young People's Strategic Partnership (CYPSP). There is a lot of evidence of it making a huge step forward to improve integrated working. The list here is reflective of its membership. It does not completely mirror its membership because some of its members do not exist in legislation, which is why, for example, we have the whole Department of Justice as opposed to just the agencies that are

- members of the CYPSP. You cannot refer in legislation to a body that does not exist in legislation, so we had to, I suppose, go a level higher.
24. On support from those bodies, I believe that the Department of Justice is supportive. We have not got that in writing —
25. **The Chairperson (Mr Nesbitt):** Why do you believe that it is supportive?
26. **Mr Agnew:** If the member does not mind me saying so, at the launch of the event, Mr Chris Lyttle, Deputy Chair of this Committee, said that he and the Minister, who is from his party, were supportive of the Bill. I take that as a kind of fairly reliable witness.
27. **The Chairperson (Mr Nesbitt):** We shall take the Deputy Chair's silence as confirmation.
28. **Mr Lyttle:** I will come in after you, Chair.
29. **Mr Agnew:** On the Education Authority, our engagement at this point has been with the Minister. The Minister has said that he is relaxed about legislation to cooperate and that, if it is the Assembly's will, he will not be opposed to it. I suppose that it is fair to say that, similar to the Health Minister, he would question whether it is necessary and would argue that the Education and Health Departments are cooperating. I suppose, in answer to both of those Ministers, I would say that that is certainly not the evidence that is coming forward to us from the children's sector and statutory agencies such as the Northern Ireland Commissioner for Children and Young People (NICCY). We sent a consultation document to each of the councils. I believe that only one responded.
30. **Mr Ross Brown (Green Party):** Limavady Borough Council responded. I would just like to flag up that all the consultation responses that we received — 27, I believe; perhaps slightly more — were in favour of the duty to cooperate. Some of the bodies, including Limavady council, did respond.
31. **Mr Agnew:** I suppose, in the interests of time, it is fair to say that each of those bodies are represented on CYPSP, which itself supports in principle a statutory duty to cooperate. As members of that corporate body, I suppose implicitly each of the members have been implicated. As I said, the consultation document went out to, if I remember rightly, over 300 organisations or consultees. Not all responded. So, to some extent, as individual organisations, we do not know the view for every case. But, as I said, the CYPSP as a corporate body supports a statutory duty.
32. **The Chairperson (Mr Nesbitt):** OK. I think that covers the consultation piece. I would like to ask about the detail of the Bill in a minute, but other members would like ask questions.
33. **Mr Spratt:** Thank you, Steven, for the presentation. Given that there is cooperation between Departments — it might not be perfect; it is never perfect in government — I am a bit unclear as to the need to bring in another bureaucratic process. What investigation have you made into collaboration between various Departments on these issues?
34. **Mr Agnew:** There has been evidence of some good practice of cooperation. I suppose what I would say is that the idea of the legislation is to make good practice common practice. The work of the CYPSP is the most often cited example of inter-agency working, but CYPSP itself would say that, first, it works at an agency level, and often the cooperation is not happening higher up at the interdepartmental level. It would also say that it relies on a lot of goodwill. While CYPSP sits within the Health Department and there is a duty on the health agencies to cooperate with external agencies, there is not a reciprocal duty on them to equally cooperate. It currently is a situation based on goodwill. Cooperation is not a core duty of these organisations unless they sit within health. I suppose the rationale is that, when resources are stretched, core duties are what you do, and cooperation becomes something that

- is nice to do, but it is not a core function. It is really about embedding that.
35. I would argue that the legislation proposes to reduce bureaucracy. I always give the example of early intervention. As a member of the all-party group on children and young people, we had a presentation from CYPSP which identified five funding streams for early intervention strategies. That is five sets of administration. The organisations that apply for that funding have to make five separate applications to do the same type of work and to achieve the same outcomes. That is administratively burdensome both for the organisations providing the funding and the organisations that receive the funding. The idea of the Bill is that, if you had cooperation between those Departments, and they chose to align budgets or, preferably, as the Bill would provide for, pool budgets, you could have one set of administration for one pot of funding to which organisations could apply.
36. It is actually about reducing administration. Indeed — this is something that I have just come across recently but can provide to the Committee — if you look at some councils in England, Barnsley and Brighton and Hove were audited, and there is evidence that integrated working has made considerable improvements in efficiency. In 2008, the Audit Commission awarded three stars out of four in its assessment of Barnsley Council in relation to value for money. The detail is in evidence that I can provide to the Committee. That was a direct result of integrated services.
37. **Mr Spratt:** On the possible suggestion that the Bill could lead to increased bureaucracy, and perhaps even duplication of reporting, what way do you think that concern could be covered in the Bill?
38. **Mr Agnew:** It is an important point, and we have discussed it with officials. There is nothing in the Bill that says that the reporting must be discrete. For example, there is already required reporting on the 10-year strategy for children and on the child poverty strategy. There is nothing in the Bill that says there must be discrete reporting; it is specifically reporting on how Departments are cooperating. That could be done, for example, within an already-existing report as an extra section to specifically talk about achieving the high-level outcomes that are in the 10-year strategy, or, indeed, the requirements of the child poverty strategy. In that reporting, they could also report on how they are cooperating, so while it is a bit extra, I would say it is not without good cause.
39. The other thing I would say is that, in clause 4, specifically on the children's services plan, currently there is a requirement to review and report every year. We propose a period of three years, so that would actually reduce bureaucracy. I think that it is fair to say that some of the consultation responses that we got back said that they believed the reporting should be every year. We recognised that one of the objections that we could face on the Bill would be unnecessary bureaucracy. We believe that three years is a more reasonable time to allow systems to bed in and to do a proper review. We want to avoid unnecessary reporting; we do not want Departments to spend so much time reporting on what they are doing that they are not doing what they should.
40. **Mr Spratt:** Earlier, you said that OFMDFM now agreed with you and that you were now cooperating with the Department on the Bill. Does that mean that you were not cooperating before?
41. **Mr Agnew:** We were certainly engaging. I suppose, at that point, it was our intention to produce a Bill and, at the time, we had not been given support by OFMDFM. But we were certainly listening to each of the Departments. We consulted with them on any concerns they might have. Indeed, we took into account the concerns of this Committee and there have been redrafts. In particular, I remember Mr Maskey's concern about the power of OFMDFM on pooled budgets, which has been addressed in the redraft. So, we have

- been working with other Departments, but I think that this is the first time that we are working in common cause.
42. **Mr Spratt:** Finally, in relation to clause 4 in its current form, could just clarify again what engagement you have had with the Department of Health, Social Services and Public Safety, and, indeed, the Health and Social Care Board, the Public Health Agency, and the Children and Young People's Strategic Partnership, to name just four?
43. **Mr Agnew:** Sure. On the Health Department, we have written to the Minister, who gave the response that I outlined earlier. We then sought a meeting, and we met a senior official from that Department. I suppose that I will accept that it has maybe been remiss that we have not yet met the Health and Social Care Board, but we intend to take that forward now, in conjunction with OFMDFM officials, to get detailed feedback from it, particularly on clause 4. In terms of the Children and Young People's —
44. **Mr Spratt:** Just on that, given that you are putting a clause in, would it not normally be good practice to consult those bodies before you put the actual clause in place?
45. **Mr Agnew:** I accept that. I suppose that I will confess to some inexperience. I thought that, in meeting the Health Department and seeking its engagement, if it felt that the board was required to be at that meeting, it would have done so. I appreciate now, learning through the process of this Bill, with the level of arm's length of the Health and Social Care Board, that it should have been —
46. **Mr Spratt:** I think that weakens some of your arguments.
47. **Mr Agnew:** I would not say that it weakens the arguments, but I agree that it is remiss in the Bill. To get the Bill right, it is something that we need to take forward and we intend to do that. I hold my hands up to that.
48. **Mr Spratt:** Have you met the other bodies?
49. **Mr Agnew:** You mentioned the CYPSP. We met it on a number of occasions, either specifically on the Bill or in engagement through the all-party group on children and young people. As I said, a lot of this is based on evidence from the work of Ann Godfrey, formerly of the CYPSP, who was integral in establishing that body. It is also based on evidence that we have received from the CYPSP.
50. **Mr Spratt:** And the Health and Social Care Board, and the Public Health Agency, which already have an extremely heavy workload? I understand that they are not within our bailiwick but, obviously, we are responsible for the Bill. Given the amount of duplication and all the rest of it, and given that one of the aims of the Stormont House Agreement is to reduce the public sector, what do you have to say about increasing bureaucracy?
51. **Mr Agnew:** The purpose of this Bill is to reduce duplication.
52. **Mr Spratt:** I do not see that in any part of it so far, I have to say.
53. **Mr Agnew:** I will give you an example of where duplication has taken place and where I see the Bill, through cooperative working, reducing that. We currently have both health and education doing parallel planning for children and young people either with special educational needs, disabilities, or where other support is required throughout their education. The NICCY report on transitions highlighted that parallel planning and the duplication of work, but also the impact that was having on young people. Young people with special educational needs, autism in particular, often find transitions very challenging, traumatic and stressful. That is specifically in the report. Two Departments are separately planning for such a transition from child to adult services within each Department at different stages, different times and separately. That is both duplicating their work but also increasing it because, potentially, they decide transition to adult services at different stages. That means the young person having to go through different transitions at different

- times, increasing, as I said, stress and trauma.
54. **Mr Spratt:** I accept your argument on that, but do you not think that the Bill, as it is laid out presently, is ambiguous on that? In fact, if the aim is to decrease bureaucracy and workloads generally, and to create a better outcome for the public at the end of the day — I am sure that is the aim of the Bill — would you not agree with me that it would be better, rather than being ambiguous on the issues, to have that clearly stated in the legislation?
55. **Mr Agnew:** Certainly, in the explanatory and financial memorandum, it is explicitly stated. I am not sure that it is required in the legalisation to state that; I am not sure what purpose that would have. If we look at research from the Republic of Ireland in 2006 —
56. **Mr Brown:** 2011.
57. **Mr Agnew:** Sorry, 2011. The research from the Republic of Ireland says that one of the most direct outcomes of integrated working and cooperation is actually the benefits to staff. Certainly, the purpose of the Bill and cooperative working is not necessarily to benefit the agencies but, in benefiting staff in terms of better working and performance, ultimately the consequence is better outcomes for children.
58. **Mr Spratt:** I am sure that you do not want to put something on the table that will create a paradise for lawyers.
59. **Mr Agnew:** Certainly not. That is not the intention. It is intended to be a spur to drive cooperation. If we look across the regions, England brought in a statutory duty to cooperate in 2004. I think I am right in saying that, in 2011, it widened the scope of the cooperation required by bringing in schools. In 2014, it added a duty to cooperate in special education needs legislation. Equally, Scotland followed suit in the Children and Young People (Scotland) Act 2014. The evidence is that not only does it improve integrated working but, as I said, I will share with the Committee the evidence that it actually improves the use of
- resources. I do not want to say that it will save money, because saving money suggests that we will spend less money on children. But what it does mean is that more money can be spent on delivering front-line services to children than on bureaucracy. While I appreciate your concerns, all the evidence suggests that, where cooperative working has taken place, it actually reduced the administrative burden. Again, equally, there is evidence on pooled budgets. Integrated services combined with pooled budgets is probably the most efficient way, in practice, to deliver these sorts of services.
60. **Mr Spratt:** I have to say that you have not decreased my concerns at this time, but that it is not to say that I could not change my mind.
61. **The Chairperson (Mr Nesbitt):** Can I pick up on a point? Steven, as you said, the genesis of this is the Children Act 2004, which basically created a framework. You are trying to create a framework that basically says, “You have to do this as a statutory duty.” As I understand it, in around 2010, a lot of those provisions were scaled back in England and Wales and, actually, the introduction of flexibility was seen to be a better way to deliver. Are you swimming against the current tide?
62. **Mr Agnew:** No, I disagree. What happened in England was that the statutory duty kick-started cooperative working. I think it is important to note that the statutory duty remains in England. Subsequently, the requirement to have trusts and extra bodies, which this Bill does not propose, was withdrawn. However, the children's trusts, which were those extra bodies, remained on a voluntary basis in the majority of cases. They were not required but they were retained. Indeed, children's planning, which was a statutory duty and became voluntary, was largely maintained. The work that the legislation in England kick-started continued, but it was the legislation that kick-started it. In repealing the requirement for the children's trusts, which this Bill does not propose, and

- the requirement for children's planning, they did not repeal the statutory duty. As I said, much of the work that was kick-started by the legislation continues.
63. **The Chairperson (Mr Nesbitt):** Your Bill is predicated on achieving six specified outcomes, which are defined in the Bill. They are the same specified outcomes that are in the children and young people's strategy, which runs from 2006 to 2016. The Department, I believe, will soon consider the strategy post 2016. What if they change the outcomes?
64. **Mr Agnew:** This is the advantage of us working hand in hand with the Department. If OFMDFM is minded to change those outcomes in the future strategy, they can be part of amendments that we can bring forward jointly at Consideration Stage.
65. **The Chairperson (Mr Nesbitt):** What if it happens post this Bill becoming law?
66. **Mr Agnew:** Then the outcomes can be changed by order, but, as I said, if we are working in collaboration, we both know the direction of travel. Working together, that process can be done, but I would not envisage substantial change to those outcomes. I think that the mood has been more around clarification as to what they mean, rather than major changes to what the outcomes should be.
67. **Mr Brown:** I just want to say one thing on the point that you made about swimming against the tide of the legislation. Last year in England, they introduced the Children and Families Act 2014, which introduced a stronger duty to cooperate when it comes to special educational needs. I would also just flag up what Steven said about the Children and Young People (Scotland) Act 2014. They brought in a very strong statutory duty to cooperate.
68. **Mr Lyttle:** As Steven alluded to earlier, I spoke at the launch event and gave my support for the principles of the Bill, not least because an Alliance Assembly manifesto commitment was to support legislation to improve cooperation between Departments and to include a statutory duty to cooperate. So I welcome the Bill and principles therein. I think that cooperation, particularly in a multiparty Executive, is absolutely vital.
69. To speak to some of the concerns that Jimmy raised, I think that better coordinated resources should lead to more efficient resources and should, hopefully, lead to savings and avoid duplication. I think, on the children's services issues and outcomes that you identified, that is particularly important. I also think, in relation to building a shared future and a united community in Northern Ireland, cooperation is vital as well. Indeed, the previous presentation and evidence session is a good example of why cooperation is vital in that you have OFMDFM as a Government Department setting targets for other Departments to deliver, without any great allocation of resources or pooling of budgets. Delivery against some of those targets is invariably very slow or non-existent. I think that can be transferred to a lot of the issues relating to children and young people as well.
70. I have two questions. Is there any reason for the focus on children's services, rather than a general statutory duty to cooperate across Departments? I should say that I welcome particular aspects of the Bill in relation to the duty to review and report, and enabling the pooling of budgets. This Committee has pretty stark experience of OFMDFM's non-adherence to requirements to report on some of the issues that you mentioned; child poverty, for example. My second question is how much of an improvement do you think a statutory duty in relation to those issues is going to make?
71. **Mr Agnew:** Your first question was why not have a general duty. I think that the evidence and research provided by the children's sector on this was key. Of course we want working across our Departments. This might be the bridge to that on wider issues. But the evidence and drive was coming from the children's sector. The creation of the CYPSP had been a first step in this direction. As an MLA from a single-Member Assembly party, I thought that

- this was achievable and I would need that outside support. As I say, I think that it was key that the evidence was there. That is where the drive and the evidence came from. I suppose, to be perfectly honest, it is also where a lot of where my own passion comes from.
72. On the second question on how much this will improve things, we have seen a number of attempts to improve cooperation in children's services. I think the children's champion was one example, but, again, that was relying on an individual and putting a lot of responsibility on an individual within each Department to act as children's champions. We saw the ministerial subgroup for children and young people. It did not meet; the evidence was that it was officials rather than Ministers who met on many occasions. That was progress, but it was not meeting and, to some extent, it fell by the wayside. Now we see Delivering Social Change as a step towards making that happen.
73. The evidence is that legislation in England worked. As I said, it kick-started that integrated and cooperative working to the extent that Scotland decided to follow suit, even though the evidence was that there was quite a lot of good integrated working in Scotland. They still felt that it could be improved with legislation. I think legislation makes a difference. Indeed, in our discussions with officials from various Departments, a number of them said, "If this becomes our duty and core to what we do, we will do it, because it will become our job to do it."
74. It goes from being a nice thing to do — as I said, there is good practice — to making that good practice systemic. At the minute, good practice relies on individuals driving it forward, almost going against their core duties and going outside their remit to make cooperation happen. It will become something that they are required to do and will provide a framework. For those who want to cooperate, it provides a better framework to do so. For those who are reluctant to cooperate, it makes it a requirement and gives them the shove
- that they may need to start working in a different way.
75. In times of limited resources, we cannot keep doing things in the way we have always done them just because it is the way we have always done them. That has been some of the feedback that I have had: "It is just not how we do things." Well, I would say the way we do things is not working. There is ample evidence from the Children's Commissioner and the Children's Law Centre that shows where a lack of cooperation is failing children. I do not think that can continue.
76. **Mr Lyttle:** In closing, I agree. I think that there is a raft of issues where we need to see greater cooperation. Perhaps that duty will give people, in addition to a push, the freedom and the culture that they need to enhance that cooperation. I look forward to working with you on the Bill.
77. **Mr Maskey:** Thank you, Steven and Ross. I apologise for having to go and get my computer before IT closes for the day. Obviously, we have looked at this. You know that our party's view is that we are very sympathetic to being able to support the Bill and very keen to support the principles behind the Bill to ensure that there is maximum and full cooperation across all Departments, in this case on the delivery of services for children. But there are a couple of causes for concern. You mentioned Delivering Social Change, which we see as a very important delivery model. We would like to see much more definitive work done around, say, the pooling of resources, how that is done, what it actually means, and whether we can get a budget line for that.
78. The big point of concern that we have is around clause 4. I keep harking back to the review of public administration a number of years ago, when there were great hopes of reducing bureaucracy and all the rest of it. We have not even begun to look at the whole world of quangos, which have, in fact, considerably increased since 1998. That, to me, is the reverse of where we should be going. Clause 4 certainly appears to give a

lot of authority to an arm's-length body. To be very honest, that gives me big concerns. That is a circle that I would ultimately want to see squared because, if you read the clause in detail, you see that it continually and increasingly gives more authority to the Health and Social Care Board to start determining what has to be done. I think that takes away from the authority of Departments.

79. I agree absolutely with the principle of ensuring cooperation. We want to support a Bill that would put requirements on people to do that, but I want to see that stopping short of giving someone else authority, particularly in this case, an arm's-length body. That takes away from democratic accountability rather than increasing democratic accountability. I wonder whether you can address any of those concerns. My view would be that giving the authority to an arm's-length body and increasing that authority on an ongoing basis so that it can determine and modify plans means that it can, basically, dictate to Departments. For me, that takes it out of democratic control. That is a big cause of concern to me and my party. That is the main thing.
80. I have a general comment around the requirement to cooperate. This Bill is designed to create a requirement to cooperate, but it does not actually require anyone to do anything differently or better. You could ask yourself, "What is the point?" You will require people to cooperate. I could go and tick a lot of boxes to say that I am cooperating, but I might not be doing anything better. Could you address what appears to be that deficit?
81. **Mr Agnew:** I will start with the issue of clause 4 and the power given to the Health and Social Care Board. We looked at a number of options. As I have said, the purpose of clause 4 was to strengthen the work of CYPSP, taking into account what had been said about the requirement for goodwill and trying to put cooperative working, where goodwill existed, on a statutory footing. The aim was to move it from good practice to systemic practice. We looked at ways

to do that. One of the things that we looked at doing was specifically referring to CYPSP. We could not do that. It would have been much easier to refer to it in the Bill but it does not exist on a statutory footing. It is, I suppose, a body within the Health Department. We could refer to relevant public bodies. You have to then list those, and that seemed like a good starting point. That is probably the area of the Bill where the most concern has been raised with us. We are willing to work with others to see whether there is a better way to place the statutory duty of cooperative working on agencies. On the concern that it gives too much power to the Health and Social Care Board, my understanding and reading of the Bill — certainly my intention with it — is that the reporting will go through the Health and Social Care Board. Each of the agencies will have to report on how they are cooperating. It does not give the Health and Social Care Board any power of dominion over them other than the requirement that they report through it and cooperate. Outside that, the Health and Social Care Board cannot direct them, and the Bill does not give it the power to do so. I would also say that the duty is reciprocal, as there is a duty for the agencies to cooperate. As I said, the reporting will go through the board, which will compile a report. The board will also produce the children services plan, but that currently happens. So, that does not give it any additional power but simply replicates what is in the children order.

82. **Mr Maskey:** It is maybe just the way that it is written, but what would happen if the board felt that it wanted to make a change to all or part of the services plan? According to what I have read, the only requirement on the board is that it should go out to consultation, which indicates that it could change the services plan. That is my reading, and it gives me cause for concern. That might need to be clarified or redrafted.
83. **Mr Agnew:** I will certainly look at that. I think I am right in saying that the Bill would not change the way in which the children's plan would be produced and drafted. The only extra requirement is in

- the review and reporting element, which the agencies would have to cooperate in the delivery and production of. I do not believe that it gives the board any additional powers in that regard, but I will double-check that and come back to the Committee.
84. **Mr Brown:** I should flag up that a lot of what is being proposed in clause 4 is already in legislation. It is a modification to take into account the existence of the CYPSP. Because we could not put it into statute, although we could have, essentially, we are saying that, because it does not exist in law, we said that we will put down all the public bodies that are in it and require them to cooperate to produce the plan. Much of that good work is taking place at the moment anyway, so I do not think that the clause will radically change an awful lot of the planning process, which is good at the moment. However, the delivery perhaps needs to be improved.
85. **Mr Agnew:** I should also say that, when we met the Department of Health to discuss an earlier draft of the Bill, the officials raised concerns about clause 4. They said that there may be other ways to do what we are trying to do and that they would come back to us with alternative proposals. They have not, as yet, done that. However, if through future engagement they can and are willing to do so, we would certainly be happy to look at other vehicles.
86. I should be very clear. The Bill is the best that we could make with our legislative team. However, now that we are working with OFMDFM and other statutory agencies, we think that if the Bill can be improved at further stages, assuming that it passes Second Stage in the Assembly, we are keen to do that.
87. **Mr Maskey:** As I read it, it would affect a number of Departments — that is the whole purpose of the Bill. You referred to OFMDFM and the Health Department. Have any of the other Departments engaged with you on the Bill?
88. **Mr Agnew:** The Minister of Agriculture
- statutory duty. We had a very positive engagement with one of her officials and, subsequently, in a question for written answer, the Minister put on record her support for it. I mentioned that the Education Minister has stated that he is relaxed about the idea of a statutory duty. He certainly did not say that he was supportive, but was clear that if it was the “House’s will” — I think that I quoted him correctly — he would not seek to stand in the way.
89. **Mr Maskey:** If it was the will of the House, he would not have much choice, like any Minister.
90. **Mr Agnew:** Yes, those were his words, not mine.
91. **Mr Maskey:** I am talking specifically about clause 4. Everybody is quite satisfied — I am certainly satisfied — that, in principle, everyone would like to endorse what you are doing here, but —
92. **Mr Agnew:** As I said, I contacted each Department and each Minister to seek a meeting. Some came back to me, and others did not. I took it that those who did not come back to me had no concerns at that point. I suspect that, now that we have a Bill and particularly if it goes through Second Stage, other Departments might take more of an interest. I have spoken as best as I can about those Departments that have chosen to engage at this point.
93. **Mr Attwood:** As I did at the launch of the Bill on Monday, I acknowledge the work that you and the children’s sector have done in getting the legislation to this point. I am mindful that there is little more than 40 sitting weeks between now and purdah. On the other hand, this is the time when Bills from across government tend to get accelerated. However, if the legislation that is meant to be taken forward as part of the Stormont House Agreement is taken forward, you can anticipate that it will be a very packed, even overpacked, legislative programme in those 40 or 45 weeks.
94. I also recognise that, more and more, government are putting into law

- requirements for various public bodies to either cooperate or have regard for one another. A stream that runs through the local government legislation in anticipation of the new councils going live in May is an obligation for councils, Departments and other bodies to have regard to one another. I think that it might actually go a bit further than that, but I cannot recall at the moment.
95. I also hope that your Bill will be given an added impetus in the context of the reduction in the number of Departments so that an opportunity will be taken to tighten up how Departments and others do their business. There is a danger in bigger Departments that things can get lost and fall between the cracks. Where children are concerned, that could be remedied by the duty to cooperate. Your Bill may also be a catalyst for naming children and the responsibilities for them in a full ministerial portfolio. I say all that because, as I said at the event on Monday, based on the research that OFMDFM commissioned from the Institute for Fiscal Studies (IFS), the scale of childhood poverty that we will face by 2020 in relative and absolute terms necessitates something like that duty as one of many interventions to mitigate what we are about to face.
96. I welcome that OFMDFM and DARD are showing some authority by backing the Bill. My only question is whether, after OFMDFM said on Monday that it will work with you on it, you have met officials or had meetings at a political level? What does that actually mean? Does it mean that it will apply resource and staff to help you with it? Is it saying that it is its ambition, as it is yours, to get the legislation passed in this mandate? Has there been political approval, as opposed to officials being told to go away and talk to Steven Agnew about the Bill? Is it all that it should be, rather than — I do not want to say warm phrases, but is it all that it should be?
97. **Mr Agnew:** I am certainly very encouraged. The meeting on Monday included officials, Ministers and special advisers. The junior Ministers indicated their support for the principles of the Bill. I am always keen to make the point about the principles of the Bill.
98. From the meetings, my understanding of what working together will look like — obviously, you will hear from officials after me — is that we will hold joint meetings with stakeholders and hear feedback on aspects of the Bill, and, where there are concerns, we will seek to table joint amendments. I anticipate how some of these things will work. Some of the amendments that come forward might not be joint amendments, but the purpose of the joint meetings is to have people working in tandem as much as possible. As we saw with Lord Morrow's Bill, it may be that we will table amendments that OFMDFM will not support, or there may be OFMDFM amendments that I, the Department of Health, the Minister or whoever will not support. Where we have common cause on amendments, what OFMDFM can bring to the table that we cannot is expertise and drafting services that we do not have access to. I am certainly very encouraged by that. Including that on Monday, we have had two meetings already. I certainly see a willingness to be positive and to give support to taking this forward. We will look to address together rather than separately concerns that members and officials have raised here.
99. **Mr Attwood:** Good.
100. **The Chairperson (Mr Nesbitt):** We have just one question of clarification.
101. **Mr Spratt:** It is just a very small point, Steven, and I am sure that you did not mean it in the way that it could be taken up. When you were answering Mr Maskey's questions on clause 4, you said that this was the best that we could do with "our legislative team". I am sure that you did not mean that other legislatures have better legislators than the Northern Ireland Assembly.
102. **Mr Agnew:** No, I meant our legislative team, as in the Green Party's. I will put that on the record.
103. **Mr Spratt:** I just wanted to clarify that, because officials do not have the right to come back.

104. **Mr Agnew:** I should also put on record our absolute thanks and indebtedness to the Assembly's Bill Office for the work that it has done. The Bill would not be here without that.
105. **The Chairperson (Mr Nesbitt):** Ross and Steven, thank you very much. As we are going to scrutinise this, could I just ask that, if there are amendments and developments in your liaison, not least with OFMDFM, you keep us abreast of those in a timely manner?
106. **Mr Agnew:** Absolutely. I fully intend to, Chair. Thank you.

14 January 2015

Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
 Mr Chris Lyttle (Deputy Chairperson)
 Mr Alex Maskey
 Mr Stephen Moutray
 Mr Jimmy Spratt

Witnesses:

Ms Margaret Rose	<i>Office of the First</i>
McNaughton	<i>Minister and deputy</i>
Mrs June Wilkinson	<i>First Minister</i>

107. **The Chairperson (Mr Nesbitt):** You will have noticed that June Wilkinson and Margaret Rose McNaughton were listening to the previous session. Sorry for the lateness of the time this afternoon, Margaret Rose, but that is where we are. Do you want to make any comments, or are you happy to go straight to questions?
108. **Ms Margaret Rose McNaughton (Office of the First Minister and deputy First Minister):** I have a few general comments to make on our views on the Bill, if the Committee would like to hear those in the first instance. Some members referred to some of our concerns. At the outset, I will say that we absolutely agree in principle. The information that has come back from Departments to date suggests that people would certainly welcome the duty to cooperate. It is about how it is done and ensuring that the bureaucratic process on reporting is as minimal as possible. We in OFMDFM will be working very closely, as Steven said, with him and his stakeholders from now on, providing, of course, that the Bill goes through its Second Reading on 26 January.
109. We welcome the Bill, and, when junior Ministers met Steven this week, they offered their support for its general principles. However, they also raised their concerns. Setting aside the drafting issues with the Bill, the need to ensure that it works as a matter of law and the ironing out of any legal

problems with it — Steven alluded to some of those when he talked about the need for clause 4 and whether it could be taken forward through other forms of subordinate legislation — the Ministers signalled that they want to see the Bill improved to ensure that it meets its own objectives and that that may require significant amendments. So, we would flag up at this stage that there are likely to be significant amendments and that those will probably come on the whole issue of what the Bill is about, which is the planning, implementation and monitoring of children's services.

110. I think that, if everybody is clear on the policy intent, which is that it is for people in public services to cooperate in planning, implementing and monitoring, we have a good starting point. We will probably want to put forward amendments that suggest a restructuring of the Bill in that format. These are just our initial thoughts at this stage. We have quite a lot of work to do with Departments, stakeholders and the Committee, and then, of course, it is subject to our Ministers agreeing all this. I will just put that caveat on it.
111. We have concerns about clause 4. Our reading of the Bill suggests that it places substantial powers on the Health and Social Care Board. We are a bit anxious that there has not been that much consultation with the Health and Social Care Board, yet we have a Bill that would potentially give it a lot of power over other Departments and, indeed, the Executive. So, I think that there is a concern there about the democratic accountability of the Executive and the Ministers. That sounds a bit negative, I know. Setting those things aside, we generally support the principles of the Bill, but we will want to bring forward some fairly substantial amendments.

112. **The Chairperson (Mr Nesbitt):** OK, that is very useful; thank you. You heard Mr Agnew say at least twice that, on Monday, he and you, as a Department, found common cause. Notwithstanding the caveats that we understand and that you just detailed, can you endorse that language? Have you, as a Department, found “common cause”, or do you need to qualify that statement?
113. **Ms McNaughton:** I think that all the Departments have said that they would welcome the intention that all Departments work closely together. Where common cause is concerned, there are probably areas in which Departments know themselves that we could be working much better and much closer together. The concern is how we do it and whether we will be sure that whatever legislation we put in place will make a difference to children. I think that that is the important part in all this. Whatever Bill we bring forward has to do what the policy intention is. As the Bill stands and is written, we do not think that it actually does that.
114. **The Chairperson (Mr Nesbitt):** Is that the same concern as Mr Maskey expressed about being able cooperate all day without actually achieving anything?
115. **Ms McNaughton:** That is exactly right. When you look at the reporting procedures, you see that that is another area that gives us a bit of concern. There is nothing in the Bill that is specific about what we are reporting on. Where are the actions and targets, or is this just another reporting format that we go through anyhow for the UN Convention on the Rights of the Child (UNCRC) and for child poverty? If another reporting structure is brought in and put in its place, we will want to be very clear in any amendments that we bring forward that we can bring in the reporting that we are already doing so that we can have them all together.
116. **The Chairperson (Mr Nesbitt):** So, there is a danger — I will not put it any stronger than that — that this is more guaranteed input without guaranteed output and outcomes.
117. **Ms McNaughton:** There is that concern, yes.
118. **The Chairperson (Mr Nesbitt):** Could you clarify the minor mystery of whether the Department saw the Bill before it was introduced to the Assembly on 8 December 2014?
119. **Ms McNaughton:** We saw it at the very end of November. We wrote to Departments on foot of the draft to advise them that it was likely to be introduced.
120. **Mr Spratt:** Thank you, Margaret Rose. I have concerns about the increase in bureaucracy and the duplication in reporting. You will have heard my questioning about that. We are going into a period where we are ultimately trying to have better outcomes and moneys going to the coalface, as opposed to creating more quangos, bodies or whatever, because it seems that sometimes the answer to everything is a new quango. I know that some parties are very keen on that, but we are certainly not. We want to see the number of those reduced dramatically. What are your views on the very real possibilities of increased bureaucracy and duplication?
121. **Ms McNaughton:** We would hope to propose an amendment that suggests that, if developing a plan still sits with the Health and Social Care Board, it would provide a monitoring report that would go perhaps to OFMDFM, which would add any further analysis to it and then forward it to the Executive. We would try to incorporate in that the other monitoring or information gathering that we are doing on child poverty and the UNCRC, thereby bringing them all together. If the strategic objectives or outcomes set out in the Bill remain the same, I can say that we are already reporting on the progress that is being made on all of those. As I said, we are already reporting on the UNCRC, so I hope that our amendments would try to bring all those together, rather than

- having another layer of reporting that we would have to do.
122. **Mr Spratt:** Which is actually duplication. So, are you saying that you are concerned about duplication as well?
123. **Ms McNaughton:** We would hope to remove duplication by doing that. We would like to have it in the Bill that the reporting structure is put in place would deal with those three main areas.
124. **Mr Spratt:** I want to ask about clause 4. You said that some of the Departments had not responded. Has the Health Department responded? Is it concerned about some of the issues, particularly those on the Health and Social Care Board? Is there not a real danger — you heard me say this as well — of creating another paradise for lawyers, which would be seen or done in a way that would undermine the Executive or Departments?
125. **Ms McNaughton:** Yes, we have a concern about that. If you placed, for example, the Children and Young People's Strategic Partnership (CYPSP) on a statutory basis, what would happen to all the non-statutory functions that it already carries out? Do we lose that, or is there another organisation in the board that has to carry out those functions? The fear would be that another body, although not a quango, would be set up in the board to take that forward. So, I think that there is a danger that, if Ministers cannot prioritise the issues that they want to take forward and the board is doing that for them in its plan, lawyers can take to judicial review whatever those aspects are that people are not content with. Do you want to say a wee bit about that, June?
126. **Mrs June Wilkinson (Office of the First Minister and deputy First Minister):** There were concerns across Departments that the drafting was very general. We would seek to make it more specific so that we would have targeted outcomes that will achieve and make a difference. That was very key, but at the moment, the outcomes are not specific enough. Departments
- had a concern about the absoluteness of duties, and again, we would want to achieve cooperation in a way that makes a difference. That would be very relevant in the context of increasing not bureaucracy but effectiveness. That is the challenge for us.
127. **Mr Spratt:** Are there any opportunities to increase the existing reporting structures and collaboration on issues between Departments, rather than using a legislative process like this? Is there not an opportunity to strengthen it to include children and young people? We are all agreed on the principles, but I would have very serious concerns about it in its present format.
128. **Ms McNaughton:** As we go through the process, talk to Departments and go through each of the clauses with them, that would be one of the issues that we would want to raise. What other ways can we do what we want to without having to take it forward through specific legislation?
129. **Mr Lyttle:** It is helpful to hear about your concerns. I do not think that any of them sound insurmountable, but it is helpful to hear what they are. How do you see the Bill assisting the children and young people's strategy, for example, or impacting on it?
130. **Mrs Wilkinson:** The Bill will very much strengthen the new children and young people's strategy as we take the old one forward to its conclusion. The key to the strategy is cross-departmental work, so something that legislatively strengthens that would be very effective. I would want to make sure that that is included as we consult on the strategy and develop it with Departments and the sector.
131. **Mr Lyttle:** I would like to think so as well. I have a degree of sympathy for OFMDFM's children and young people's unit at times, given the wide range of issues that that area covers and the number of Departments that you need to have working together to report back to you to coordinate on the issue. I genuinely hope that that would also be the case.

132. This morning is one good example of Departments working together. The Health Department's Public Health Agency (PHA) pools funds with DRD to create the active schools travel programme. We know that the cost of childhood obesity in Northern Ireland is huge, so I think that that is a good example of where Departments come together to cooperate and pool funds in a way that, hopefully, is a positive use of resources and a preventative spend. There are other issues as well. For example, the Department for Employment and Learning has created the NEETs youth forum and the NEETs strategy. I would like to think that, when those concerns have been addressed, this is an enhancement that will help those in the Executive to work together.
133. **The Chairperson (Mr Nesbitt):** I have three quick-fire questions to finish, if I may. It may be too early to ask whether there has been any assessment of the funding and resource costs to your Department if this goes through?
134. **Ms McNaughton:** No. That was one of our other concerns. We need to find the resource.
135. **The Chairperson (Mr Nesbitt):** That is OK; that is down the road. There was mention of pooled resources. Let us say that the Bill becomes law in the 2015-16 financial year. What would you put in? What would a reasonable budget to a pooled resource be?
136. **Ms McNaughton:** At this stage, the Bill just enables Departments to pool resources. There is no mandatory pooling of resources in the Bill at this point. I do not think that we would suggest that it would become a mandatory requirement. In England, for example, where Departments are working on particular programmes or issues, each decides their requirements themselves.
137. **Mrs Wilkinson:** My one goal at the moment is that they may pool resources once they identify the reason for doing it. My goal with the Bill would be to ensure that there is correct management audit and accountability in that clause so that, if Departments choose to go down that route, it is done effectively.
138. **The Chairperson (Mr Nesbitt):** OK. So, I am hearing you say that, if this became law, you would consider pooling resources but need convincing on a case-by-case basis that it makes good sense.
139. **Ms McNaughton:** That is probably it, yes.
140. **Mr Lyttle:** I have just one quick supplementary question. I would also hope that that would be positive. Are there instances where you have programmes or targets set and you could deliver a very good programme if you could get your hands on money from somewhere elsewhere but for bureaucratic reasons it is not possible to access the funds, even though they are very similar in the outcomes they seek to achieve? Could this help to overcome that?
141. **Mrs Wilkinson:** Delivering Social Change has already shown that there is the opportunity to move money around, and we have quite effectively done that. A number of other initiatives in OFMDFM move money to other Departments to help to ensure that the funding is where it can be delivered. That exists on an informal basis.
142. **Mr Lyttle:** The accountability of how that is done is really important. I agree with you on that.
143. **The Chairperson (Mr Nesbitt):** Finally, is it the junior Ministers' intention to respond at Second Stage?
144. **Ms McNaughton:** Yes, absolutely. That is on the 26th.
145. **The Chairperson (Mr Nesbitt):** June and Margaret Rose, thank you very much indeed.

4 March 2015

Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
 Mr Alex Attwood
 Mr Alex Maskey
 Ms Bronwyn McGahan
 Mr Stephen Moutray
 Mr Jimmy Spratt

Witnesses:

Mr Maurice Leeson *Health and Social*
 Mr Tony Rodgers *Care Board*

146. **The Chairperson (Mr Nesbitt):** The two gentlemen joining us today are Tony Rodgers, who is the assistant director of social care, and Maurice Leeson, who is the children's services planning professional adviser. Gentlemen, thank you very much for joining us. I invite you to make some opening remarks.
147. **Mr Maurice Leeson (Health and Social Care Board):** Certainly, Chair. I would like to make some remarks based on the paper that was submitted. First, we are pleased to be here to address you. As you know from the paper, the Health and Social Care Board (HSCB) convenes the multi-agency children and young people's strategic partnership, which supports the development and implementation of the current children's services plan.
148. The Children Order 1995 and the 1998 children's services planning order require the Health and Social Care Board to produce a children's services plan, so we currently have that responsibility. The board, in preparing and updating that plan, has a responsibility and a duty to consult widely: the trusts, education and library boards, district councils, voluntary organisations, the Housing Executive, the Probation Board, the police and other relevant Departments.
149. The guidance to the order, which was published in July 1998, identifies a range of purposes of the plan, many of which appear quite consistent with

what is proposed in the current private Member's Bill: for example, establishing a high standard of coordination and collaboration between health and social services boards and trusts and other agencies and organisations that have a contribution to make to the effective provision of local services. Currently, there is no statutory duty to cooperate, but there is a requirement for the Health and Social Care Board to produce the children's services plan and to consult very widely on its content.

150. In general terms, the Health and Social Care Board is very supportive of the principles behind the proposed legislation. Many parts of that legislation are reflected in the current children and young people's strategic service plan. We realise that there needs to be further consideration, particularly of clause 4 and the proposed amendments to the Children (Northern Ireland) Order. We are aware that some concerns have been raised, but, in general terms, we support what has been proposed.
151. **The Chairperson (Mr Nesbitt):** Thank you very much, Maurice. Am I hearing you say that you support the Bill and that it is, effectively, largely what you already do but would simply give that further statutory effect?
152. **Mr Leeson:** Quite a number of parts of the proposed Bill are, in fact, things that already happen. In particular, we already produce a children's services plan, which is reviewed annually — the guidance suggests that the plan be produced every three years; we are required to consult a wide range of organisations, which are identified in the Bill; and we already convene the children and young people's strategic partnership to consider what the issues are. So, yes, much of what is proposed is already there, but one critical difference is the statutory duty to cooperate.

153. **The Chairperson (Mr Nesbitt):** I think that, looking at the proposed Bill for the first time, some members had an instinctive concern that the additional duties, particularly the paperwork, that it would place upon your board might be onerous. Is that unfounded?
154. **Mr Leeson:** We already produce a plan, so producing a children's services plan is not additional. We already complete annual reviews, convene the partnership in order to facilitate consultation with a wide range of agencies and report on the outcomes of our activities. Generally speaking, from the point of view of the Health and Social Care Board, it does not add significantly to what we already do through the children's services planning order.
155. **Mr Tony Rodgers (Health and Social Care Board):** I think that the construct of the plan may have some additional emphasis or may change in some ways, and we would want to give further consideration to that as the Bill progresses and look at what the implications might be. It might take a different shape, and that might have some additional implications for us. As Maurice said, we do a lot of the work at the minute, but we feel that there may be some changes that we want to give consideration to. The proposed legislation gives an increased impetus and increased focus and probably, if I am honest, a statutory duty places an obligation on everyone to give it more serious consideration and perhaps more serious investment of their time, energy and, ultimately, funding.
156. **The Chairperson (Mr Nesbitt):** That is what I am trying to tease out. If it becomes law in its current form, or in the form that it might evolve into, does it have resource implications for your board? Specifically, do you envisage asking for additional resource and funding?
157. **Mr T Rodgers:** It is difficult for us to quantify that at this stage, but there may be some additional resource implication. It is a question of whether some of that might be offset, because it is also clear that there are potential efficiencies in the nature of the plan, who subscribes to the plan and how that is reflected in other agencies and Departments. Whether or not one offsets the other, our view is that there are some efficiencies. There is reference to pooled budgets and to other agencies and Departments contributing in kind. It is about how that support can be provided.
158. **The Chairperson (Mr Nesbitt):** I get it. I am asking how long a piece of string is, to an extent, but you do not anticipate, at the end of the process, saying that you need additional staff, maybe a double-digit number, or hundreds of thousands of pounds.
159. **Mr T Rodgers:** No.
160. **The Chairperson (Mr Nesbitt):** So there are no significant resource implications.
161. Tell me about your engagement with the Bill sponsor to date.
162. **Mr Leeson:** We have met Steven Agnew and discussed the intent behind the Bill. We shared with him our initial views, and we submitted a paper to him that described how, we felt, the legislation could impact on the work that we do.
163. **The Chairperson (Mr Nesbitt):** Are you satisfied with the engagement?
164. **Mr Leeson:** Yes, we were satisfied with the engagement. He was able to answer some of the questions that we had about what was being proposed.
165. **The Chairperson (Mr Nesbitt):** Do you think that you need further engagement with Steven as we move towards progressing the Bill?
166. **Mr Leeson:** As Tony said, as the process develops — obviously, the Committee will take other evidence as well — and as the Bill begins to shape up, I am quite sure that we will need to have engagement with a number of people.
167. **The Chairperson (Mr Nesbitt):** The primary relationship that interests us today is between you and the Children and Young People's Strategic Partnership (CYPSP). Will you tell us about the CYPSP?

168. **Mr Leeson:** The CYPSP was set up four years ago to be a regional forum for chief executives of organisations concerned with the well-being of children and young people. Its membership includes trust chief executives; senior members of some councils — from the Society of Local Authority Chief Executives and Senior Managers (SOLACE); the police; probation and the Youth Justice Agency. The idea was to create one place where there could be a singular senior management focus on issues affecting children. It was decided to have one body covering all of Northern Ireland because, before the review of public administration (RPA), there were four children and young people's committees, one in each of the board areas. The guidance to the children's services planning legislation requires us to set up a body that will enable us to develop a plan. After RPA, it was determined that the most efficient way to do that was to have one body covering all of Northern Ireland. The intention is to promote integrated planning and commissioning and greater levels of cooperation amongst all the organisations involved with children and young people.
169. **The Chairperson (Mr Nesbitt):** From what you are saying, it is a group that reflects only statutory bodies.
170. **Mr Leeson:** No, sorry. I should have clarified that it also includes voluntary and community organisations. We have places on the CYPSP for three voluntary organisations, three community organisations and three organisations that represent the interests of the black and minority ethnic (BME) community. We fill those places by advertising and encouraging organisations to apply. We also have a number of other groups. There is a whole structure behind that. I am not sure to what extent you would like me to go into that, but, for example, five outcomes groups at trust level bring together senior members of staff from the voluntary and community organisations to look at how best to work together to promote outcomes in particular areas. As I said, there is wide representation.
171. **The Chairperson (Mr Nesbitt):** I ask because I am interested in the extent to which you are achieving joined-up government, which is something of a holy grail. It seems that this is perhaps a model that is well worth looking at as an effective means of engagement.
172. **Mr Leeson:** Yes, we feel so, and we have been able to bring together quite a wide selection of people. There is a wider structure behind it. Inevitably, when there is one body, the other parts of the structure are intended to reflect much more of a bottom-up aspect to the process and also to ensure that we engage as wide a range of people as possible in the delivery of services.
173. **The Chairperson (Mr Nesbitt):** How would you characterise your relationship with the partnership?
174. **Mr Leeson:** My relationship?
175. **The Chairperson (Mr Nesbitt):** The board's relationship.
176. **Mr Leeson:** The board chairs the partnership, and people like me support the partnership. It is a very constructive relationship. The intention behind it is, as I said, to assist in our duty to produce a children's services plan.
177. **The Chairperson (Mr Nesbitt):** Concerns have been raised that, if the Bill were to go through in its current form, it would confer significant power — perhaps too much power — on the Health and Social Care Board. Do you have a view on that?
178. **Mr T Rodgers:** We do not necessarily see it like that, although I understand how it might be viewed like that. How the partnership has worked to date, and how we envisage it working in the future, is that it is very much about collaboration. I am repeating myself, but the proposed legislation is about giving it that greater focus, direction and impetus. The challenge to date, if we are frank, is that there have been very positive relationships within the partnership and probably significant sign-up to the overall strategic direction, but it has not gone as far as we would like on the ultimate vision and taking

- a further step. That is particularly true of the concept of pooled budgets and its possible machination, whether that is money or in kind, and all of us signing up to that and forging ahead in a similar direction. That is what I was referring to earlier when I talked about increased efficiency and streamlining. At times, all of us — I include the board in this — have a preoccupation with our own brand as opposed to a brand that is about the strategic planning and direction that is, ultimately, in the best interests of children. If we can crack that, we will make considerable investment and progress.
179. **The Chairperson (Mr Nesbitt):** How do you do that?
180. **Mr T Rodgers:** That is the issue. Subscribing to where this is going through a statutory duty to cooperate moves that on a step further. It increases the emphasis on monitoring and sign-up and, perhaps, on promoting a sense of shared governance and a sense of shared ownership, as well as on reporting mechanisms. With that, there is the potential that we can move it on a step further and that progress, which has perhaps been stilted at times, will be much greater.
181. **The Chairperson (Mr Nesbitt):** Does the CYPSP have statutory duties?
182. **Mr Leeson:** No, the CYPSP is not a legally constituted body. It has no legal form; it is a partnership. There is a statutory responsibility on the Health and Social Care Board to produce a children's services plan and to consult the range of agencies that I referred to on the development of that plan.
183. **Mr T Rodgers:** The CYPSP has a statutory origin. It was formed under statute, but it has no statutory duty to cooperate. The board has an obligation to form and chair the partnership.
184. **The Chairperson (Mr Nesbitt):** Under "Integrated Commissioning", the CYPSP plan states:
- "the partnership has decided to collaborate in the use of funds that come to the individual statutory agencies on the CYPSP ... so that we can use our funding and resources better together than apart."*
185. How does that work in practice?
186. **Mr Leeson:** It is fair to say that we are on a very difficult journey. That is the aspiration of the partnership. There are examples of where we have been able to put together pots of money from different organisations to commission services previously commissioned by a single agency. However, the vision of creating a wider sense of a shared pot is one that we are still working towards. We very much focus with our outcomes groups on getting organisations to sit down and be clear with one another about what their individual priorities are, what their individual plans are for the year ahead and to begin to look at whether there is potential for people to do more together. It is a difficult journey, and there have been occasions when we have been able to do that for individual issues, but, as for a general sense of pooled budgets, we are not there yet.
187. **The Chairperson (Mr Nesbitt):** Maybe the most important thing that you said there, Maurice, is that it is a journey. Does that indicate that it is a hearts-and-minds battle and that you are trying to convince people of the benefits of sharing?
188. **Mr Leeson:** I think that people are convinced of the benefits. However, it can be difficult sometimes to reconcile the individual responsibilities of agencies to their Departments with a collective sense that this is what we should all do. That presents a challenge, and it is one that we have been working our way through.
189. **The Chairperson (Mr Nesbitt):** When we look at Steven's Bill and the provision for the pooling of resources by Departments, are there lessons that we can read across from your experience?
190. **Mr Leeson:** We are very supportive of the idea. The feedback that we get from many of our partners in the voluntary and community sector is that they are often working to put together

- a number of funders in order to create one service. Much of the feedback that we get is that it would be easier for us if we were to see more money directed to the front line and seeing if statutory budgets were pooled more often. Therefore, they were making one application for money to deliver a particular priority as opposed to several applications to different statutory organisations in order to do something. So, we would be very supportive of the approach being considered. Through the early intervention transformation programme, we saw one example of where Departments have put money together to deliver some of that.
191. **The Chairperson (Mr Nesbitt):** The children and young people's plan for 2011-14 says:
- "The current lack of coordination means that much time and energy is wasted, so we aim to improve coordination, both locally and for particular groups of children and young people."*
192. Can you give us examples of how a lack of coordination has arisen and how you have tackled and improved it?
193. **Mr Leeson:** We have tackled and improved it for the outcomes groups by creating a space in which the various organisations can come together to share their individual priorities. How we have conceived that is to say that, at that level, there needs to be a space in which discussions take place where I can say, "This is a priority for us going forward", where dialogue can be had with representatives of provider organisations from the voluntary and community sector and other statutory sectors and feedback can be given.
194. In describing the journey earlier, I was saying that we sit down and are very clear with one another about what we are doing and search in that for the potential to work together. That has been the big gain to date. Having got that working side by side, the next logical step for us is to say "Can we take the next step?", which is pooling budgets and working more closely together.
195. **The Chairperson (Mr Nesbitt):** Is that is the most radical proposal in the Bill?
196. **Mr Leeson:** It is a very challenging proposal. Whilst I do not profess to be an expert in these matters, with accountability for funding one of the things that we looked at very early on in CYPSP is how you create a shared budget in which you satisfy the quite correct expectations of agencies for how the money is managed. We looked at it and developed a model around a point in one organisation becoming the lead and then that organisation exercising accountability on behalf of others. It is a challenging process that is quite different from what we have been doing until now.
197. **The Chairperson (Mr Nesbitt):** You indicated that further consideration would be needed on the proposed amendments to the Children (NI) Order 1995 to ensure that the intent behind the proposed legislation is reflected in its enactment: can you expand on that? What needs to happen?
198. **Mr Leeson:** Having spoken to Steven, I know that his intent was to put the CYPSP on a statutory footing, and the vehicle chosen to do that was through an amendment to the Children Order. One of the things that we wanted to look more closely at was the fit between what was being proposed and whether it would fit in with the Children's Order. We think that we need to give a bit more thought to how that would work. The Children Order focuses on children in need, whereas, as we understand it, the proposed Bill looks at all children. I am not saying that it is impossible, but it was just a note of caution on our part that we needed to be absolutely clear that the two things would fit well together.
199. **The Chairperson (Mr Nesbitt):** I based many of my questions on your Northern Ireland children and young people submission, which was planned for 2011-14 but of course, now, we are in 2015. Is there going to be a plan for —
200. **Mr Leeson:** Yes. We have the first draft of a plan, which was shared with CYPSP

- the last time that we met. We are in the process of developing that.
201. **The Chairperson (Mr Nesbitt):** What period will that be designed to cover?
202. **Mr Leeson:** The guidance to the legislation encourages us to dovetail the children's service planning cycle with other planning cycles. We would like to move the children's service plan more into line with the comprehensive spending review and the Programme for Government. Our members have been reflecting to us that it was very difficult for them to agree priorities and then, maybe, there would be a Programme for Government the following year that might request us to do something different. We will be looking at another three-year plan, but our intention is to do a more substantive version to bring it in line with the new Programme for Government and comprehensive spending review cycle. My answer is yes, I am doing a three-year plan; however, I would like to move to a position in which it more closely follows that cycle.
203. **The Chairperson (Mr Nesbitt):** So there will be a hiatus between the last one and the next one but for logical, argued, evidenced reasons.
204. **Mr Leeson:** Yes.
205. **The Chairperson (Mr Nesbitt):** OK. Has the 2011-14 plan been reviewed, monitored or evaluated?
206. **Mr Leeson:** Yes. We have just finished the review. Again, the report was shared with CYPSP at its last meeting.
207. **The Chairperson (Mr Nesbitt):** OK. Thank you very much.
208. **Ms McGahan:** How old is the children's services planning guidance document?
209. **Mr Leeson:** It is from 1998.
210. **Ms McGahan:** For example, where it refers to statutory agencies under the collaboration and consultation heading, it mentions the RUC not the PSNI. It is quite old.
211. **Mr Leeson:** It is, yes.
212. **Ms McGahan:** When will it be updated?
213. **Mr Leeson:** I have no details of any plans to update it. It is not part of the legislation; it is the guidance that goes with it. We have to reflect the fact that some of the descriptions of bodies are out of date, but we work to amend that in our own documentation.
214. **Mr Maskey:** Thank you, gentlemen, for your presentation. There seem to be two aspects of the proposals in the Bill. Everybody so far has expressed general agreement with the intention behind the Bill; there is no question about that. I am pleased to hear the way in which you have described some of the productive engagements that you have already had under the current arrangements.
215. On the one hand, it seems that the Bill is doing a lot of things that are already being done and there are no additional outcomes. You have to do reports, but it does not tell you on what basis you have to do a report, nor does it, in my opinion, add great value to what might be in those reports. To that extent, it looks for greater monitoring and reporting but does not make a difference to what the outcomes might be.
216. On the other hand, it seems to suggest ceding more authority to an arm's-length body to develop plans. I cannot remember the exact phrase, but it was about your board having the power to elaborate and modify or change the plan within a certain period. What are the parameters of that? That brings you into possible contention with Departments, for example, which have statutory authority to decide what their responsibilities are. Why would they cede authority to what is, in effect, an arm's-length body?
217. **Mr Leeson:** We see the plan as a shared plan developed by the agencies and not as a Health and Social Care Board plan. In fact, our guidance emphasises that a children's services plan should be a shared plan and not a Health and Social Care Board plan that everybody else agrees to. In our reading of the legislation, we feel that what is being

- proposed is, equally, a shared plan. We accept that there may be drafting issues that may possibly create the situation that you described. Our view is that this is a shared plan whereby organisations agree that there are priorities, that we agree on those and that we agree on what needs to be done to deliver it. The legislation clearly sets out an expectation that we collaborate and cooperate to the fullest extent to deliver priorities. It begins to set clear expectations.
218. **Mr T Rodgers:** In this process, it will be within the parameters of the legislation how much authority is or is not vested in the Health and Social Care Board. You can modify —
219. **Mr Maskey:** The proposed legislation.
220. **Mr T Rodgers:** Yes, you can modify it if there is a concern. As Maurice said, and as I referred to earlier, we see this as being about collaboration — indeed, it always has been — but a statutory intent will give greater drive and impetus to get us to a different place from where we are. There is no doubt that at different times we come with different agendas, sometimes vested agendas and sometimes different priorities. This will give us an impetus to have greater focus on the shared vision for children and what it is that we are collectively signing up to for children and to commit to that, whether it is in kind or in resources, so that we all understand how it will be monitored and what parts we all play.
221. **Mr Maskey:** I am playing devil's advocate here, because I have not made my mind up on this at all. As I said earlier, I share everybody's opinion on the Bill and everybody is on the same wavelength. However, I wonder were we to cede further authority in the Bill — you cannot really answer this; I am just trying to tease it out in my own mind — could that possibly have the effect that some agencies and Departments will regard this as a negotiation place for resources and will put such and such a person onto that body? I am just trying to think about this out loud. If I
- want to cooperate, I will cooperate, but if it becomes a platform for negotiating something, I might decide to send somebody else, if you know what I mean. I wonder whether that could impact on the free cooperation that you are expressing, which we were very encouraged to hear.
222. **Mr Leeson:** I do not think so, as one of the positive things that it does is to lay down a clear expectation of us. In the current climate, with all the difficulties and challenges that we face, there is an expectation that we will work together to the fullest possible extent of our different mandates to deliver good outcomes for children. I understand your point, but I go back to my own view: the advantage of this is a shared vision as opposed to people feeling that they are being shoehorned into an arrangement that will not work for them. Our experience to date has been that we can deliver that shared vision. As I said, the sense in which this describes what is expected of us is helpful.
223. **Mr Maskey:** OK, thank you.
224. **The Chairperson (Mr Nesbitt):** Thank you both very much; this has been very useful.
225. **Mr Attwood:** I apologise for being a wee bit late; I missed some of your presentation. My view is that the best way to create certainty and avoid doubt is to impose statutory obligations. Our society has demonstrated over many years that it is only when we create statutory obligations on equality or rights that that becomes the vehicle to drive change and maximise outcomes. That is the general perspective that I bring to these issues and that is why I think that the Bill is the right approach, not least given the scale of child poverty and the scale of other risks that children face. We have had evidence of that in the last 24 hours in other places. I want to make sure that you are both on the same page on this because I got a sense from Maurice that this is what we are doing already whereas the language from you, Tony, seemed more elaborate: increased focus, catalyst, more time,

energy and, on the far side of all that, potentially more funding.

226. **Mr T Rodgers:** We want to be clear that a lot of the work that is progressing is positive. I am articulating a view that more could be done and that this legislation provides us with that opportunity. We do not want in any way to be critical of our partners. We are doing a lot of good work, but we are quite clear that more can be delivered.
227. **Mr Leeson:** Perhaps I did not express myself clearly. I wanted to point out, in response to the question "Will this create an additional burden?", that a variation of many of the things proposed is already being carried out. Unless the legislation changes significantly, there is not a huge difference in some of the processes that we have.
228. It has a great benefit in making clear what expectations are. When we look at what works in tackling the difficult problems that we and others face, increased cooperation and collaboration always comes back. We see here the ability to match the goodwill and the engagements that we have had with this much clearer legislation on duties and what is expected of us.
229. **The Chairperson (Mr Nesbitt):** I get the impression that you, the Department and the sponsor of the Bill believe that, with some amendments, this will be a significant improvement on how we do business and the beneficiaries will be children and young people.
230. **Mr Leeson:** Yes.
231. **Mr T Rodgers:** Yes.
232. **The Chairperson (Mr Nesbitt):** Excellent. OK, Maurice and Tony, thank you very much indeed.

11 March 2015

Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
Mr Alex Attwood
Ms Bronwyn McGahan
Mr David McIlveen
Mr Stephen Moutray

Witnesses:

Mr Agnew *MLA - North Down*

233. The Chairperson (Mr Nesbitt):

Steven, we thank you for joining us in Ballymoney today. We are well under way with Committee Stage, as you know. It is normal practice for the Bill's sponsor to come back to brief the Committee towards the end of Committee Stage. However, following a technical briefing from Daniel Greenberg, we thought it best to have you back now to address some of the issues that have been raised. Would you like to make some short opening remarks, given that we have given you sight of Mr Greenberg's observations?

234. Mr Steven Agnew (Northern Ireland Assembly):

Sure, Chair. If it is helpful, I will give the Committee a brief update on our meetings with OFMDFM before coming to Daniel Greenberg's recommendations.

235. As you will know, I have been engaging actively with OFMDFM. We have set up joint meetings with voluntary sector organisations — largely those in the children's sector — and Departments. In some cases, those meetings are to be with Ministers. Their purpose is, first, to help OFMDFM, through demonstrating the drive in the children's sector, to understand fully the intent of the Bill and, secondly, to hear and address any concerns that Departments may have and to learn of any drafting changes that may be required.

236. Clause 4 seems to have caused the most concern. The Department has

suggested that we look at having a stand-alone clause rather than amending the Children (Northern Ireland) Order 1995, the reason being that the Bill is intended to apply to all children, whereas the aspects of the 1995 Order that we seek to amend are to do with targeted need. They have suggested that, rather than rewrite the 1995 Order to meet my needs or the needs of the Bill, we have a stand-alone clause and amend where necessary. For example, rather than having two reports, the reporting requirement in the Children Order would be repealed and include that in the new clause. Some of the amendments that we might be looking to table are starting to take shape.

237. At this stage, my understanding is, certainly from the last meeting that I had with OFMDFM, that no one from the Office of the Legislative Counsel (OLC) has been appointed to work on the amendments. It may be the case, because Executive Bills take priority, that it has to outsource that work. That is the most recent update that I have had. I have impressed on OFMDFM the commitment that we have made to giving the Committee sight of any proposed amendments for scrutiny in advance of your closing date, so we are aware of the timeline involved. As I say, to some extent, appointing a drafter is out of my hands. I have made it clear that I want to meet the commitment, because, ultimately, I am answerable to you if we do not honour it.

238. The Chairperson (Mr Nesbitt): While we are on the subject, do you have any idea of the cost implications of outsourcing?

239. Mr Agnew: I do not. I have not asked about that. I understand that it is fairly common practice, but I have not asked for the cost. In drafting the Bill, the Bill Office used outside drafters. I do not think that it is unusual. From my point of view, it would be preferable if it were the

- Office of the Legislative Counsel drafting the amendments, because part of the advantage of having the Department on board is that we get to use its drafters. That is certainly my preference, but I appreciate that Executive Bills take priority over private Members' Bills.
240. **The Chairperson (Mr Nesbitt):** I guess that the Stormont House Agreement has added to the weight of responsibility on the OLC.
241. **Mr Agnew:** Absolutely. Anything that you can do to keep the Assembly up and running so that I can get this through would be appreciated. *[Laughter.]* I do not know whether you want me to go through the Daniel Greenberg submission point by point or to give my overall view and then take questions from Committee members.
242. **The Chairperson (Mr Nesbitt):** We want to work through it, Steven, if that is OK. Do you want to give an overarching view at the end or the beginning?
243. **Mr Agnew:** My overarching view is that some of the points made identify a clear need for amendments, and I will refer to those specifically. I am happy to explain other points and give my point of view, but I am open-minded on the issue of potential amendments from the Committee. If you like, I will go through the specific points.
244. **The Chairperson (Mr Nesbitt):** Let us start with clause 1, which is on the general duty that is to apply to Northern Ireland Departments:
- "so far as is consistent with the proper exercise of their functions".*
245. It is not clear why that qualification is needed. What is your view on the assertion that a Northern Ireland Department could use that to undermine the whole point of what you are trying to achieve?
246. **Mr Agnew:** The purpose of having that wording in there is that Departments are not being required to work. There is some discussion about whether to include all Departments, but we wanted a catch-all. We believe that all Departments will have some responsibility for children, but, undoubtedly, some will have more responsibility than others. Therefore, the intent of that wording is for it to apply where a Department's functions are relevant and where the proper exercising of its functions will impact on children. Therefore, where its functions do not impact on children, that is not in the scope of the Bill. I am open-minded to an amendment that withdraws that line. I still feel that there may be a need to keep it in there, but concern has been expressed, and I suppose that I understand that concern. If the Committee were to feel that that form of words could undermine the Bill, I would be very open to an amendment.
247. **The Chairperson (Mr Nesbitt):** Let us look at it the other way. If that were not in there, and the clause just stated that the Northern Ireland Departments must ensure that they work in such a way as to further the achievement of the specified outcomes listed in clause 1(3), how would that change your intent?
248. **Mr Agnew:** Having looked at the clause, I am not sure that things would be worse off. It is in there to stop the situation in which a Department is acting on an issue that does not impact on children and has to consult another Department to see whether it does impact. It appears that there is advice that it is not necessarily in order to that. My own reading is that that might be a fair point. It is a relatively new point that is being made, and I appreciate seeing these things in advance. At present, I do not have a strong view one way or the other. I have given you the rationale for the wording's inclusion, but I am not an expert on drafting and the unintended consequences of legislation. We were trying to avoid the unintended consequence of Departments having to consult and cooperate on each and every issue where there may not be an impact on the six high-level outcomes, but, given that the wording is to do with furthering those outcomes, the line may not be needed.

249. **The Chairperson (Mr Nesbitt):** OK.
The next point that Daniel brought up concerns the long title, which states that the Bill requires Departments:
- “to discharge their functions and co-operate”*
250. in order to meet objectives, but then only clause 1(1) mentions discharge of functions. The rest of the Bill is entirely about cooperation. Do you need some balance?
251. **Mr Agnew:** I suppose that I came at it from the other way. Departments are already required to discharge their functions, so I suspect that the wording in the long title is superfluous. From looking at the comments, that is how I had interpreted it. I had not considered that we might need to put more in about Departments’ discharge of functions.
252. **The Chairperson (Mr Nesbitt):** I suppose what is happening, Steven, is that, if you take a common-sense approach, you think that, by mentioning discharge of functions right at the very beginning, in the long title, everybody knows the intent. However, I suppose that a common-sense approach to a document is different from a legalistic view of a statute. The fact that it is mentioned in one clause but not in another certainly opens up the potential for those who would wish to say, “Well, it doesn’t say that, and that’s why I didn’t do it”.
253. **Mr Agnew:** The general duty refers to the discharge of responsibilities. I suppose that the clause 4 duty does not refer to discharge of duties. I kind of came at it from the other way — removing the reference from the long title. Is the proposal that we perhaps need something in clause 4 that replicates the language of clause 1 on discharge of functions? Obviously, I have a copy of the written briefing. I do not know whether you got an oral briefing as well.
254. **The Chairperson (Mr Nesbitt):** I think that the question is one of consistency. Again, the point is being made that there is effectively an omission at clause 1(2), because it does not specify the outcomes as they pertain to the well-being of children and young people, as indicated in clause 1(1). Without being overly presumptive, I wonder whether you felt that, because you had mentioned it in clause 1(1), you did not need to repeat it in clause 1(2). However, as it is a piece of legislation, perhaps that is what needs to be done.
255. **Mr Agnew:** I will certainly look at it again and see whether I can get further advice. I think that I may have misunderstood the problem that was identified and, as such, came up with a different solution.
256. **The Chairperson (Mr Nesbitt):** I suppose that Daniel is looking for the loopholes.
257. **Mr Agnew:** Absolutely, and I certainly consider all of this as being constructive.
258. **The Chairperson (Mr Nesbitt):** If you were relying on people to cooperate, you would not have brought forward a Bill in the first place.
259. **Mr Agnew:** Absolutely. It is about the discharge of Department’s functions through cooperation in order to contribute to achieving the outcomes.
260. **The Chairperson (Mr Nesbitt):** Daniel had an interesting point to make about the specified outcomes, which are dealt with in clause 1(3). You reference in the Bill the high-level outcomes that are contained in the strategy for children and young people for 2006-2016. He suggested that it is really not appropriate to transpose language from one type of document — in this case, a strategy — to legislation. He suggests that, unless you tighten up that subsection, you will not have good, objective law.
261. **Mr Agnew:** I have a couple of points to make on that. The Children Act 2004 in England and Wales contains similar high-level outcomes:
- “physical and mental health and emotional well-being ... protection from harm and neglect ... education, training and recreation ... the contribution made by them to society ... social and economic well-being.”*

262. Those are the outcomes that their legislation is pinned to. The two appear to be similar in language. I suppose that there is the danger that, just because something is in law somewhere else, that does not mean that it is good law. I accept that that may be a point. In that sense, though, my legislation is not vastly different from the English and Welsh legislation.
263. My other point is that there appears to have been a difficulty in putting action to the 10-year strategy, which the Department itself identified. It believes that there needs to be more clarification of what the high-level outcomes mean. It is proposing to be more explicit in the new strategy that it is working on. The Bill and the new strategy are being worked on concurrently, so the proposal is to amend the clause to reflect what is going to be in the new strategy. At this point, I have not seen a draft of it, but the intention is to give a more specific definition to each of the outcomes. My understanding is that the Department intends not to deviate in a major way from the outcomes but to explain them more clearly.
264. **The Chairperson (Mr Nesbitt):** At this stage? In clause 1(3), you are saying that you wish to put into law a requirement for Departments to cooperate to make sure that children are healthy, that they enjoy learning and achieving, that they live in safety and with stability, and so on, as contained in the other three high-level outcomes. All of us around the table might put our hands up and say that it is a very good idea to make each of those a statutory duty. Then the very next subsection, clause 1(4), states:
- "The Office may by order make such modifications to the specified outcomes as listed in subsection (3) as it thinks appropriate."*
265. "The Office" is OFMDFM. Therefore, it can just turn around and change everything.
266. **Mr Agnew:** It would be done through the affirmative resolution procedure, so any changes would have to come before the Assembly. You will be aware of the different levels of subordinate legislation, and various levels of scrutiny come with those. If you do not include that ability of the Department, the only way in which to change subsection (3) would be by primary legislation, but there is no absolute that we put this into law and it is for ever unchangeable. I suppose that it is a matter of the level of scrutiny that we want before any changes are made. Obviously, primary legislation is the highest level, so if we were to take that subsection out, it could be changed only through primary legislation. All secondary legislation would be subject to the draft affirmative procedure, which, to me, is the highest level of scrutiny.
267. It is in there to recognise that those outcomes are what have been agreed by OFMDFM, the children's sector and other stakeholders as being most broadly reflective of children's needs. However, as research evolves, as evidence is gathered and as the Bill is enacted, if it is the case that we have missed something or that we have an unintended consequence, the power is there for the Department to change clause 1(3), but any changes would still be subject to the scrutiny of the Assembly.
268. **The Chairperson (Mr Nesbitt):** If OFMDFM were bringing a draft order and laying it before the Assembly, would you expect it to have consulted in advance?
269. **Mr Agnew:** I think that I am right in saying that it is required to consult, but I am not 100% sure. I will have to check.
270. **The Chairperson (Mr Nesbitt):** It does not state that in the Bill, so it might be useful to include it. Perhaps it is not required, because there is already an obligation. However, it is certainly worth checking.
271. **Mr Agnew:** I will check that, because it is a very good point. It is certainly my intention that the Department would consult before changing the high-level outcomes.
272. **The Chairperson (Mr Nesbitt):** Clause 2 is about the duty that you want to place on OFMDFM to prepare and publish a report on cooperation. General

- questions arise. What consultation do you expect would be required to produce the report? What would successful cooperation look like? Would there be a sanction if there were deemed to be a failure? Was any consideration given to independent input into pulling it all together?
273. **Mr Agnew:** Independent input is an interesting proposal. I am not sure how it would work for accessing information. Obviously, anybody producing an independent report would have to be able to access the information from the various Departments. If you were to ask somebody to come in from outside and say how Departments have cooperated, you would almost be talking about an audit situation. I would have to look into the practicalities of doing that, but I would have no problem with an independent report.
274. I do not want to mention the recent Welfare Reform Bill, but I tabled an amendment that called for an independent review of it. In principle, where independence can be brought in, it should be. As I said, I am just not sure of the practicalities for each of the Departments and the scope, but I would not be opposed to it if it were deemed to be something that could practically be done.
275. **The Chairperson (Mr Nesbitt):** What about sanctions?
276. **Mr Agnew:** Different levels of sanctions could be applied. For example, Departments can face sanctions when it comes to environmental laws. A Department can be fined if it breaches environmental laws. For this legislation, I am not sure whether adding in fines is necessarily the way in which we want to proceed. The report is there as an accountability mechanism. OFMDFM would be accountable to the Assembly, but given that it would be a published report, it would be accountable to the wider public, particularly the children's sector.
277. The ultimate accountability mechanism is judicial review. If Departments were not deemed to be cooperating, they could be subject to judicial review, as with any legislation. That is always there as the big stick, to put it crudely. We looked at other legislation to try to see whether there was any further sanction that could be added to the Bill, but we were unable to come up with anything that we thought would be beneficial. As I said, I am not sure about putting in a fine. It is public money. Where would the money go? It would go to another to another public body. Who would collect the fine, and so on? It did not seem to be an appropriate mechanism to use.
278. A balance has to be struck. The previous time that I was in front of you, you will recall that some members suggested that reporting is onerous and bureaucratic. I believe that reporting is necessary for achieving that accountability. It is required to show how cooperation happens, to show whether and how efficiency has been increased and to identify where further cooperation could result in improvements. Those requirements are helpful to achieving that accountability and to driving further cooperation. A balance needs to be struck between the level of bureaucracy — to use the term — required and how the report is helpful and not just in there for the sake of being in there.
279. **The Chairperson (Mr Nesbitt):** We heard from the Health and Social Care Board last week. It was my impression from what it said that a lot of that is being done, so there would not be a huge additional bureaucratic burden.
280. We will move on to clause 3, which deals with the establishment and maintenance of a pooled fund. Let us say that Bronwyn is Minister of Health and Alex is Minister of Education —
281. **Mr Agnew:** Congratulations.
282. **The Chairperson (Mr Nesbitt):** — and we have voted through a Budget, from which they get allocations. Bronwyn knows that healthier children will do better at school but that there is huge pressure on her health budget. We, as an Assembly, have voted through a budget for health, yet you are now

- proposing that she put some of that health budget into a pot that will benefit the Minister of Education.
283. **Mr Agnew:** I think that it is about shared objectives. The Special Educational Needs and Disability (SEND) Bill, which is fresh in my memory, is an example of where cooperation was not happening at the level that I would like it to be happening. My big criticism of another Department of Education Bill, the early years Bill, was that it was a Department of Education Bill alone. However, early years needs, at least, the input of the Department of Health and the Department for Employment and Learning also. We have the SEND Bill presented to the Assembly, but it is from just the Department of Education. As I said, it should, at least, involve the Department of Health and the Department for Employment and Learning. Where there are shared objectives, it makes sense to me that you share resources to achieve those objectives.
284. I think that I asked my colleague Ross to forward to the Committee a very good document, 'Guidance to local areas in England on pooling and aligning budgets', from the Department for Communities and Local Government. It outlines the differences between an aligned budget and a pooled budget. My understanding is that the early intervention transformation programme is a good example of an aligned budget but that it does not quite go as far as a pooled budget. The difference is that in that there are shared objectives there. My understanding is that the Atlantic Philanthropies money might prevent that programme from ever being done as a pooled budget, as there is a non-governmental organisation involved. An aligned budget is where I agree to spend x amount from my budget and you agree to spend x amount from yours. Everyone retains their own accountability mechanisms and, indeed, accounting mechanisms, but, in my opinion, you have more bureaucracy. Therefore, having a pooled budget has more advantages. If you agree to put money into a pot, you collectively agree the objectives, but one set of civil servants administers it.
285. **The Chairperson (Mr Nesbitt):** Which set of civil servants would that be?
286. **Mr Agnew:** That is where the difficulties come in, and that is where I find the guidance really interesting. It talks about a pooled budget as something that almost grows through cooperation. An aligned budget is almost taking baby steps, and it is something that we are comfortable with. Pooling budgets is not something that we do. We all have our accountability lines, and we are comfortable with those, but the end goal should be pooled budgets. The efficiencies will really come when pooled budgets happen and you can cut down on bureaucracy. I tried to make the point in the debate and when I was before the Committee last time that the ultimate end to this is to increase efficiency and make better use of resources. I believe that the pooling of budgets, where there are cross-departmental, shared objectives, is the optimal way. The optimal way of using resources is to pool budgets. As I said, you reduce that back-end bureaucracy.
287. **The Chairperson (Mr Nesbitt):** Do you accept that there would be pooled bureaucracy, for want of a better phrase?
288. **Mr Agnew:** If there were five Departments involved, you would have one line of bureaucracy rather than five. That is how I see it.
289. **The Chairperson (Mr Nesbitt):** All five Departments would have to have an input into the administration of the money, because it is their money. Ultimately, they would have to be accountable for the portion of their budget that they had surrendered to the fund.
290. **Mr Agnew:** Yes. The challenge for the Departments is to find a way of doing that without involving five accountants. It can be done, and it is done between other organisations outside of government. Indeed, it is done in England, which is where the guidance relates to. It is not how things are done, but it is how they should be done.

291. The one thing that I will say, because I want to be as candid as possible about this, is that the evidence is that, in the short term, making those changes would create a resource issue. The evidence is that there would be a cost in the short term but, in the medium to long term, there would be savings.
292. **The Chairperson (Mr Nesbitt):** Why would there be a cost in the short term?
293. **Mr Agnew:** Putting in new structures. Any transitional arrangements would require resources to work out what new arrangements are needed to change cultures and so on, so there would be an initial investment. I cannot give you an example of the sums.
294. **The Chairperson (Mr Nesbitt):** Give us an example of how it would work, even if you cannot put a figure in the bottom right-hand corner.
295. **Mr Agnew:** One thing that I will say about the Bill is that the Bill states “may”, so it allows for this to happen rather than says that it must happen. My contention is that it should happen. With the current situation, each Department has its accountability lines and is used to doing that. It will have its own accountants and so on — whoever does this behind the scenes. Not having worked at a senior level in the Civil Service, I cannot explicitly tell you how it works; Departments will be better placed to do that. We are seeking to get them to move to a situation where they get together and say, “We will have one pot; your Department will administer it through your lines”. How do they make those arrangements? There will have to have discussions with DFP and with each other to decide whether they can do that. When I talk about costs, I mean mostly people resources: these meetings taking place and the time taken to work this out. This question was alluded to: “How does my Department show the Finance Minister that the money that we were given to meet health objectives — even though we had given the responsibility to DE to spend the money — contributes to meeting our shared agreed objectives? How do we convince DFP that we are still meeting our requirements?”.
296. When I talk about resources, I mean those conversations, meetings and changes of culture and reporting that will take time, effort and, therefore, resources. However, as I say, the evidence is that that time and those resources are well spent, because the outcome creates greater efficiencies.
297. **The Chairperson (Mr Nesbitt):** We heard that there are issues with regard to the Children and Young People’s Strategic Partnership in this regard. It seems that everybody involved accepts, without question, that the principle is great. However, getting people to put their hands in their pockets and put the money into a central pot remains hugely challenging; and, in the current economic climate, I cannot imagine that it will be anything other than that for Departments.
298. **Mr Agnew:** There is an incentive. Early intervention is a good example. It is in the interests of the Department of Justice to have Health delivering services in early years, because that will improve outcomes. It is very hard to measure; that is the difficult part. However, all the evidence shows that if justice agencies start dealing with young children it just brings them into the justice system and they should not be there. Health is the best place to deliver those services. The evidence is that that is how you get the outcomes that Justice wants to achieve, but Health has the agencies to deliver. So there is an incentive to put money in.
299. It is hard to prove that, if we put money in, through the Department of Health, to this child when they are two years old and, look at them now, they are 16, and they are not committing crimes: we did that. That is very hard to evidence, but the evidence is there that it works. However, to say of any individual child that they are not committing crimes because we invested in them early is very difficult. You can never make that causal link. However, the evidence is there that, if you invest early, on the

- whole, fewer children will grow up to be teenagers who commit crimes.
300. **The Chairperson (Mr Nesbitt):** I just think, Steven, that the challenge remains in getting people to, figuratively, put their hands in their pockets. Perhaps part of the solution is what was agreed at the Stormont House negotiations: that we would try to agree a Programme for Government before running d'Hondt so that the parties will have agreed on cross-cutting outcomes before they know whether they have a role to play in delivering them.
301. **Mr Agnew:** That would certainly be helpful. We agree; that is a better way of doing government.
302. **The Chairperson (Mr Nesbitt):** The Greens endorse the Stormont House Agreement. Thank you very much.
303. **Mr Agnew:** One element thereof. *[Laughter.]*
304. **The Chairperson (Mr Nesbitt):** I understand that you did not actually say that.
305. We move to clause 4, which is probably the most discussed aspect of the Bill. You said in your opening remarks that you were thinking of changing it.
306. **Mr Agnew:** It has been proposed. The approach that I have taken with OFMDFM and with the other Departments is that I am open to changes, subject to seeing the drafting, of course. They said to me that they agree with the objectives of the Bill and that they are not seeking to change them, so any amendments would be designed to make the Bill more effective, rather than seek to move away from what I am trying to do. I am learning things through this process. A Department of Health amendment will still come through OFMDFM, because it is the Department taking the lead on this.
307. I will wait to see what the draft amendment looks like. In principle, however, the concerns that have been raised with me about clause 4 appear to be legitimate, and the objective of the amendment helps the Bill to do what I wish it to do. In that regard, I am minded to support it, as it will improve the Bill and improve the working of it.
308. **The Chairperson (Mr Nesbitt):** The Health Minister has tasked his permanent secretary to look at some administrative structures in the National Health Service, including the Health and Social Care Board. At this stage, do you have any idea how that may impact on what you propose?
309. **Mr Agnew:** I do not. My colleague Ross Brown and I had a meeting with the Health Minister, and, along with OFMDFM, we have since met the Department of Health. Most of the discussions have been on the operation of clause 4 and how an amendment might look. We have not addressed those particular issues.
310. **The Chairperson (Mr Nesbitt):** What about the implications of another aspect of the Stormont House Agreement: moving from 12 Departments to nine and the expectation that Health will take on board more children's services?
311. **Mr Agnew:** You may have evidence to counter this, but, from what I have read and from the First Minister's statement, most of what currently sits with OFMDFM in relation to children will go to Education, which means that clause 2, which relates to the co-operation report, would sit with Education. There was a particular sense to it sitting with OFMDFM, in that it would have oversight and it was the link between all the Departments to some extent. The decision to put it in the Department of Education is out of my hands, but it could be argued that the Department of Health would be a better place, given that it is the bigger spending Department.
312. **The Chairperson (Mr Nesbitt):** OK. It is more the question of saying that if one Department, whether Health or Education, has all these services under one roof, does that negate the need for a Co-operation Bill?
313. **Mr Agnew:** Absolutely not. My understanding is that none of the powers of Health is to go into Education, so we

- still have the situation where anything involving children up to at least age three will not be covered by Education because it does not have any powers or jurisdiction in relation to early years, other than jurisdiction over the new strategy; but Health would still need to be involved in the delivery of the new 10-year strategy. Again, the responsibilities of the other Departments, including Justice, will remain.
314. **The Chairperson (Mr Nesbitt):** As I understand it, the Children and Young People's Strategic Partnership deals statutorily with children at risk, whereas you are talking about all children. Is there a need to amend the 1998 Children Order?
315. **Mr Agnew:** That is the intention of the proposal to bring this clause out of it being a Children Order amendment to it being a stand-alone clause and, where necessary, to avoid duplication or repeal elements of the Children Order. That is the intention so that that conflict does not arise.
316. **The Chairperson (Mr Nesbitt):** OK. I have a final question. The Health and Social Care Board is the centre of clause 4 at the moment. Is it appropriate that the remit rests there when the cooperation is broader?
317. **Mr Agnew:** I still contend that the only power conferred on the Health and Social Care Board as part of the Bill is to be the central reporting line through which the other agencies and Department feed into. So, it has a responsibility to collate and prepare the report. I do not see it in any way being given jurisdiction over those other agencies or Departments; I saw it as being a central point of contact and collation. I know that it seems to have exercised the Departments, and I will await any amendments that they may propose, but, at this point in time, I have yet to be convinced that it is a problem. However, if there is another way of doing the same thing that somebody can come forward with, I am very open to looking at it.
318. **The Chairperson (Mr Nesbitt):** OK, Steven, I appreciate it. Do members have any questions?
319. **Mr Attwood:** Thus far, are you satisfied that you are getting every proper assistance from FM and DFM?
320. **Mr Agnew:** I am, I have to say. We set up a series of meetings at which there has always been at least one official; two on occasion. My one concern, which I mentioned before, is the drafting services, because I am conscious of your timeline, and we have given a commitment to you that we will bring amendments before the Committee before your deadline. That is out of my control, so it makes me nervous.
321. **Mr Attwood:** Has any precision been given to you about when somebody might be appointed, because what might happen is that, if this mandate continues, there will, as always, be a rush of legislation. I suspect that, when it comes to some of the Stormont House Agreement legislation, there will be outsourcing as well. There are not many people in the system, never mind outside it, who have the capacity to draft. Is there any certainty? If not, it might be useful for us to encourage certainty from FM and DFM in that regard.
322. **Mr Agnew:** I would certainly welcome that, because, as I said, it is my biggest concern. A concern that I went in with was that, once I was in there, they would try to get me to somehow water down the Bill; there has been no evidence of that so far. I can honestly say that I feel that OFMDFM and, indeed, the other Departments have been constructive. That is my one concern. If I am left in a position where amendments that I want to see made are not being made because draftsmen are not available, I will go through the Bill Office. However, the purpose of having OFMDFM on board is to make the Bill better and to bring in expertise that is not available to me through the Bill Office. That is my preference, but, if I have to seek my own amendments through the Bill Office, of course, I will do that to ensure that I meet my commitment to the Committee.

323. **The Chairperson (Mr Nesbitt):** Just as an impression, Alex, I sense that the Department is keen to work with Steven on the Bill to make it happen; the Health and Social Care Board last week seemed to be broadly supportive. Members, for information, I am conscious that, because a lot of it rests with the Department of Health, I would not want us to put an awful lot of work into it only to find that, down the road, the Committee for Health is not content. The Clerk and I met the Chair and the Clerk of the Health Committee this week, and we have agreed on an early warning system, for want of a better phrase, to make sure that if there is any tension we know about it early and address it in a timely manner. Are members content?

Members indicated assent.

324. **The Chairperson (Mr Nesbitt):** Steven, thank you very much. Again, I appreciate you coming up to Ballymoney.
325. **Mr Agnew:** Thank you very much, Chair. As I said, the input from the Committee and Daniel Greenberg has been very helpful.

15 April 2015

Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Ms Megan Fearon
Mrs Brenda Hale
Mr Alex Maskey

Witnesses:

Ms Koulla Yiasouma	<i>Northern Ireland Commissioner for Children and Young People</i>
Dr Alison Montgomery	<i>Office of the Northern Ireland Commissioner for Children and Young People</i>

326. **The Chairperson (Mr Nesbitt):** From the commission — I will do my best with pronunciation — we welcome Alison Montgomery and Koulla Yiasouma.
327. **Ms Koulla Yiasouma (Northern Ireland Commissioner for Children and Young People):** Well done, thank you.
328. **The Chairperson (Mr Nesbitt):** Koulla, you are very welcome. It is your first time here, so we will certainly welcome some opening remarks, but you have just, I think, heard the junior Ministers talking about age discrimination legislation: would you like to react to that?
329. **Ms Yiasouma:** I was going to leave that reaction to the end. Just to get this out of the way: I am very, very, very happy — three verys — to comment on the Minister's proposal for legislation around goods, facilities and services (GFS) in relation to age.
330. **The Chairperson (Mr Nesbitt):** We will leave the age discrimination legislation to the very end. Megan needs to go —
331. **Ms Fearon:** I will be back in a minute —
332. **The Chairperson (Mr Nesbitt):** It is OK. We are in evidence session, so we are OK with four.
333. Sorry about that. Let me invite you to make your opening remarks.
334. **Mr Maskey:** It is nothing personal.
335. **Ms Yiasouma:** Thank you very much, Chair. You are right: I am delighted to be here on what I assume will be the first of many engagements with the Committee. As you know, I took up appointment on 2 March this year — it is a four-year appointment — so I am very pleased to be here. Again, for the record, I would be happy to talk about other issues that are on the agenda over the next month, not least age GFS, but also public sector reform and the possible review of the Northern Ireland Commissioner for Children and Young People (NICCY) legislation.
336. I want to introduce my colleague, Alison Montgomery, who is our senior policy and research officer, and to extend apologies from our chief executive, Mairéad McCafferty, who had other business to attend to.
337. I will not go on at length about what the commissioner does, and I will probably speak in the third person, although we are talking about me. You know that in 2003, the Children's Commissioner legislation was established to safeguard and promote the rights and best interests of all children and young people in Northern Ireland, mainly up to the age of 18 and in some cases up to the age of 21. I am required, under the legislation, to review the adequacy and effectiveness of law, practice and services. It is in relation to that bit of the legislation that I am here to give evidence today.
338. First, to talk about the Bill that you are considering, I want to put on record how much I warmly — more than warmly, hotly — welcome the Bill. I genuinely believe that it will secure greater and more effective services for our children and young people. I want to congratulate

- Steven Agnew on bringing this forward and OFMDFM for the amount of work it is putting in to make sure it is the right Bill for us.
339. The Bill reflects the fact that the lives of children and young people do not neatly fit into the departmental remit and attempts to alleviate that situation. I will quickly give some of the highlights for consideration. I will not go on and on about the need for effective collaboration across Departments, particularly when we have scarce resources. There are many examples — Ann will give you more after this session — of where more effective, joined-up working between Departments is necessary. We have been at this for many years, and not having a duty has thwarted the full realisation of children's rights and effective services.
340. In 2011 NICCY published a report called 'Barriers to Effective Government Delivery for Children in Northern Ireland'. You referred to it, and we sent you an extract already. It was based on the work, undertaken by Professor Lundy and Dr Byrne at Queen's, into what hinders government in delivering fully for its children. The report made a series of recommendations, but one of the most crucial ones was the need for:
- "A statutory duty to co-operate at both central government and intra-agency level."*
- the report concluded by saying:
- "The 'silo' mentality that exists among ... individual government departments is thought to sometimes impinge upon the outworking of strategies, policies and action plans on cross-cutting issues impacting across children's lives."*
341. As if further evidence were needed that children's lives do not fit into the Department of Education, the Health Department, DRD or any of our Departments.
342. NICCY has a plethora of research, including the 'Walking or Talking Participation?' report, which my predecessor, Patricia Lewsley-Mooney, published last year. It said that there was a lack of government coordination with regard to engaging with children and young people. Much more worryingly, in 2012, NICCY published another report called 'Still Vulnerable', which was undertaken by the social work team at Queen's. When it examined the stories of children and young people who had died as a result of suicide, it found clear evidence of a lack of coordination between the various services that were engaged in those children's lives. I could almost stop now and say, "Do we need any more to tell us why this Bill is crucial?". Next month, we will publish another piece of work, subject to everyone meeting their timetable, which will give clear examples, and, hopefully, we will publish a template with regards to how we can effectively work across our Departments. I hope that you consider that in your deliberations around the details of the Bill.
343. Clause 1 concerns the general duty. I have already said how important it is that we have a statutory duty on Departments to cooperate regarding the design and delivery of services for children and young people. A clear obligation on Departments and their agencies will provide an effective means of achieving cross-departmental working, which, ultimately, should contribute to improving outcomes for our children. I am also very pleased to see that clause 1 specifies the six high-level outcomes of the children's strategy. It is crucial that, in the Bill, we have the children's strategy as the framework for children and young people. Everything else around children and young people needs to flow directly from the children's strategy.
344. Clause 2 talks about the cooperation report. I understand that there has been some concern that that may add to the bureaucracy of government doing its work. I do not see why it should. Indeed, the drafter of the legislation has proposed a three-year reporting cycle. We propose a one-year reporting cycle. That should be part of normal government reporting on how it is delivering for its children and young people. That is primarily through the strategy, but it is also required to

- provide an annual report under the Child Poverty Act on the state of child poverty in Northern Ireland, so it should not be overly onerous. If we have a good and effective template, it should be incorporated quite naturally into the outworkings of the Bill.
345. I also suggest that NICCY has a role to play in how it scrutinises government on its delivery for its children. Consideration needs to be given to how we can execute our scrutiny role and provide some independent verification that government is properly cooperating and delivering on outcomes for children and young people. I love reading progress reports from various agencies. Often, they are too much about process and not enough about impact and outcome. If we had a proper reporting mechanism with a good independent assessment and scrutiny element to it, we could focus people's minds on achieving real change for our children and young people.
346. Clause 3 talks about shared and pooled funds. We have had lengthy discussions across the team I work with about whether we should insist on that. The possibility of pooling funds is an excellent idea. Again, in an time of reducing resources, it will provide for more efficient and effective services. Ultimately, it will lead to the realisation of a more child-focused and holistic approach that supports the achievement of outcomes for our children and young people.
347. Finally, clause 4 talks about children's services planning. I am not going to try to steal Ann Godfrey's thunder; she can talk far more expertly than I can on this issue. However, just for the record, I have been involved with Ann and others in children's services planning through the Children and Young People's Strategic Partnership since 1999. The proposals in the Bill, in my view, simply strengthen the arrangements currently in place by giving legislative effect to the work of the Children and Young People's Strategic Partnership. Many of the agencies involved in the partnership are listed under clause 4, and we suggest that it is important to ensure that all the relevant bodies are there.
348. Clause 4 also includes an obligation that the children and young people's plan should be kept under review and published at intervals of not more than three years. Again, I reiterate my earlier comment that it should be published annually.
349. Finally, there are a couple of other things that we would like to see in the Bill. One is around how children and young people are engaged with in the process. It is great; it is absolutely right that there are agencies, but surely another key partner in the delivery and design of services for children and young people is children and young people themselves, and their families. I made a bold suggestion around including children and young people as a named partner in clause 4.
350. In conclusion, the UN Committee on the Rights of the Child (UNCRC) emphasised that effective implementation of the UNCRC requires visible coordination to realise the rights across all Departments. By introducing the Bill, we are taking a step forward in implementing the mechanisms required to protect the rights of our children and young people. I reiterate NICCY's support for the Children's Services Co-operation Bill and welcome the unique opportunity that it offers to plan, deliver and monitor effective joined-up services and provisions for our children that will promote their rights and help the Northern Ireland Assembly and the Executive to fulfil their obligations under the UNCRC.
351. That is the formal bit. I am happy to take any questions, and Alison will help.
352. **The Chairperson (Mr Nesbitt):** Koulla, thank you very much. Will you give us some examples of how the Bill, if it were in law, might have helped? I am very conscious that, in your opening remarks, you talked about suicides with a direct causal link to the lack of cross-departmental work. I am not asking for one of those, but is there, perhaps, a less dramatic example of how the Bill could have helped up to now?

353. **Dr Alison Montgomery (Office of the Northern Ireland Commissioner for Children and Young People):** At a very general level, it obviously focuses on the whole child, and the commissioner has referred to the fact that children cannot divide their needs across Departments as we currently have them. Therefore, it would allow a more holistic and integrated approach to be taken when dealing with children. One of the issues that we raised in one of our reports was around transitions for young people with special educational needs and disabilities. We are very concerned about that area and feel that there is not the most effective joining up of health and education on the preparation of transition plans and preparing young people for moving on to the adult stage of life. That is another concrete example of how a holistic and a coherent approach is not being taken in how young people are dealt with.
354. There are also issues around the levels of collaboration that we have seen to date. In some cases, it does happen, but it is through the goodwill of Departments and individuals, and through effective relationships being in place. However, we feel that, at times, that is not enough, and the evidence, through research and through other organisations' reports, has indicated that it is not enough just to rely on goodwill; it really needs to be in place.
355. There would also be a better sharing of information across different Departments and agencies. At times, we found that information was not been passed on. Certainly, in our legal and investigation services, we have found that information has not been passed from an education and library board across to the health service or vice versa, and we have evidence of that.
356. **The Chairperson (Mr Nesbitt):** The thinking that you referred to about interdepartmental working is not static. It is not just us. There is always emerging thinking, and there is always new thinking. What is the very latest?
357. **Ms Yiasouma:** On the need to cooperate?
358. **The Chairperson (Mr Nesbitt):** Yes, and the best way to do it.
359. **Ms Yiasouma:** If we have a children and young people's strategy, which is a strategy of our Executive, it then becomes the responsibility of the nine, 12 or however many Ministers sit around the table to ensure that they deliver on each and every one of those outcomes. With regard to being healthy or achieving education — Alison has already talked about that — children cannot do well at school if they are living in poverty and if they have poor health. You do not need me to tell you all that. So it cannot just be the responsibility of the Minister of Education and his Department to ensure that a child achieves at school. It has to be the responsibility of our whole Government. Too often, particularly with a Department like Education, it is silos: all I have to worry about is the time between 9.00 am and 3.00 pm. But, actually, we know that that is not true. From breakfast until they go to bed and beyond, we have to make sure that our children are safe and well. We have not done it. The children's services planning process that came out of the Children (Northern Ireland) Order 1995 was an attempt to do that. With all the goodwill in the world, I have sat around several of those tables in the last 16 years. People have felt hamstrung because they did not have this obligation or duty. Departments and agencies are very good at keeping an eye on their legislation and what statute requires them to do. This is a way of ensuring that they play nicely.
360. **The Chairperson (Mr Nesbitt):** I think that everybody gets the fact that most Governments are vertical and operate in silos. Effective government is actually more horizontal and cuts across that. I think that everybody really backs the intent of what is going on here; it is just about the best way to actually make it happen. Personally, I agree with you very much that we can become almost obsessive with the inputs of government and its processes without a proper focus on actually making an impact and

- whether we have an outcome here that makes people better off.
361. With regard to the process, Koulla, you are saying that, instead of the three-yearly reports, you would rather have annual reports and you do not see that as being particularly onerous. One of our concerns was how onerous the reporting process was. When was the last time that the annual child poverty report was laid in a timely manner?
362. **Ms Yiasouma:** I do not think that it has been. I think that we have not had an annual action plan on our children's strategy since 2011.
363. **The Chairperson (Mr Nesbitt):** Why rely on a system that is not working?
364. **Ms Yiasouma:** I am not relying on that system: I am trying to fix the system. I am trying to make a suggestion about fixing the system. If we get more streamlined, which I think this Bill is trying to make us, and we are not all working to different strategies but to one strategy, everything that comes out of that will be part of that one holistic process, it should be easier. I do not know about you, but I do not want to wait three years to see how it is going on the lives of children and young people. If we get into that way of reporting and we gather our data and evaluate our services in a timely and ongoing basis, rather than saying, "Let us run around at the end and count our widgets", then we will know how we are doing. Three years is too long to work out where we are going wrong and to get it right. Change takes a long time. You will not see it in the first year, but if you have identified the milestones along the road, you can start saying, "We are getting there. We are achieving them." That is what good outcomes monitoring and impact evaluation tells us we should do. We should know where the end goal is, but be able to identify the milestones along the road and tick them off. Three years is too long to wait in the life of a child.
365. **The Chairperson (Mr Nesbitt):** Is there a danger that, in bringing on another annual report, you will actually serve only to delay further the child poverty report, which, as you say, has never been laid in a timely fashion?
366. **Ms Yiasouma:** It should be part of the report. It should not be a separate report. I am not looking for another report. In every report, there should be a section — hopefully, we will bring forward suggestions around templates and what that will look like — about how Departments are cooperating to achieve a reduction or eradication of child poverty.
367. **The Chairperson (Mr Nesbitt):** The child poverty report, as I understand it, is an obligation that comes out of Westminster legislation.
368. **Ms Yiasouma:** Yes, it does.
369. **The Chairperson (Mr Nesbitt):** You are proposing that that report be amended.
370. **Ms Yiasouma:** I am not even for one minute suggesting that we all go off to Westminster and try to change that. The child poverty action plan, although it is part of the Child Poverty Act 2010, will also be one of the mechanisms by which we deliver on our children's strategy. What I am saying is that if we produce an annual report on progress on our children's strategy — we will get a new one, hopefully next year — we will include within that progress on our child poverty report. OFMDFM or whichever Department will be free to add whatever sections it wants because it will be part of reporting on the children's strategy. That is where I suggest that it should incorporate cooperation. In the children and young people's plan, which is coming out of the strategic partnership, there should be a clear section on how it is cooperating to deliver for children and young people. I am not going to start tinkering with Westminster legislation.
371. **The Chairperson (Mr Nesbitt):** I do not want to get hung up on the process. That is the last thing that I want to do, but I still think that you need to table the discrete child poverty report.
372. **Ms Yiasouma:** Yes, you do.

373. **The Chairperson (Mr Nesbitt):** OK. What about independent input? Do you favour it?
374. **Ms Yiasouma:** I do. Independent scrutiny is what we are looking for. I am somebody who is not long out of the voluntary and community sector, and that sector is constantly required to provide independent evaluation of its delivery of services. In Scotland, we are seeing key engagement with service users and other organisations to provide some independence to evaluations. If we are going to say that we did a good job, it is much better if somebody independent says that we did a good job, rather than me saying that I did a good job. I am always going to say that I did a good job. I need somebody else to tell me that and to give clear advice and steer me in the right direction when I am not doing a good job. I am not sure why our Government would be any different.
375. That is where there is a role for me and my office. We are there. It should not, and would not, be any more expensive, because we already get funding. However, we have a role to play in providing that independent scrutiny. Our only focus and my only concern is the impact and delivery for children and young people and their rights. There has to be independent scrutiny or an independent role in monitoring our Government. That would, of course, be alongside this Committee; I would not want to negate the role of the Assembly.
376. **Mr Lyttle:** Would that be in the form of consulting stakeholders in the preparation of the report or another mechanism outside that in responding to the report?
377. **Ms Yiasouma:** I do not think that responding to the report is always a helpful process.
378. **Mr Lyttle:** So, would it be a statutory duty to consult relevant stakeholders in the preparation of the report?
379. **Ms Yiasouma:** Yes, in the preparation. I also think that there needs to be an element of independence.
380. **Ms Fearon:** Sorry that I had to step out.
381. When discussing clause 1, you referred to the high-level outcomes from the strategy. Those are designed for a strategy and not legislation and are vague. I am worried that they could be misinterpreted or interpreted in the way in which people want to interpret them. I am also thinking about the reporting. Do we need to tighten up on those? They would be hard to measure, because they are so vague.
382. **Ms Yiasouma:** I know what you are saying; it is not put within the context of the children's strategy. The Chair mentioned that you have had discussions with the Department on some of its suggestions on how it could strengthen the Bill, and I know that there have been some conversations about that section.
383. I would want to see an obligation to cooperate on our children's strategy. You would not know it to read it, but those are the six high-level outcomes from our children's strategy. It will take the very clever people in the Assembly's drafting department to come up with a way of saying that what we are asking you to do is to come up with a way to cooperate on our children's strategy and that those are the six high-level outcomes. I do not know whether we should have a clause or regulations that specify the high-level outcomes or whether we should enshrine it in legislation and review the Bill every 10 years when we have a new strategy. However, I would like to see the children and young people's strategy named so that people are clear that we are trying to achieve those outcomes. They are aspirational, as high-level outcomes are. It is about identifying whether we got closer to those aims between year 1 and year 10. That is the challenge. It is a little bit motherhood and apple pie, but we need to strive for the best. You are right: it needs to be tightened to be clear that it is about the strategy. We also need to have a bunch of actions and indicators to make it happen.
384. **Ms Fearon:** In clause 3, there is the enabling power that allows Departments

- to pool and join resources. Would you prefer to see a power to compel Departments to do that to strengthen it?
385. **Ms Yiasouma:** Again, as I said, we had quite lengthy discussions. My experience of Departments is that, if you do not make them do it, they will not do it. It should be kept under review at the moment. I would probably prefer to see them being compelled, but we are in a process, and I would like to see whether they would come to that willingly. That is where I am at with that. *[Interruption.]* Is that your mum wanting to know when your tea is?
386. **Ms Fearon:** Finally, I come to the extra clause that you would like on the inclusion of young people. Obviously, there is not really meaningful participation by young people in consultation strategies involving them, so that would be good. What would that look like? What do you envisage?
387. **Ms Yiasouma:** Let us not forget that it is not just because we have an obligation under the United Nations Convention on the Rights of the Child: we also have section 75, which was referred to during your previous session in relation to equality impact assessments. Section 75 recognises children and young people as a group who have to be consulted with. It is the role of NICCY, and others, to make sure that the consultation is meaningful. It is a matter of gathering that body of evidence on what children and young people think, and what their parents and carers think, and taking that forward. Also, there should be clear evidence in all reports and decision-making showing how the views of children and young people were heard and taken into account. That does not mean that they have to do what the young people said, but it is evidence that they took them into account and had good reason for doing or not doing it.
388. **Dr Montgomery:** Ultimately, it is about seeing how the outcomes have impacted on children and young people and hearing from them, the target group or end users, that they have felt some impact from the joined-up working that should be taking place.
389. **Mr Maskey:** Thanks to Koulla and Alison for their presentation. I want to raise a couple of things. You referred earlier to the production of a template to measure some of these things. Certainly, the mindset you outline is one that I share and is probably that of most others. You try to work through a process and continually try to change it; but legislation does not work like that. If you have a Bill, you have the provisions of that Bill, and that is it. You work your way through that and you measure whatever you are going to do against it. So it is not a moving feast. Obviously, you might want, at some point, to review progress. Otherwise, as you say, you cannot really measure the legislation from year 1 to year 10, because you are just ticking the same boxes, even if they are very important ones. I am just conscious of that process, because the Bill does not necessarily give you the opportunity to measure over a ten-year period. I wonder how we might develop some types of measurement, templates or benchmarking to do that.
390. Secondly, and I have grappled with this, we have all agreed that joined-up government is an inherently good thing, but I struggle a wee bit with trying to get it to join up in the way we want it to. You are leaving that responsibility to what is essentially a non-departmental public body (NDPB); it is not a ministerial or departmental responsibility. I struggle with that a wee bit, because you are trying to give more power to an NDPB — in this case, the Health and Social Care Board, but it is still an NDPB, with all due respect. I struggle with the concept of giving more power to a body that is not the authoritative body itself.
391. **Dr Montgomery:** Allow me to come back to you on your first point. One of the issues that we are looking at in our commissioned research is how other jurisdictions are rolling out joined-up working across government. As you know, it is required in England, Wales and Scotland. We are also looking at Australia and some international

- examples. One of the issues we have been looking at is how reports are prepared and what is good practice in reporting. As the commissioner mentioned, we are still waiting on the final report, but some of the initial findings have been very interesting from the point of view of how we might go about developing a pro forma or some kind of template. One of the suggestions coming from local stakeholders is that there should be guidance issued with the Bill as to what the reporting should look like, so that people are very clear about what is required and are able to compare across Departments and agencies how such reports are completed.
392. There are a number of key requirements, including, importantly, a common language across Departments, a shared recognition of where collaboration is working, explicit linking in reports of actions and activities to outcomes, saying clearly what an action is seeking to achieve, and also, as another issue, demonstrating how outcomes are measured. Also relevant are good information systems, how information is shared when supporting people to complete reports and looking over time at whether there has been an impact. One of the key things that the commissioner mentioned is how reporting takes place. It is not just the delivery of joined-up working, but how it was gone about and how it was actually achieved.
393. I pick up on your previous point, Megan, about the pooling of resources. This will be an important way to demonstrate how resources were pooled, how that worked — did it work? — in practice, and, if pooling was not taking place, how that impacted on an outcome being achieved. The reporting is absolutely key, as is how it is undertaken and, as I say, some kind of consensus among Departments about how it is actually achieved.
394. **Ms Yiasouma:** I understand what you are saying about the Health and Social Care Board issue, but if you look at everything produced by children's services planning and the children and young people's strategic partnership, you see that it has directly complemented the strategy for children. It has worked to the six high-level outcomes. So, you can tighten that up within this. And let us not forget that it is an agency of the Health Department, so I am sure that the Minister, if he feels that it is acting out of line, will do what he needs to do.
395. **Mr Maskey:** OK. Thank you.
396. **The Chairperson (Mr Nesbitt):** Take me back, Koulla, to this oversight committee you are talking about. Tell me again how you see that working. You want an annual report —
397. **Ms Yiasouma:** — on our strategy for children and young people; yes, I do. Within that annual report, I would like to see a discussion of how they are cooperating together and how that is impacting on a higher quality of service for our children.
398. **The Chairperson (Mr Nesbitt):** Will that be written up by the Health and Social Care Board?
399. **Ms Yiasouma:** No, this is on the children's strategy. The children and young people's plan will be something underneath that. The Health and Social Care Board plan is discussed in clause 4 — Ann will take you through that more expertly than I can, as I said. The children and young people's plan is specifically for children in need; it is for a distinct group of children identified in the Children (Northern Ireland) Order 1995. That should report using templates similar to those that Alison described. It is almost a sub-plan of the children and young people's strategy. It should all be part of that mechanism. We should have a streamlined process that does that.
400. **Mr Lyttle:** I have a very quick supplementary. There is an added challenge in that it appears that responsibility for children and young people is transferring to the Department of Education, so maybe not right now in this context —

401. **Ms Yiasouma:** I think that I will be back to talk to you about that.
402. **Mr Lyttle:** — but I would be interested to hear whether an overarching Executive strategy lies with the Department of Education. I just want to flag it up as an issue.
403. **Ms Yiasouma:** I think that it is an issue.
404. **The Chairperson (Mr Nesbitt):** Koulla is back with us, I think, towards the end of May.
405. **Mr Lyttle:** It has relevance to this, as a side-issue.
406. **Ms Yiasouma:** It does.
407. **The Chairperson (Mr Nesbitt):** You want another independent committee.
408. **Ms Yiasouma:** No, I do not.
409. **The Chairperson (Mr Nesbitt):** What independent element are you looking for beyond you?
410. **Ms Yiasouma:** I am saying that there should be an independent element. I would suggest that we are that independent element. One of the challenges associated with the NICCY legislation — I hope to be back to talk about that as well — is that we are not formally structured into some of these processes in the best way possible. While I am obliged, as I said, to give advice about how our government is meeting its obligations to its children, I am not knitted into some of those processes, nor is government obliged to respond to my advice. Our report on our children's strategy is such an important report: it provides an opportunity to knit in your independent mechanism. I am your mechanism. I am your key adviser, without being grandiose.
411. **The Chairperson (Mr Nesbitt):** Sure, and you are not the only commissioner set up under the devolved Administration whose advice Ministers do not have to take on board. They have to listen to your advice, but they do not have to react positively to it. I am looking at the Commissioner for Children and Young

People (Northern Ireland) Order 2003, which states:

"The Commissioner shall keep under review the adequacy and effectiveness of law and practice relating to the rights and welfare of children and young persons."

412. **That is core business to this, because this is law. You shall also:**

"keep under review the adequacy and effectiveness of services provided for children and young persons by relevant authorities",

413. which the Bill touches. This is your core work.
414. **Ms Yiasouma:** It is, but what the Act does not say is that government has to tell me what they will do with my advice. In that respect — there are other things that I have challenges with — it has one half; you need the other half as well.
415. **The Chairperson (Mr Nesbitt):** Define for me what you think the other half is.
416. **Ms Yiasouma:** Although in the world that I live in, I think that everyone should take my advice, I am not for one minute suggesting that government will say, "OK, Commissioner, you said it, so let's do it". I think that, in the same way as I talked about children and young people, if NICCY gives government advice, government should come and say, "We heard your advice, and this is what we are going to do with it. We will ignore it for these reasons or we will accept it". That is all that I suggest. I am not for a minute obliging government to take my advice, because there are other considerations.
417. **The Chairperson (Mr Nesbitt):** That second half is not something you legislate for.
418. **Ms Yiasouma:** No.
419. **The Chairperson (Mr Nesbitt):** That second half is down to your ability to make a persuasive, evidence-based argument to government.
420. **Ms Yiasouma:** I think that we can tease that out a little when we discuss how we are doing on age GFS.

421. **The Chairperson (Mr Nesbitt):** I do think that the Government absolutely should come back to you, when you give any evidence, and say, "This is what we think", whether they are shredding it or are implementing it or that full spectrum in between. Absolutely. Why else would we set up a commission?
422. **Ms Yiasouma:** I am determined to try to make it a two-way conversation.
423. **The Chairperson (Mr Nesbitt):** If you feel at times that you have been ignored, from a previous life, let me tell you that you are not alone.
424. **Mr Maskey:** What is your name again?
[Laughter.]
425. **The Chairperson (Mr Nesbitt):** We will move on to the GFS, if we may.
426. **Ms Yiasouma:** As you saw, I came in to hear the Ministers' evidence to you. I welcome very much what Minister McCann said about some of the frustrations of power-sharing. There was some discussion about whether NICCY was mildly disappointed or disappointed. For the record, I say that I am deeply and utterly disappointed. I am outraged, and you can choose any other emotive language you wish to describe how disappointed I am, that the majority of our children and young people are being ignored in this. Minister Bell talked about how, if we are going to get this legislation through by accelerated passage, we have to go with over 16 because of the complications with including children and young people and the exemptions required. I do not think that I accept that argument because all the advice was given to the Ministers by NICCY and the Equality Commission using Robin Allen's legal opinion as to how some of the challenges of the protective legislation that we have could be overcome. All that advice was given in June 2013. They have had plenty of time to construct a proper piece of legislation that takes into account the need to protect our children and young people.
427. There is only one other thing that I want to say, and I am happy to take some questions on it. I have yet to speak to

a parent or a grandparent who does not think that this is a good idea. A lot of you have said that nobody has said. We know from talking to any advice service for children and young people, including our own advice service, that the biggest protectors of children's rights are generally — not always — their parents and carers. They are just as furious as me if you ask them as a parent or grandparent what they think about the proposal to exclude our young people. I do not for a minute doubt that our older people need these protections, and it is ridiculous that we do not have legislation that protects everyone on the basis of age. We have fewer examples. It is fair to say that there is less age discrimination against our children and young people, but it still occurs. Minister Bell talked about creating a culture where we do not find it acceptable to discriminate against people on the basis of age. By introducing the legislation in its current format, we are creating a culture that says that it is OK to discriminate against our children and young people. I am very worried about what message that sends to our children particularly but everybody else as well.

428. That is off the top of my head and is a direct response to the evidence that I heard earlier. I am happy to take further questions, and we will, of course, be back before you once the consultation is out.
429. **The Chairperson (Mr Nesbitt):** Have you decided what you are going to do, given that you have options? You could say, "We've lost that battle; let the legislation go through". You could take Jennifer McCann's view that this is a staging post. You could look at the opportunity that may lie in consultation and the equality impact assessment.
430. **Ms Yiasouma:** I will take the Ministers at their word that it is a genuine consultation. We will do everything we can to ensure that the voice is loud and proud in the consultation that children and young people have to be included. I am mindful of the question that you asked about the equality impact assessment. I am challenged to see how a proper EQIA

will find anything other than saying, with regard to mitigation, “You have to include kids”. I am not an EQIA expert, but I am challenged to see how the response would be anything else if we take the Ministers at their word that it is a genuine consultation and if we hear what members say, which is that everyone who they have spoken to, including the older people’s sector, have been very clear that it should be an all-age discrimination. It is my intention to engage with the consultation; to continue to engage with other organisations in the children’s sector and the older people’s sector; to engage directly with children and young people, their parents and anybody else who wants to talk to me; and to ensure that our Government meet their obligation by having an all-age GFS.

431. **Mr Maskey:** I will not rehearse what I said earlier. I certainly encourage people to respond to the consultation. I took assurance from both Ministers, who said that the consultation will be a serious and genuine enterprise. I look forward to that. I have no doubt in my mind that the vast majority of people will want to see anti-discrimination legislation that includes everybody. I find the rationale, as some people have attempted to put it out, completely irrational; it is a throwback, but that is my opinion.
432. **Ms Yiasouma:** Mr Lyttle’s point was well made, and it has just been reiterated by Mr Maskey. I have yet to hear a reason why children should be excluded from the legislation. The fact that they do it across the water and over the border does not seem to be a good enough reason. Just because they do it does not mean that we have to. That is the question that I will be asking come May right through to July. I have seen no evidence.
433. **The Chairperson (Mr Nesbitt):** As you say, we will pick it up. Koulla Yiasouma and Alison Montgomery, thank you very much.

15 April 2015

Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Ms Megan Fearon
Mrs Brenda Hale
Mr Alex Maskey

Witnesses:

Ms Ann Godfrey *Public*

434. **The Chairperson (Mr Nesbitt):** Ann, you are very welcome. We appreciate the effort that you have put in to taking a look at the Bill and giving us your thoughts on the basis of your experience and evidence. Would you care to open with a few thoughts that might direct us in our questioning?
435. **Ms Ann Godfrey:** Thank you very much, Chairman. Like the commissioner, I very much support the fact that the Bill would require cooperation to achieve agreed outcomes. I started in this work in 1998, and the experience that I have had covers the period before we had agreed outcomes to work to and afterwards. As the commissioner explained, when the children's strategy came in, with the agreed outcomes in place, the children's services planning process, which I worked in, changed what it had been doing. We changed all our work so that, instead of looking at how services were operating, we looked at how the outcomes were being achieved. That process has taken a good number of years.
436. Where the six high-level outcomes in the children's strategy are concerned, I will say that one thing that I am very aware of is that that strategy was consulted on for, I think, about five years. There was a lot of input from children and young people in particular. There was a lot of discussion, particularly in the context of what you were saying, Mr Maskey, about how the outcomes can actually be measured. That led to the extensive set of indicators that are now in place for the measurement of the children's strategy. In the children's services planning process at agency level, where I worked, we used the same indicators.
437. As Ms Fearon said, these outcomes seem very general, but, in fact, when you break them down and ask, "Well, how are we going to measure that outcome?" — say, for children achieving educationally — you see that there are the obvious things like educational outcomes, such as how many A levels and GCSEs children are getting. However, there are other outcomes, such as how children are going into school in the first place. When added up, those indicators add to the outcomes. That goes to another of the questions that you have just been debating. It concerns how you have a reporting mechanism — I agree that that should be annual — that does not just become a report on process. My view is that that reporting mechanism should be, first and foremost, about how the indicators are progressing. From the work that is already in the reports, it will be clear who is responsible at agency and departmental level for increasing those indicators. That would mean that, if an annual report that was required was structured around how the indicators were progressing, it would not become too onerous.
438. You could look at the online children and young people's strategic partnerships' plans. They report annually and are based on the indicators. A lot of work has been going on for years and years now on measuring those indicators and being able to track them. Some of that work has been about encouraging agencies to share their information into the pot so that it can be used. I suppose that I am very much in favour of the link between the outcomes and the Bill as a whole. As the commissioner said, the outcomes come from the children's strategy. I am very much in favour of that link with the children's strategy.
439. As has been said, the duty to collaborate is essential, because it is core business. It makes the collaboration core business for every

- agency. As we know, anything that is a statutory duty for a statutory Department or agency is something that will get a lot of attention. I have sat around tables for years and years encouraging and helping people from different agencies to talk about how we can improve outcomes for children. There is a great deal of goodwill at chief executive and officer level in the agencies. It falls down when it gets into those discussions that go on in agencies when people say, "What we are going to prioritise? Will we prioritise this, or will we prioritise those things that are in our core business?"
440. That is my view on the importance of outcomes. I have made a couple of suggestions for amendments to the Bill. I know that there was a bit of discussion about the Bill not being clear enough. My view is that, as the Bill already requires cooperation at two levels, it should clearly state that. First, I suggest that there should be a change to the title paragraph to add that, as well the statutory duty to collaborate at departmental level, agencies would be required to discharge their functions and to cooperate with each another to contribute to the achievement of the same outcomes through amendment to the Children Order. That is there already, but that change would just make it clearer. There should also be a title saying that there should be a general duty at departmental level and a corresponding duty at agency level. Those should come through an amendment to the Children Order.
441. I suggest another amendment to schedule 2 to the Children Order. Schedule 2 and part 4 of the Children Order relate to children in need; that is, children who require services particularly from health and social care and education because they will not achieve their outcomes unless they have further services. The problem with that wording is that it does not allow collaboration on early intervention. I know that this and many other Committees have looked at the value of early intervention in the last few years. I know that that case has been won.
442. The practice in the Children and Young People's Strategic Partnership has been to focus on and to encourage agencies to collaborate for early intervention. I know that there has been some very good practice at departmental level on particular projects. My suggestion is to change the wording — I have given the wording in my written response — and, instead of looking at children in need, to look at the high-level outcomes to ensure that the work at agency level looks at improvement in the outcomes for children, rather than at particular groups of children.
443. The commissioner said a lot of what I would have been saying about children's services planning. I am quite happy to answer questions about the detail of that planning. I have suggested in my amendments that, in the list of statutory agencies, including the community and voluntary sector, that need to be involved in children's services planning, there should also be a requirement that children and young people be involved in the planning process. They should be not just consulted on it but involved, and they should look at it afterwards. There should be a requirement for that in the planning process.
444. I have personal experience of how that has worked at the agency level over the years. The transition of disabled children and young people to adulthood has been mentioned. That has been a huge issue in the lack of collaboration, particularly between health and education. The workload of the working group of the children and young people's strategic partnership on young disabled people transitioning to adulthood and its three-year plan has been determined by disabled children and young people's views on what would make a difference for them in their transition to adulthood. It is coming from those young people and is very different from what would have come up from agencies. So, it can be done. That is what I am saying.

445. My final thought is on sharing and pooling resources. My view on that is that it is essential. Even a duty to collaborate gets you so far, but at the end of the day what makes a difference is what agencies do with their money. The experience in GB and in other parts of the world where there is outcomes-based planning has been that resources also need to be pooled. The step that makes a difference to services on the ground is what you do with your money. Once it is possible to pool your resources — there are different ways of doing that — the people who are sitting round a table thinking about how to make a change to a particular aspect of children's lives can think about their resources together, rather than separately. That means that they do not get to the point where they say, "We all agree that in theory, but we have to go back to our agencies' boards to persuade our chief executive to give a little bit of money to a collaborative effort". That does not work.
446. **The Chairperson (Mr Nesbitt):** Thank you. You said that the strategy changed thinking and put the focus on to outcomes. Why could what the Bill intends to achieve not be achieved in the next iteration of the strategy?
447. **Ms Godfrey:** The strategy has been in place since 2005 and the children's services planning process started in 1998 and is still in process. After the children's strategy came into place, the experience was that it really was helpful, in that it put in place the outcomes, which everyone could then look at. Without the statutory duty to collaborate, however much goodwill there is — I am really aware that there is a lot at different levels in agencies — we are limited by the fact that each agency and Department does not have a duty to collaborate to deliver the outcomes. That then puts it further down the pecking order of importance and below everything that is required in each Department or agency.
448. **The Chairperson (Mr Nesbitt):** So, does that mean that the strategy is good but that this is better?
449. **Ms Godfrey:** No, the strategy is excellent. The strategy requires a statutory duty to collaborate. It needs that to allow it to succeed.
450. **The Chairperson (Mr Nesbitt):** Are there any examples, either here or elsewhere, of where pooling resources interdepartmentally has worked?
451. **Ms Godfrey:** There are quite a lot of examples from elsewhere. This has happened since I retired, but I know that there has been a major early intervention project here involving the pooling of resources across different Departments and that the Children and Young People's Strategic Partnership has been involved in that at agency level. I also know that that has been very helpful. There have been other examples, but they have been few. One that I was involved in was early intervention for the prevention of offending, and funding from DOJ and DHSSPS went into that. That has involved very successful projects across Northern Ireland to prevent young people getting involved in offending. Without a statutory duty to collaborate, the examples are few and far between.
452. **The Chairperson (Mr Nesbitt):** Where timing is concerned, would this work, or would it work to best effect only if you did it at the beginning of a comprehensive spending review or at the design stage of a Programme for Government?
453. **Ms Godfrey:** I think that it should be done as soon as possible, whether it fits with the timing of the comprehensive spending review. If the statutory duty to collaborate is enacted, and obviously statutory guidance has to come afterwards —
454. **The Chairperson (Mr Nesbitt):** If it is enacted at 9.00 am tomorrow, where will the budget come from?
455. **Ms Godfrey:** The budget is not there, but tomorrow morning those people with responsibility for deciding what happens, such as Ministers in Departments and chief executives in agencies, would start thinking, "This is part of core business

- in my agency or Department, so I will be thinking about this in a different way”.
456. **The Chairperson (Mr Nesbitt):** Yes, but they will also be thinking, “I do not have a budget to pool”.
457. **Ms Godfrey:** No, but Departments and agencies have existing budgets.
458. **The Chairperson (Mr Nesbitt):** But they do not have spare cash lying around.
459. **Ms Godfrey:** No, they do not have spare cash. I remember when the Children and Young People's Strategic Partnership was set up in 2012. It brought together the chief executives of all the relevant agencies, like the Health and Social Care Board and the education and library boards. It was very interesting that, at that first meeting, the chief executives welcomed the partnership. Given that it was 2012, they also said, “We have less in our budgets, which is why it is really important that we collaborate with other agencies. We have less money, rather than more.” So, it is about collaborating better with the existing resources; it is not about new resources.
460. **Mr Maskey:** Thank you, Ann, for your presentation. Looking at your profile, I can see that you are obviously an expert practitioner in this field, so your views are very important. If I heard you right, you were describing measuring outcomes through a matrix almost. Each component would have x number of points, which would then be totalled up. I am only paraphrasing, of course, but you might take a score out of 100 marks, depending on whether they have done well. Given your expertise, I am just trying to work out how ambitious we can really be with all this. It is like everything else, and I am not offering this as a reason for not doing it, because, as I said in the last session, I think that we have all agreed that this is an inherently good thing. We are trying to work out the nuts and bolts of it now to make it the best thing.
461. I heard you say that there is a lot of goodwill out there among a whole range of people. I know schoolteachers, principals and other public servants who, when they see things, try to join up the dots themselves. I have also seen examples in the criminal justice system of police thinking at times that they can work with young people to prevent reoffending and so on.
462. I was at a wake the other night for a young fellow who took his own life, God love him. He left a family behind. This is what happens. A lot of good work had been done, the lad had been in prison, and people would have thought up until a while ago that a reasonable job had been done with that young fellow. But problems re-emerged, and you had the worst case scenario. I do not want to deal with all that, but I am saying to myself that you would have measured that case six months ago and said that it was relatively successful, if you know what I mean. Unfortunately, it was not. Again, I stress that I am not making that as an argument not to do what we are discussing. So, given your experience, I am just trying to work out how ambitious we can be, or is the thing to do to enact this legislation so that there is an obligation to cooperate, which will be a good thing? What is your view on that?
463. **Ms Godfrey:** I think that it is a good thing because of what you said about the young man who took his life. Every report about children and young people dying — we have seen them all — whatever else it says, will say that the agencies did not collaborate. It has been going on for 30 years. So, this is critical to allowing proper collaboration at a senior level in agencies. A lot of what goes on at practitioner level, between the social worker and the teacher and the community and voluntary sector members in a group, is really good. Those people usually collaborate pretty well. If they can, they want to. When they go back to their agencies, those agencies fail to give them the time and support to do what are sometimes the really small things that make a real difference. That is absolutely critical.
464. We can be ambitious, because the measurement is a gradual process. It reminds me of the discussions that

were held during the consultation on the outcomes. People thought, “We cannot have such grand outcomes, because we were not going to get there”. The critical thing is to be able to measure progress against those indicators over time — over a year, two years or three years.

465. As well as the statistical indicators, it is always really important to take on board the views of children and young people and parents. They may say, “Some of your indicators are getting better, but in fact, we are finding that, on the ground, such and such is not getting better”. That is the intelligence that comes from people who know about their own life. It should be both. I think that we can be ambitious, because it is so critical. However, I think that we are not. Will we be content with the next report and the next and the next saying, “There was no collaboration”? Why not?
466. **The Chairperson (Mr Nesbitt):** Ann, thank you very much not just for your evidence today but for your written input. We note the suggested amendments. It seems that the Bill will come forward but with significant amendments. We thank you for your suggestions.

22 April 2015

Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
 Mr Chris Lyttle (Deputy Chairperson)
 Mr Alex Maskey
 Ms Bronwyn McGahan
 Mr David McIlveen
 Mr Jimmy Spratt

Witnesses:

Ms Sandra Allen	<i>College of Occupational Therapists NI</i>
Ms Maria Treacy	<i>Public</i>
Ms Rosaleen Dempsey	<i>Royal National Institute of Blind People</i>

467. **The Chairperson (Mr Nesbitt):** With us in the first session is Maria Treacy, who is a parent of a child with acquired brain injury. Sandra Allen represents the College of Occupational Therapists and is the lead in service delivery for children's occupational therapy. Rosaleen Dempsey is from the Royal National Institute of Blind People (RNIB) and manages children and youth services. Rosaleen, I believe that you have a visual impairment, and, if I am correct, you would like each member to clearly name themselves at the start of their question.

468. **Ms Rosaleen Dempsey (Royal National Institute of Blind People):** Yes, please.

469. **The Chairperson (Mr Nesbitt):** OK. For the sake of clarity, I am Mike Nesbitt, and I am speaking as Chair.

470. I understand that, for some of you, this is your first time in front of the Committee. I thank you for joining us. Please try to relax. We serve you, not the other way round. We are very pleased that you are engaging with us. We thank you for your written submissions, and we now look forward to hearing from you. One issue that stakeholders have raised consistently in this process is the potential benefit the Bill will have for children and young

people with additional health and/or educational needs. We are very keen to hear your views. I ask you to, in order, make short opening statements. Maria, would you care to go first?

471. **Ms Maria Treacy:** I am Maria Treacy, and I thank the OFMDFM Committee for giving me the opportunity to speak here today. Acquired brain injury is very much unknown and is, therefore, misunderstood. In my experience and that of the parents I have been in company with, children's services have been lacking to date, and we feel that the Bill has the potential to change that.

472. **Ms Sandra Allen (College of Occupational Therapists NI):** Thank you very much, Chair. I thank you for inviting the College of Occupational Therapists to give evidence today. The college's key focus and key message is on getting cooperation from the Bill. In occupational therapy (OT) services in Northern Ireland, we have a real and effective example of how the suggested level of cooperation can work on a day-to-day clinical level. I am referring to the roll-out of the housing toolkit. Cross-departmental development has benefited clinicians and service users and has delivered more equity in provision. The college wants to see the same level of cooperation replicated in children's services.

473. There are four specific areas that the college believes must be addressed. The first is strategic workforce planning at the level of service delivery. From our perspective, there are significant gaps in neonatal care, early years intervention, learning disability and the justice services. Occupational therapy provision within Education is one example of where the impact of that lack of planning is very evident. In that context, occupational therapy has very often been provided on the basis of long-standing goodwill arrangements, and that has resulted in fluctuations in the availability of therapy and accommodation in schools. Special schools, where, I understand, there is no cap on pupil numbers, are a particular concern for occupational

- therapists, who are expected to meet the growing demand. That needs to change. Secondly, our experience indicates that times of transition create anxiety and, in many cases, crisis in the lives of the families that we work with. They experience significant changes in professional personnel, service systems and support, all of which leads to greater uncertainty for the child and their family. The third issue is integrated service level agreements. In particular, we look to the present arrangements for the management of equipment. The lack of integrated planning and provision results in a costly resource being inefficiently used. The lack of such agreements also affects children's transport arrangements, where unclear accountability creates confusion and anxiety for service users, families and schools. The last point is on demographic changes in Northern Ireland. More children with complex needs are surviving, which is a very positive outcome. They will, however, need a lifetime of services, and that seriously needs to be factored in at many levels.
474. The college wants the Bill to result in Departments cooperating so that they deliver well-coordinated children's services effectively. Those services must be monitored and give clear lines of responsibility. They must focus on the child and caregivers and their needs, rather than on departmental boundaries and budgets. We want cooperation for all children's care, from the prenatal stage to transition, and we want Departments to work in an integrated way, with the child and their caregivers at the centre.
475. **Ms Dempsey:** First, I apologise that our paper was slightly late. I will refer to it in my presentation. I think that it will also be available for Committee members.
476. We appreciate the OFMDFM Committee inviting us to speak about the Bill. We are very pleased to be giving evidence today. RNIB Northern Ireland works to support children and adults with sight loss to enable them to lead full and independent lives. We have 72 staff and 272 volunteers supporting our work.
- The estimated total of blind and partially sighted children aged from nought-to-18 in Northern Ireland is 1,708. That is from the Northern Ireland census. RNIB supports 800 of those children and young people and their families across Northern Ireland through family support transition services and youth services. Our vision is that children and young people will have the same rights, responsibilities and opportunities as their sighted peers.
477. Looking at the Bill, I will say that RNIB concurs that integrated working in the development of children's services in Northern Ireland is paramount to ensuring both effectiveness in practice and better outcomes. While many services are doing great work with children, sometimes they are not working in an interconnected way. In a case study, I spoke to the parent of a child who has sight loss and complex additional needs. Her words were:
- "I feel that it is my job as a parent to keep each of these professions/services informed about what the other is doing as on the whole these services are not connected in a way in which they can freely pass information to each other".*
478. I think that we would all agree that it should not be the parents' role to fill in the blanks when services do not work in a joined-up way.
479. The RNIB Northern Ireland 'Looking Ahead' booklet is an example of when services have worked well together. The booklet was funded by the Children and Young People's Strategic Partnership and the Northern Outcomes Group. We brought together statutory and voluntary agencies to contribute to that booklet. Parents have expressed their happiness, I suppose, that they have something that will give them more of an idea how to navigate services for their children.
480. We support clause 1, which concerns the duty on Departments to cooperate. We add that it would be very good if they also worked with voluntary agencies. We would also welcome a standard referral process for families, even within the different Departments,

such as Health and Education, so that there would be a system that is easier for parents and families to navigate when they are trying to get services for their child. While it is fundamental that Departments work together to further achieve the high-level outcomes from the children's strategy, we also think that it is important that each Department works with voluntary organisations in our services. The implementation of the Bill should enhance the Children and Young People's Strategic Partnership's work and encourage other Departments to become involved. For example, the Department for Employment and Learning could become involved where young people are concerned.

481. On clause 3, in the context of the economic climate, RNIB supports the pooling of resources in times of economic austerity. However, we express concern about the cuts to statutory and voluntary services for children and young people with sight loss. We stress the need to protect existing services and the importance of early intervention for children and young people and their families. There is research from Queen's University in 2014 to indicate the existence of a relationship between disability and poverty. RNIB feels that, to plan services, it is critical for Departments to collect data on sight loss and other disabilities. We note that no data are collected on premature babies. We feel that such data would be very useful, as that situation carries the risk of sight loss and other disabilities. We also note that the registration and certification of sight loss is a voluntary process, and on several occasions it has not been communicated to parents how useful that can be in getting support and vital services for their children. We have some research from RNIB carried out in England in 2015 that reflects some of that.
482. We support clause 4, which amends the Children Order to reflect the Bill. We also support clause 5. We propose that there be a working group to implement the Children's Services Co-operation Bill, and we are keen to be involved in that. We think that voluntary and community

organisations have a significant role to play. We are used to outcomes-based accountability, and we are also very used to being flexible and delivering services in times of austerity and change.

483. To conclude, RNIB thanks the Committee once again for inviting us to give evidence today. We know that the will exists to continually build and improve on services for children with sight loss and other disabilities and their families. We should bear in mind the wider legislation, such as the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities, for better cooperation in future services. Our children have a right to the best services available, and that can be done only through multidisciplinary working. Children with sight loss and their families can face social exclusion and isolation, leading to an adverse effect on their mental health and confidence levels. If statutory and voluntary services can work together to intervene at the earliest stages, we can support those children and families and avoid the economic and, more importantly, the human costs of not realising their potential.
484. **The Chairperson (Mr Nesbitt):** Thank you very much indeed. I have some general points, as well as one that I think Sandra raised on the difficulty of transition points for young people who have additional needs, whether they are going from primary to secondary education, secondary to tertiary, or out of education and into employment. Does the Bill ease those difficulties, in your view?
485. **Ms Allen:** I think that it could. At the minute, that is a big problem, even within the health service, because there are children's services and adult services. The professional teams will change, as will the service. Occupational therapists contribute to a smooth transition for children. We help to support those with special educational needs (SEN) at the trigger points. Transition is a key time for children and their families. It is a very stressful time, in that they are not sure what route they are going down.

486. **The Chairperson (Mr Nesbitt):** So, what is the Bill's potential?

487. **Ms Allen:** It would encourage working with Education, say, from when the child moves into school from home in the first place. We would work together, and the Bill would encourage collaboration with Education to get the child into school. As occupational therapists, we access studies in a school if it needs any adaptations completed before a child with physical disabilities goes in. We could build that in, which would encourage such working. It would be the same from primary to post-primary. The occupational therapist would liaise with the secondary school, and, if there was a statutory obligation to support that work, it would mean that it would be smoother.

488. **The Chairperson (Mr Nesbitt):** This is a question for all three of you; any of you should feel free to join in. As Sandra says, the Bill is about encouraging collaboration, and the point is to make it a statutory duty. However, there is no sanction for any individual, Department or agency that does not comply with the Bill.

489. **Ms Treacy:** Exactly. The regional acquired brain injury implementation group (RABIIG) strategy for children with acquired brain injury was introduced in 2008 and 2010. That was a missed opportunity. The strategy relied on the importance of the cohesiveness of the Department of Education working with Health, but that was not reciprocated. From a parent's perspective, it has not been fulfilled. A very good multidisciplinary team came out of it, that is, the children's acquired brain injury consultation service. That team, fortunately, is surviving, but it is doing so on very little funding from the strategy. However, it is oversubscribed with requests from the Department of Education, which requires it but does not fund it. We feel that there has been a missed opportunity, and the Regulation and Quality Improvement Authority (RQIA) has taken the opportunity this year to review the strategy to see whether it has been implemented. At the meeting I attended from listening to parents from all trusts in Northern

Ireland, it was so obvious that children and parents have been let down and that there is no pathway. The needs of children from nought-to-23 are not being met. We have to wait for the report. Will it make changes? I do not know what powers RQIA has. Speaking for my child, I cannot allow governments to make strategies that are not enforced. They are not reciprocating on the need to work with each other, although they say that they will. I can give you examples.

490. I hope that the Bill will ensure that Departments do more than pool financial resources. In the model we have in Northern Ireland, the children's acquired brain injury consultation service team is made up of three members, all from the Department of Health. There is a clinical psychologist, an OT and a speech therapist. When I visited Cambridge in England, I found that a similar team has been set up with a peripatetic teacher. That practical link with education makes so much sense when you come to do statementing and transitioning.

491. I remind the Committee, too, that we do not have a rehabilitation centre for children here in Northern Ireland. We have five adult centres, but none for children. I am not going to question whether that is on a par with England or anywhere else; I am just saying that that is the problem at the moment. We really need to look at how we make school the centre for rehabilitation for these children. Children with acquired brain injury are left severely disabled. The Child Brain Injury Trust has been a fabulous charity and has given the parents I know a lot of support. Its numbers show that up to 75% of children return to a mainstream setting. As parents, back in November 2013, we came to Stormont and spoke to Mr O'Dowd. He was aware of only 24 children with acquired brain injury in the whole of Northern Ireland. It was just unthinkable. How does the Health Department have large numbers of children with acquired brain injury, but the Department of Education does not know they exist? It has transpired

- that the Departments have different coding systems that are not linked. How does the Education Department have a SEN process that does not identify all children with acquired brain injury? It was even more worrying for parents to find out that we do not train our teachers on acquired brain injury. As parents, we have had to challenge the Department of Education to find out that there is no neurodevelopment training on the syllabus for teachers either before they become teachers or while they are in service.
492. We are at the point of wondering who we go to next. Do we go to DEL and ask it to change the syllabus for teachers? There are four colleges. Not one of them includes an element on brain development or impairment on their syllabus for teachers. So, a parent's role has become one where they knock on the door of the Health Department, the Department of Education, DEL and the Department of Justice. Unfortunately, the actual condition is misunderstood because its incidence and prevalence are not recorded properly. We do not have a fair idea of how many numbers are out there. We also do not have enough public awareness. Educational psychologists and teachers would not be able to identify a child with acquired brain injury. Again, when we talk about the school system, we are talking about those aged from six to 16, depending on the situation. There is no early intervention. For those who may not know, acquired brain injury includes traumatic brain injury and all other forms of injury. It includes the child who has been diagnosed with cancer and gets chemotherapy; the child who has had swine flu; the child who has had an electric shock; and the child who has had hypoxia during his life. The definition is misunderstood, and the numbers are misunderstood. The support is not out there. Departments are not working together. At the moment in Northern Ireland, we have one model of a multidisciplinary team made up entirely of health professionals. I am asking that the Bill ensure that we have at least interdepartmental staff on that team to bring expertise together.
493. **The Chairperson (Mr Nesbitt):** Maria, that is a very powerful argument for greater cooperation. Thank you.
494. **Ms Treacy:** Thank you.
495. **The Chairperson (Mr Nesbitt):** First of all, I accept what you are saying about our tending to approach this through a purely medical model, while you are arguing for a more social and holistic model. To come back to the question, presuming that, like you, the parents you know, work with and share with see the potential for the Bill, what impact does the fact that there is no sanction for any individual, agency or Department that does not fulfil the statutory duty placed upon it have on those parents?
496. **Ms Treacy:** Unfortunately, you are speaking of the parents who know that their children have acquired brain injury. There is a large population of parents out there who do not even know that. Their children have been undiagnosed or misdiagnosed.
497. **The Chairperson (Mr Nesbitt):** Sorry. Just to be specific, if the Bill goes into law as it is currently drafted, there is no sanction if Departments — say, the Health Department and the Department of Education — do not get their act together so that they can share information.
498. **Ms Treacy:** Children's potential will not be met.
499. **The Chairperson (Mr Nesbitt):** Should there be a sanction? Should there be something in the Bill that says, "If you do not cooperate, there will be repercussions for your Department"?
500. **Ms Treacy:** The go-softly, go-easy attitude has not worked in the past. We have to wait on the RQIA report, but if it has not worked in the past, obviously we need a robust mechanism in place that calls these people to account. I know that it is moving sideways. Children with acquired brain injury may actually incur that injury at an early stage of their life but it is not

- identified at the time. That deficit will show up later in those children's life, way past school age. They may end up having behaviours that, unfortunately, gain them a criminal record. I have pointed out the social aspect of the Bill, but at the moment, while, we look for the inclusion of the social aspect, the medical model may not work because brain injury is permanent. It is a very negative place. That is where we are sitting at the moment. Parents with children with acquired brain injury would like us to move to where we are on a par with all children and to a place where there is a robust mechanism to ensure that all their potential is met and not overlooked, it is not petty and we share resources.
501. **The Chairperson (Mr Nesbitt):** I have one more issue to ask about before I open it up to members. I am not necessarily looking for a long answer to this, but the legislation is going to use the definition of "young people" that the Commissioner for Children and Young People has in the 2003 Order. In other words, people who are under 18, under 21, in care or with a disability. Is anybody not content with that?
502. **Ms Allen:** That is fine.
503. **The Chairperson (Mr Nesbitt):** Rosaleen, are you fine with it?
504. **Ms Dempsey:** Yes, we are fine with it.
505. **The Chairperson (Mr Nesbitt):** Maria, are you fine with it?
506. **Ms Treacy:** Definitely, yes.
507. **Mr Maskey:** I am Alex Maskey. Thank you for your presentations. They have been very compelling, I have to say. I would like to separate this out a wee bit. I think that all the parties around the table have made it clear that they are supportive of the general principles of the Bill, so it is our job to tease out how it can be most effective.
508. The Chair just mentioned the notion of sanctions not being in the Bill, but it is on the record that parties questioned other elements of it, such as how we make the Bill. If we are all supportive of the Bill, its intentions and potential, how do we turn that potential into a reality and into more effectiveness? That is what we have to tease out. So, we are looking clearly at some amendments to the Bill or to different clauses on its clear purpose and the outcomes we are expecting.
509. Maria, you clearly showed the need for a joined-up approach. Elements of what you said mean that some individual Departments perhaps need to do their work differently or better than they are currently. In fairness, you said that you would wait for the RQIA report.
510. I was interested in the point that Rosaleen made about a working group. If you have the strategic partnership in place, and the Bill is then put in place, why would we need an additional working group? You made that proposal.
511. **Ms Dempsey:** It is really just to share expertise between the statutory and voluntary sectors, specifically at the design phase of the Bill. It would not necessarily be an ongoing thing; it could even be at the beginning stages to pull in any areas of expertise. If you are talking about how we can put the Bill in place and make sure that Departments are working together to share resources, we in the voluntary sector have a lot of experience in that area that we could bring to bear in a group like that. I see it probably more as a shorter-term than a long-term thing. Perhaps I was not clear enough on that in my evidence.
512. **Mr Maskey:** Thank you for that. That is clear.
513. **Mr D McIlveen:** For the record, I am David McIlveen. I agree with my colleague entirely. As far as the Bill's objectives are concerned, we are entirely supportive of where you want to get to, and we have certainly made the sponsor of the Bill aware of that.
514. The problem that we have as legislators is that there is a very fine line between good and bad legislation. If the Bill was the end result, we would probably be on the right side of a good piece of legislation. However, we do not live in

a perfect world. I do not want to be the prophet of doom, but I suspect that some Departments will look at this first draft and have some concerns about how they could practically implement some of the things that are being impressed on them. It will be only a matter of time before there is an amendment that has the Department of Justice, or the Department of Health or the Department of Education clearly at its source. We could very well find ourselves in a position six months down the line — I am conscious that we have some friends from the Law Centre who may want to pick up on some of these points — where we have a Bill that has been diluted beyond recognition. If that is then the final Bill that gets through the Assembly, we will have done you a very great disservice, in that we will have implemented bad legislation that has brought more confusion than clarity to the issue. In that context, I suppose that what I would like to ask you — as, obviously, an interested group that knows the sector inside out and what the needs are — is what could be achieved outside the legislative route that would bring about the same outcomes. What I am trying to get at is whether guidelines would be a consideration. If the Department were to issue guidelines which compelled other Departments to work together — “This is the mode of practice that needs to be used in order to deliver the outcomes that families of children and young people are expecting” — that would circumvent the legislative route and take away the risk of something disastrous happening.

515. As I say, I do not want to sound as though I am writing this Bill off before it even comes to its final stages, but I suppose that all of us around the table here on the legislative side have been doing this long enough now to kind of know how it all plays out. My concern would be that we find a Bill that will ultimately completely dispel your aspirations. That would be a travesty. It would be a huge missed opportunity, and one that must be avoided at all possible costs. How do you respond to that? How would you feel if you were given the

choice between a bad piece of legislation and improved guidelines? What would your choice ultimately be if it came down to that thin edge of the wedge?

516. **Ms Allen:** Guidelines have their place. There are examples of where they work. Within the education system, there is the statementing process, which is a legislative process, and the health service, allied health professionals and nurses feed into that. We follow guidelines to feed into that. There were no resources that came with that: it is additional work for us. The system works; it is just not being backfilled with the funding and resources to accommodate it. Certainly, guidelines do work, but it is about the way they would be implemented and resourced.
517. **Ms Treacy:** The Children and Young People's Strategic Partnership is an example of agencies cooperating well with each other. It was based on goodwill. If those guidelines worked or had been working, the parents of children with acquired brain injury would be saying that they felt that their children's needs were being met. We are here today saying that they are not being met. There is something terribly wrong. Yes, there have been educational reforms. Now, there is this Bill. There has to be an overarching opportunity to manage this in a way that is implemented with the most effective and efficient use of resources. Unfortunately, I am hearing that service users are saying that service providers are cooperating. That does not materialise. You have only to go through the legislative statementing process; it is medical advice with educational advice. It does not come shared. Recently, I was told that if you get both literacy support from education and speech therapy from your local health or child development clinic, your child is over-resourced. It seems that what they are trying to do is not to meet the child's needs, but to run away from responsibility. From my experience, it is not working. On paper, theoretically, it is. I do not know what guidelines there would be or who would articulate them. How would they be

- implemented any better than this Bill?
If you can get guidelines and we do not have to wait for this Bill, please go for it. That would resolve some of the issues that I have today.
518. **Ms Allen:** I certainly agree with Maria. There are times when they do not work, too.
519. **Ms Treacy:** Yes, unfortunately.
520. **The Chairperson (Mr Nesbitt):** Rosaleen, did you want to comment?
521. **Ms Dempsey:** I agree with what was said. There are guidelines in place, but they have not necessarily led to multidisciplinary working at all levels. In the case study that I referred to, for example, a parent talked about a teacher of the visually impaired who was not invited to the child development clinic meeting about her child. In England and other parts of the UK, that is a standard good-practice model that would often happen. My question is why, with our guidelines about working together, that is not happening right now. If there were a strengthening of guidelines, I would support it. It could help the process.
522. **Mr D McIlveen:** It is a really important question, and we need to get an answer to it as well. If there are guidelines, why have they not been working? That is something that we could do further work on.
523. **Ms McGahan:** Thank you for your presentation. My name is Bronwyn McGahan. I am not sure whether you are aware of the current inquiry by the Employment and Learning Committee into the provision of special educational needs. It has been going on for the past several months. We have done extensive engagements with parents. We are well aware of some of the issues that are being flagged up. In terms of transition processes, I do not believe that this Bill will sort out the problem. Even if you had a smooth and excellent transition process, the bottom line is that there is nowhere for those kids to go. As a representative of Fermanagh and South Tyrone, I am continuously experiencing this issue. We need more provision at FE colleges. For example, we engaged with a parent whose severely autistic child was learning to tile. It was not appropriate for her. That is something that we are currently looking into.
524. Transport is an issue as well in rural areas. For example, an autistic child who gets transport to the FE college needs to be met by someone to take her to the classroom. That does not exist either, which means that a parent has to drive 10 or 15 miles to the local college. I have also been involved in meetings locally with Health. The issue that is continuously raised by parents is education. The response is, "We don't have a statutory duty to deal with education." That is what you are dealing with.
525. You mentioned a very important point regarding the lack of information. No information regarding the number of kids with disabilities and the type of disabilities is recorded. Maybe it should be a legislative requirement. When you have that information, it will have to be resourced, or resources will have to be pulled in the right direction. Did you make a submission to that inquiry? I find some of your stuff to be very useful.
526. **Ms Treacy:** I would have liked to, but when I found out about it, it had already closed. We would be willing, and we wrote to the Department of Education saying that we would offer ourselves to Frances Curran and that we would provide support in any way that we could. A new audit of acquired brain injury and educational psychology is to take place this year, and we have offered to input into that. If you look at the Department of Education's reforms, brain injury does not feature at the moment with one specific charity representing it.
527. **Ms McGahan:** Your presentations are very useful. It is a pity that that Committee has not had sight of those. It definitely would help to feed in to formulating recommendations. It is something that I will raise with the Chair of the Committee, Robin Swann. Some of this stuff is very important.

528. **The Chairperson (Mr Nesbitt):** Bronwyn, if you are agreeable, once we have the transcript from Hansard, we will send it to Robin and the Employment and Learning Committee for their attention. I think that we all agree; you are right on that point.
529. **Mr Spratt:** Thank you for the presentation. Jimmy Spratt is my name. In terms of the bureaucratic process, there is a danger of creating another level of a reporting process. I assume that one of the outcomes that all of us around the table want to see is delivery that will really impact on the lives of children and young people as opposed to creating another bureaucratic nightmare where we have fat-cat lawyers regularly at the courts for judicial reviews of this, that and the other thing. Let us face it: that is taking money away from where it is needed, whether for equipment or for the adaptations that you make for various disabilities. It is very simple to talk about pooling resources, but you are a practitioner. How do you pool resources from various Departments and ensure accountability without you having to sit at your desk for an extra x hours writing reports that go to some other desk, so that they are passed from desk to desk like squares on a chess board? There is a danger of creating that, or another quango. Really, at the end of the day, the outcome would not be for the important people, the children and the young people. How do we as legislators get around that and make sure that nightmare is not foisted on you as the folk who deliver?
530. **Ms Allen:** You make a very valid point. The occupational therapist will assess and make a recommendation on equipment for special schools; however, it is the Department of Education or the school itself that will purchase the equipment. They then have responsibility for maintenance, recycling, infection control and everything else, because they own the equipment, and that has caused a lot of difficulties. It means that the equipment is not recycled in the way it should be, which is inefficient from a financial point of view. It would be good if there was some way of bringing that into this. One idea that we had was for a children's Department, overarching a number of Departments, such as Education and Health.
531. **Mr Spratt:** We are trying to reduce the number of Departments, remember. [Laughter.]
532. **Ms Allen:** It would be accountable and answerable, and I do not know if services would be —
533. **Mr Spratt:** We do not want to create more jobs just for the sake of it, because it takes money to pay for all that, and it is not getting to the area that needs it. I am just interested to hear what you feel about this. Most of us around the table agree that money could be much better spent from the centre for somebody with disability or who requires an educational process or whatever. However, each Department has its own resources. There needs to be accountability in all of this, because we all know what has happened to accountability in the past. We must be accountable for money from the public purse.
534. **Ms Allen:** Another issue is the number of therapy hours that go into schools. There is no statutory obligation for that, so it is a variable feast where the demand is.
535. **Mr Spratt:** So you oppose creating another level of bureaucracy, but you are saying very clearly that we need to get the resources to the coalface, where they are needed.
536. **Ms Allen:** Definitely, the resources are needed at the coalface.
537. **The Chairperson (Mr Nesbitt):** Thanks very much to all of you, folks. We are aware that all Governments, not just the Executive here, traditionally work vertically in silos, with health, education and social development. Yet you only really make an impact on people's lives when you come through horizontally and get people working together. Your testimony has struck hope, and I thank you for it; it will impact on our thinking as we move this Bill forward.

538. **Ms Allen:** Our housing toolkit, which I referred to, was done with DSD and the Department of Health. Within that, there was an appointment. Pádraig O'Brien is the man's name. He has an OT background and training, and his post is jointly funded by DSD and the Department of Health. He was there to channel that.
539. **The Chairperson (Mr Nesbitt):** Sandra, thank you very much. Rosaleen and Maria, thank you very much.

22 April 2015

Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
 Mr Chris Lyttle (Deputy Chairperson)
 Mr Alex Maskey
 Ms Bronwyn McGahan
 Mr David McIlveen
 Mr Jimmy Spratt

Witnesses:

Ms Ellen Finlay	<i>Children in Northern Ireland</i>
Ms Lisa McElherron	<i>Northern Ireland Council for Voluntary Action</i>
Mr Colin Reid	<i>NSPCC</i>
Mr Alan Herron	<i>PlayBoard NI</i>

540. **The Chairperson (Mr Nesbitt):** I invite to the table Ellen Finlay from Children in Northern Ireland; Ellen is the policy officer. Colin Reid is the policy officer and public affairs manager for the NSPCC. Lisa McElherron is the policy manager for the Northern Ireland Council for Voluntary Action (NICVA), and Alan Herron is the director of service delivery and development for PlayBoard NI. Ellen, I begin by thanking you for pulling this panel together for us. We have your written submissions. I do not want to deny you the opportunity to make short opening comments, but I ask you to be two minutes, tops. I will put the clock on it.

541. **Ms Ellen Finlay (Children in Northern Ireland):** Thank you, Chair, for inviting us today. I would like to place on record Children in Northern Ireland's support for the children's Bill. In addition to our written evidence, I will make a few points before handing over to my colleagues, who will provide you with examples of why we need the Bill.

542. We believe that the children's Bill should be viewed in three parts. First, it should place the children's strategy at the heart of government. Secondly, it should ensure a delivery mechanism for achieving the outcomes of the children's

strategy. That is the doing part, which is about cooperation and pooling budgets. Thirdly, it should monitor transparency and accountability. That is the reporting part. We have three things to suggest to improve the Bill further. The first is, at the start of the Bill, to have a clear narrative as to the outline of the essence of the Bill and to break down what is needed, not just at departmental level but at agency level. We also think that there needs to be guidance notes and a memorandum of understanding for Departments and agencies so that everybody knows what their statutory obligations are and how to carry those out. Finally, we would like to see a yearly reporting cycle. We would go further on the yearly reporting cycle. We think that it should be laid before and debated by the Assembly so that we can understand what is happening in terms of the outcomes. We believe that that is needed to ensure accountability and transparency.

543. **Mr Colin Reid (NSPCC):** Thank you very much, Chair. I will be two minutes. The NSPCC is very supportive of the Bill. It takes a fairly light touch to addressing a gap in cooperation and coordination between Departments. Clause 4 develops the children's services planning arrangements and modernises the regulations in a system that is well embedded already. Importantly, it should not, in our view, cost anything significant for Departments or organisations to implement and should make for better and more cost-effective policymaking. Government policymaking for children is very important. It often sets the strategic context for operational delivery for us all. The NSPCC's observation is that, the more Departments are involved in policymaking, the more difficult it can become to make progress. There are some illustrative areas — for example, a big one and a little one. We have found it difficult to make progress on Internet safety, which impacts all our

- children. There are small areas such as female genital mutilation. That problem has been identified in other parts of the UK and is probably a small problem here, but nonetheless it needs a coordinated approach across a range of Departments. That is not to say that work has not been done in both those areas by Departments — quite the opposite — but coordination and leadership could perhaps be better at times.
544. We have two suggestions in relation to clause 1. Ellen mentioned some sort of statutory guidance and we echo that, to ensure that Departments do not just do what they have been doing already and that there is some structure to how we do that. We would also like to see the creation of a non-governmental organisation (NGO) or forum where agencies can have a discussion with Departments. One was formed in the early years of the children's strategy and we found it a very useful and beneficial body for us all to look at action plans and debate issues with government. That might very well help. We hope that this legislation will make a difference to policy development for children.
545. **Ms Lisa McElherron (Northern Ireland Council for Voluntary Action):** Obviously, NICVA is not a children's organisation, so I have a slightly different perspective from that of my colleagues. I will take a wider view of why we support the Bill and the potential that we see in it. You will all know that NICVA has been doing a lot of work on public sector spending and the implications of budget cuts for voluntary and community sector organisations and the people, families and communities whom they work with. At the end of last year, for our sins, we arranged for 170 people from the voluntary and community sector to meet 80 officials to discuss the 2015-16 Budget. The key learning from that meeting and our subsequent analysis of the spending plans and cuts plans — there is lots of learning — resulted in three things that I wanted to share with you that are particularly relevant to what we are talking about today.
546. The first is that there is very little sense across Departments of the cumulative impact of the cuts that are happening. Very little attention has been paid to the cuts that are being made in terms of the impact on the services that are being lost, the types of people who are being adversely impacted and the Programme for Government targets in terms of cutting things that we are going to need to help us to deliver those targets now and in future.
547. The third thing, and probably the most worrying, is that early intervention and prevention work seems to have been hit the hardest because it tends to be the kind of work that is delivered by the voluntary and community sector. We heard from RNIB and other colleagues earlier about the importance of early intervention and prevention work. Separately from that, NICVA has carried out a cuts watch survey, and we have detailed information from only 77 organisations that have faced cuts recently — cuts that have already happened. That very small sample of just 77 organisations has given us information on more than £5 million of cuts. What is relevant to your discussion today is that the overwhelming majority of those are organisations that are delivering services to children and young people. Those are the services that are being impacted.
548. **The Chairperson (Mr Nesbitt):** That is two minutes, Lisa.
549. **Ms McElherron:** OK. I will just finish by saying that it is very clear to us that in a situation of tough and constrained public finances, a Bill such as this is really desirable for two very practical reasons; it encourages better use of scarce resources and it will provide that overview that we think has been missing so far in the services for children and young people that are being cut.
550. **Mr Alan Herron (PlayBoard NI):** I thank the Committee for the opportunity to come along today. Like our colleagues, we support the Bill. As you know, play is central to children's lives as it provides development opportunities

- across a range of areas including health, education, skills and learning. From a policy perspective, the planning and decision-making processes that have an impact on play span across all Departments. For us, that is the reason why this is such a critical Bill.
551. With regard to the duty to cooperate, I want to give a couple of examples of how we feel the Bill could support and enhance the delivery of services. I am sure we would all agree that cooperation should be the cornerstone of the planning and delivery of children's services. However, in our experience, cooperation between Departments can often appear to happen by accident rather than design and depends on external factors and relationships. One recent example relates to the play and leisure strand of Delivering Social Change. In January's monitoring round there was an allocation by OFMDFM to the Environment Agency to develop natural play in Crawfordsburn. In this case, the connection between Departments came about not as a result of direct cooperation aimed at delivering an implementation plan but as an offshoot of engagements that our organisation had with DOE. That led us to make a connection between the two Departments resulting in support for the initiative, meeting both play and leisure and wider departmental objectives.
552. A further example historically of where the duty to cooperate would have been very beneficial relates to the play and leisure implementation plan. As you will be aware, it was signed off by the Executive in 2011 after quite an intensive period of cross-sectoral and cross-departmental cooperation. Our assessment of the actual impact shows that the implementation has fallen significantly short, due in part to a lack of subsequent cooperation at the delivery stage between Departments and agencies. We feel that a duty to cooperate would have supported and enhanced the situation. It is our view that placing cooperation on a statutory footing would ensure that effective relationships are developed and maintained in the interests of outcomes for children as opposed to being led by external factors, relationships and, at times, chance.
553. **The Chairperson (Mr Nesbitt):** That is two minutes, Alan.
554. **Mr Herron:** In closing, I will highlight two areas. We strongly endorse the adoption of an outcomes-based focus across government, which would help to ensure that Departments collectively contribute to overarching outcomes as opposed to individual departmental objectives. Furthermore, with regard to the reporting, we strongly advocate a review of the impact arising from cooperation on an annual basis leading to a more comprehensive three-year report against the outcomes.
555. **The Chairperson (Mr Nesbitt):** Thank you all very much indeed. Ellen, you talked about a clear narrative being absent from the Bill at the moment. Articulate a clear narrative for me, please.
556. **Ms Finlay:** I was thinking about the essence of the Bill in that it is about cooperation and delivering on the children's strategy and on outcomes. The other aspect was the guidance and the memorandum of understanding. A lot of discussion is still needed with Departments as to how that could be implemented.
557. **The Chairperson (Mr Nesbitt):** There seems to be a common theme in the submissions, which is that you are looking for statutory guidance to be issued. What is the rationale behind that?
558. **Ms Finlay:** It is probably because, at the moment, we are relying on goodwill in Departments and agencies. If there were to be statutory guidance, people will do what they are supposed to do because it is in statute.
559. **The Chairperson (Mr Nesbitt):** Colin, did I mishear you or did you say that you want some sort of new body — an NGO or whatever — to help to coordinate?
560. **Mr Reid:** We are not talking about creating a whole lot of new structures,

- but, in implementing the Bill's requirements, it would be helpful to have some dialogue between the NGO sector and government about children's policy development. It existed in the past in the previous children's strategy and OFMDFM's children's unit, and we found it very beneficial, as did officials, to share experiences and talk through issues to try to take the debate forward. We would like something like that in this Bill as well.
561. **The Chairperson (Mr Nesbitt):** What about the Commissioner for Children and Young People, who has a statutory duty to review services?
562. **Mr Reid:** She plays an important role in governance, to echo David's point. No doubt the Children's Commissioner will play an important role in benchmarking, overseeing and holding Departments to account. However, we are talking about the delivery of a range of services and policy that various children's organisations have and the need for regular dialogue with government.
563. **The Chairperson (Mr Nesbitt):** What about the Children and Young People's Strategic Partnership? Does it not perform that sort of function?
564. **Mr Reid:** It does at that level. That partnership is at an operational level, which is different to a strategic and policy level in government. That is also reflected in the legislation. We think that those arrangements work well, and we have those dialogues, but the challenge is to ensure that it happens at a governmental level in a more effective way.
565. **Mr Lyttle:** May I ask a quick supplementary question about that? How does that compare with the like of the NEET forum? Would it be a similar type of forum?
566. **Ms Finlay:** I guess so. It comprises Departments, organisations and agencies, so that could work.
567. **Mr Spratt:** Thanks to all of you for the presentations. Colin, you made a couple of statements at the start, and I am looking for some clarity. You said that this was a "light touch" in legislation. What is a light touch in legislation? That sounds like a pretty funny statement to me. Does it mean that it is just scraping over the top of things, has it not been written properly or is it not all that enforceable? You made that statement so I am looking for clarity. You then said that it had no significant cost. Can you tell the Committee now in evidence what costings your organisation has done that allows you to make such a statement?
568. **Mr Reid:** In answer to your first question, there are various ways in which, I assume, you can write legislation. You have already had a discussion with the previous witnesses. You could create duties, offences and so on. Looking at other experiences, let me give you the example of public protection arrangements in Northern Ireland. We have similar facilitative legislation that creates a framework for cooperation. It does not have any sanctions for failing to cooperate, but that has facilitated agencies in Northern Ireland, some of which are Departments, which have very good arrangements and work collectively together without any form of sanction. Rather than create huge duties for Departments, the Bill, in our view, potentially facilitates better joined-up policymaking without causing a whole structure of governance and accountability and facilitates the broad direction that we need to go in.
569. **Mr Spratt:** Is there not a danger in that type of law? Earlier, you heard me refer to fat-cat lawyers. Is there not a danger in creating a situation in which you are continually in judicial review or legal processes, which takes money away from where I assume you want the money to go?
570. **Mr Reid:** I do not think that we see the Bill doing that.
571. **Mr Spratt:** You do not see it, but is there not a danger of that happening if the legislation is not watertight enough?
572. **Mr Reid:** We hope that the legislation would facilitate and enable good

- practice and develop what needs to take place without creating legal challenges.
573. **Mr Spratt:** I assume that you accept that, if you go into continual legal processes, judicial reviews or anything like that, you are creating a situation in which money is being taken out of the system. There is only one pot of money. It is being taken out of the system to pay for something and is not getting to the coalface and to the children and young people whom we want it to get to. I assume that that is the outcome that all of us collectively in this room want.
574. **Mr Reid:** We do not want to see that either, but we do not think that this legislation, as it is written, would do that. We think that it would facilitate better, more joined-up policymaking at government level.
575. **Mr Spratt:** If it is light touch, is there not a danger that that could happen?
576. **Mr Reid:** No, I do not think so. Our experience of other types of legislation that facilitate —
577. **Mr Spratt:** I have to say that what you have said to me has not convinced me.
578. **Mr Reid:** Based on our experience of dealing with other types of legislation like this, I can say only that, if it facilitates better policymaking and operation, that is a good thing. Our experience is not that there are judicial reviews and so on. You asked me about finance. I have not costed this out. Based on our experience of arrangements —
579. **Mr Spratt:** How can you then make a statement that there is no significant cost? You made that statement in evidence to the Committee. We are trying to put something through, and I suspect that all of us want to ensure that there is not another level of bureaucracy, cost to government or the chessboard of moving papers around desks and tying people down to more policy documents, reports and stuff like that. Let us face it, Colin: all that has a cost.
580. **Mr Reid:** I agree with you, but the children's services planning arrangements are currently in place. The legislation simply develops those. There is nothing new there.
581. **Mr Spratt:** Your statement was that there is no significant cost. It has not been costed. You do not really know what the cost is. Yes or no?
582. **Mr Reid:** No, I do not agree with that. I am saying that, based on our experience —
583. **Mr Spratt:** You made the statement, Colin —
584. **Mr Reid:** I am making a statement based on our experience.
585. **Mr Spratt:** — that there was no significant cost, but you are now telling us that you have not costed it.
586. **Mr Reid:** Our view is that it does not create any new structures or mechanisms. It simply facilitates —
587. **Mr Spratt:** Did you cost it? Yes or no? You made the statement that there was no significant cost.
588. **Mr Reid:** I am saying that, in our view, there is no significant cost.
589. **Mr Spratt:** So the answer is no; you did not cost it. Thank you.
590. **Mr Lyttle:** Thank you for your presentations. I found them extremely helpful and very useful. I will make a couple of quick comments on children in Northern Ireland. I agree with and support the call for an annual report to be laid and debated in the Assembly. I think that the Office of the First Minister and deputy First Minister evades openness too frequently with written statements rather than Assembly statements, which allows it to promote the good progress that has been made rather than seeing what needs to be done better. I also take on board Lisa's comments about not taking heed of the cumulative impact of cuts. Recently, the all-party group on children and young people was reviewing childcare, and that became quite clear. Hopefully, a positive outcome will be that the OFMDFM unit

- that is responsible for childcare, which had not been quite as sure or aware of cuts that were happening to DSD and ESF funding for childcare, will now be able to factor that in to the provisions that it is making for childcare. One would think and hope that the Bill will contribute to slightly more joined-up thinking on the issue.
591. My questions relate to the age definition and sanctions. We have touched on sanctions. We said that there are none, but one would presume that there is recourse to judicial review if necessary. I wholly agree that the hope is that it would be a deterrent and an encouragement to good policy rather than litigation. Previous briefings have suggested extending the age range. Does anybody have any particular view on the age range that should be included or, indeed, the issue of penalties?
592. **Ms Finlay:** For children with disabilities, extending it to the age of 21 would be welcome.
593. The ultimate sanction is a judicial review, and that comes with costs. The Child Poverty Act 2010 creates a statutory obligation, and the officials always produce the report. It can be slightly late, but they still get the job done. I am really not sure what other sanctions you could include. Maybe we should look at it from another point of view and say that it should be a carrot and not a stick in that, if you work together, you will improve outcomes and get better results and, ultimately, could save money by making that investment at the start.
594. **Mr Maskey:** Thank you, members of the deputation. Each of you has made compelling arguments for the need for much greater cooperation, and, as I said, whatever about various opinions on aspects of the Bill as it stands, most people have a view that we want the intentions of the Bill to be enacted and enabled. The illustrations that have been given are all very important and continue to underpin our view that we need to do something. The sponsor of the Bill has been made well aware that we are all keen to see this progressing.
- We have to try to make sure that, if we do something, we understand clearly what we are doing and what the impacts may be. Whatever about the good intentions, it about the expressed purpose of the Bill and how we state in the legislation the outcomes that we want to see. That is better than guidelines, which, at the end of the day, are not compulsory. The bookend for us is this: what is the expressed purpose of this and what outcomes do we expect from it? I thank all of you for giving us the continuing evidence to underpin the wisdom in having such legislation. Ellen, you outlined the purpose of the Bill. Will you elaborate a wee bit on that? Most of us will be getting our minds into the base of all the evidence that we receive from stakeholders and Departments. What is the expressed purpose, and how will we deliver it? You mentioned your concerns earlier.
595. **Ms Finlay:** I see it in three parts. I read the Bill and broke it down to make sure that we understood what the Bill is about. For us, it is, first, about the children's strategy. That is coming up for consultation shortly, so the consultation outcomes will be at the heart of the Bill. The two delivery mechanisms are cooperation between Departments and agencies, and the pooling of resources. While you have those two aspects, you also need to monitor it and to have accountability and transparency. That is where the reporting comes in. That is how I view the Bill. Through the yearly reporting, you look to see what outcomes you have delivered and whether they are turning the curve or making a difference. If they are not making a difference, you ask why they are not making a difference and whether we need to put money into something else that will make a difference and achieve the outcomes. That is how I see it at the moment.
596. **Ms McElherron:** May I add something, Chair, about its purpose? I mentioned that we had information on reductions and cuts to services for children and young people. We asked the providers where those cuts are coming from. I will read the list, and you will get a

- sense of how easy it is for a small cut in one Department to affect that. None of this is done intentionally. I do not believe that any budget holder goes to work and says, “How can I decimate services for children today?” They are dealing with very difficult situations in their Departments. People told us that the cuts came from the Department of Education, neighbourhood renewal, health and social care trusts, the European social fund, the Public Health Agency, the Victims and Survivors Service, the rural transport fund, core funding from health, the DOE, the Environment Agency and Peace III. That does not include things like the removal of the early years fund in DE, the removal of Pathways to Success in DEL, reductions in Sure Start and other things. So you can see how easily a cumulative impact can happen without individual Departments being aware of it. We think that a Bill like this will be a really positive and practical way at least to try to get a handle on all that.
597. **The Chairperson (Mr Nesbitt):** You are very clear, Lisa, on the idea that nobody is taking the overarching or helicopter view.
598. **Ms McElherron:** From our experience, no.
599. **The Chairperson (Mr Nesbitt):** Your submission makes it clear that you feel that this statutory duty could do away with, or certainly guard against, duplication. Will you give us examples of where there is waste and duplication?
600. **Ms McElherron:** With so many Departments, voluntary and community organisations and public-sector bodies that have responsibility for what happens to children and young people in Northern Ireland not working together effectively, of course there will be waste and duplication; Mr Spratt mentioned that. All of us across all sectors have a vested interest in working together to ensure that that is minimised.
601. **The Chairperson (Mr Nesbitt):** Alan, your submission makes a reference that made me think that you believed that the Children Order 1995 could be outdated. Is there an opportunity to address that in the Bill?
602. **Mr Herron:** I think that there is. That was in 1995, and we feel that there may be an opportunity to bring it forward and into line. Many years have passed since 1995, and I think that it is time for a review and certainly to bring it up to date. This may be an opportunity as part of a wider movement by government. We certainly feel that it would be a timely move.
603. **The Chairperson (Mr Nesbitt):** Do you agree, Colin?
604. **Mr Reid:** No. I do not disagree with looking at refreshing the Children Order, but I think that that is an entirely separate exercise. The Children Order is a very large piece of legislation, and many of the principles are sound. It needs to be modernised, but I do not think that this Bill is the mechanism to do it.
605. **The Chairperson (Mr Nesbitt):** One of the areas that the Bill focuses on is the role that would be given to the Health and Social Care Board. Does anybody have any concerns about that?
606. **Ms Finlay:** I have read Hansard and noted members’ concerns. I think that input from the Department of Health may allay some of those concerns. There could also be an opportunity to amend the Bill so that the duty is placed on the Executive, for example. That could be an option.
607. **The Chairperson (Mr Nesbitt):** Another concern, which has been expressed in a general sense, is that the Bill, as drafted, does not achieve its stated aim of helping all children but is more focused on at-risk children. Does anybody have particular views on that?
608. **Ms Finlay:** I am not sure about that. If you look at the children’s strategy, which is at the heart of the Bill, you will see that it is for all children and young people and not a specific group of children and young people.
609. **The Chairperson (Mr Nesbitt):** I think, Ellen, that you would like to see the requirement to pool budgets

- and resources extended beyond Departments to agencies.
610. **Ms Finlay:** It would be helpful.
611. **The Chairperson (Mr Nesbitt):** How?
612. **Ms Finlay:** Again, to improve outcomes. I have evidence from GB that pooled budgets can deliver a more efficient and effective service. There is evidence for that.
613. **The Chairperson (Mr Nesbitt):** The final question for you is one that we were discussing with the previous witnesses, which is the fact that there are no sanctions for anybody who fails to deliver on a statutory obligation. Again, Colin, I think that you highlighted that. How do you feel about the lack of sanctions?
614. **Ms Finlay:** The ultimate sanction for any legislation is a judicial review. I still think that we should be thinking about the carrot and not the stick with this legislation. Everybody agrees in principle with the Bill and the fact that we want to improve outcomes for children and young people. Surely that should be at the heart of our business.
615. **Ms McElherron:** The discussions that I have heard today have not mentioned the ultimate oversight, which is, of course, you — the Committee and the Assembly and your powers and responsibilities to ensure that the Bill, should it pass, is implemented effectively and efficiently — and the other powers that sit in the Audit Office and the Public Accounts Committee on monitoring how budgets are spent. As for who reviews it, the most important people are probably in this room.
616. **The Chairperson (Mr Nesbitt):** I know that you are all in favour of an annual report rather than one every three years.
617. **Mr Herron:** With sanctions, Ellen made a point about the carrot and the stick. For me, this is potentially a way to create more effective government and delivery of services. I hope that there will be an element of peer pressure in Departments. If we have an outcome to deliver, and a Department is not playing ball or coming along, there will be sanctions from within. As Lisa said, the Assembly would have the ultimate sanction, certainly at Executive level. It is important to focus on that.
618. **Mr Maskey:** In view of the discussion on whether this is the appropriate vehicle for upgrading legislation, for me, it is not exclusive. It is a timely reminder that we might need to refresh, reboot or update aspects of legislation or some Departments' policies, but that is not what the Bill is about. Whatever policies or strategies are in existence, the purpose of the Bill is to make sure that they cooperate with each other. Passing this legislation is not an exclusive issue.
619. **The Chairperson (Mr Nesbitt):** Alan, Lisa, Colin and Ellen, thank you very much indeed. We appreciated your oral and written evidence.

22 April 2015

Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
 Mr Chris Lyttle (Deputy Chairperson)
 Mr Alex Maskey
 Ms Bronwyn McGahan
 Mr David McIlveen
 Mr Jimmy Spratt

Witnesses:

Ms Rachel Hogan BL *Children's Law Centre*
 Ms Natalie Whelehan

620. **The Chairperson (Mr Nesbitt):** We are joined by Natalie Whelehan, a policy officer at the Children's Law Centre, and Rachel Hogan, the special educational needs representative. We will try to do this evidence session in no more than 20 minutes. We have a written submission, Rachel and Natalie, but I could offer you up to two minutes for opening remarks, if you wish.
621. **Ms Natalie Whelehan (Children's Law Centre):** Thank you very much for giving us the opportunity to present to you and to present separately, so that we can offer a policy and practice perspective on the Bill.
622. We are very much in favour of the Children's Services Co-operation Bill. We have long been an advocate of the need for a statutory duty on government to cooperate. It is a unique and exciting opportunity to improve the well-being of children and young people and to advance their rights. Rachel will present a couple of examples that we feel will explain and illustrate the need for a strong children's rights-based statutory duty to cooperate to be introduced. It is through learning from our casework that I have the following policy perspective.
623. The Government have ratified the United Nations Convention on the Rights of the Child. The Northern Ireland Executive are obliged to deliver all the rights in the convention for children and young people.

Legislative and policy development in Northern Ireland should be taken forward in compliance with the rights enshrined in the convention. In particular, we want an explicit reference to a statutory duty on Departments and agencies to work together to meet the needs of the whole child, with the best interests of the child as the primary consideration.

624. In line with the obligation to cooperate, we agree with the previous witnesses in that we want the reporting requirement to be annual, in compliance with the recommendations of the UN Committee on the Rights of the Child, which said that overview reports on the progress of children's rights should be produced annually. Annual reporting would improve effectiveness, transparency and accountability. It would also result in better monitoring and data collection, all of which would improve outcomes for children.
625. We want an explicit reference to the need for Departments and agencies to cooperate at the earliest possible opportunity in children's lives in order to achieve better outcomes for children. We want a statutory requirement on government to pool resources rather than an enabling power. There are current examples of Departments pooling resources, which suggests that that is possible. We do not believe that the vital pooling of resources for the provision of children's services will occur unless there is a clear statutory obligation to do so.
626. **The Chairperson (Mr Nesbitt):** That is two minutes.
627. **Ms Whelehan:** Finally, we want a clause to be inserted to ensure consultation with children and young people, their parents and the relevant public bodies, which should include a duty to take into account views expressed through consultation.

628. Rachel was going to give an overview of some of our cases.
629. **Ms Rachel Hogan (Children's Law Centre):** It might be easier to address them through questions. I can give cases as examples.
630. **The Chairperson (Mr Nesbitt):** Have you prepared some remarks?
631. **Ms Hogan:** I have some cases that I can share with you and that I think you will find useful.
632. **The Chairperson (Mr Nesbitt):** It is entirely up to you. You have 20 minutes. If you want to use that to make a formal presentation —
633. **Ms Hogan:** I will not speak for 20 minutes. I will give people an opportunity to ask some questions.
634. My role in the centre is as part of the legal team. I work with children with special needs and disabilities. There are some 71,500 children with special needs in Northern Ireland; that is about one in five of our school population. The issues that I am concerned with generally relate to education and health. In some of the cases that I have been involved in, the lack of a duty to cooperate has impacted quite severely on the children who I deal with.
635. The primary message that I would like to leave with the Committee today is that this legislation should have inserted into it the principle of the best interests of the child. It should be child rights compliant to enable the Executive to comply with their own duties under the UNCRC, which the Government have ratified. That could be done in the duty to say that the purpose of the legislation is to ensure the meeting of the best interests of children. This, after all, is why we want to ask Departments to exercise their functions in such a way that they meet the best interests of children and young people. I do not think that anybody around this table who deals with and tries to help constituents in these types of cases daily would disagree that the best interests of the child ought to be a primary consideration

when funding decisions are being made from the top of the tree, right down to when day-to-day operational decisions are being made with the child.

636. I have taken the views of some of the parents who I have dealt with to try to express to you the dehumanising effect of the current system, which does not comply with the rights of children or the rights of parents to act as advocates for their children. I think that it is best for me to tell you some of the things that parents have passed on to me on this topic. One is from the mother of a child called Carla, who is now 17 and who I have been dealing with since she was 12. One thing that I want to ask the Committee members to do is to take three more minutes of their time at a later point to go onto our website and look at a video that Carla has made. By doing that, you will learn far more in two minutes and 24 seconds than I could tell you in 20 minutes or 20 hours. A link to that has been circulated to the Committee Clerk, so it should be easy to access. Her mother has talked about the situation that they faced through not having cooperation between the Departments of Health and Education. She says:

"My daughter is an academically able student with severe cerebral palsy. Wouldn't it have been great if all government Departments involved in her care had actually cooperated in her best interests? It took two years and eight months, a tribunal, threat of judicial review, suffering for my daughter and unbelievable strain placed on us as a family before she was provided with physiotherapy in school. It is clear to me that specialist provision for most children with special needs would be cheaper for Northern Ireland PLC and serve those children better. More importantly, why do we need legislation to make that happen? However, we do."

637. At the age of 12, this little girl with cerebral palsy was being asked to sit in her wheelchair in a mainstream school for eight hours a day without any physical activity, which, as one might imagine, is very damaging to a child with cerebral palsy and can have lifelong health effects. Her grades started to drop very dramatically, and she was

- not able to keep up with her peers or meet her true potential. We then had to engage in a long-ranging legal battle, which ought to have been completely unnecessary, in order to get this child physical activity in school every day. What that consisted of, for her, was a couple of sessions of physiotherapy, swimming lessons and floor exercises, so it was a very simple solution after two years and eight months of wrangling.
638. The difficulty arose because the funding streams between Education and Health are discrete. Education did not want to acknowledge that physiotherapy was an educational provision, and Health did not want to provide physiotherapy in a mainstream school. It would have been much easier for them if she had gone to a special school for example, and that also impacts on the inclusion of that child in mainstream schooling. I would really like the Committee to take the time to listen to Carla in her own words. She is 17 now, and she has become a fantastic advocate for children's rights through her own experience. I think that she can speak louder than I, as a lawyer, can on what it is like to be a child in that situation.
639. Another case that I want to share with you is the case of a child in the early years of primary school who has Down's syndrome and required another health therapy in school. On that occasion, we had to take a tribunal to access the health therapy in a special school. We got a tribunal order to say that he should have therapy x times per week for a certain amount of time. It is the Education Authority's duty to arrange that with Health, but because there was no duty to cooperate, there was no cooperation. That child did not have occupational therapy (OT) for a year, even though he had been assessed as needing it. They had the tribunal process, and Health refused to comply with the tribunal order; it said that it did not agree and that it was not going to provide it. That would have left Education having to employ a private therapist had we not been able to resolve it. How did we resolve it? We had to threaten judicial review against Education. That is not an ideal situation. We should not have had to have those conversations at all.
640. To my mind, the duty to cooperate is about a complete culture change in the thinking of all our Departments, agencies and anyone who is working with children, including schools. Partnership working is the key to success with those children. Meeting the best interests of children requires the duty to be placed at the top of the triangle and then to filter down through the structures that flow from that to the child who is sitting in the classroom, falling behind their peers and suffering discrimination.
641. I will finish with the view of another parent. I said to you at the start that there is a dehumanising experience for those parents. Parents ring us up daily, sobbing. They have a child who has a disability and special educational needs. They are trying to come to terms with that, and they then realise that they have a full-time job of administration in trying to find that help, chasing Education, Health and the medical profession — whoever it might be. The parent says:
- "I would hate to think that, in future, my children will be fighting the same battles for my grandchildren. I get so frustrated, as our children are suffering needlessly on a daily basis. It is logical as well as rational to expect cooperation and communication between government Departments in relation of the provision of services to children. It's so difficult for us as parents to navigate our way through a system where there is no accountability. We stroke egos and nurse them to ensure good relations with service providers. We accept inadequate support because it's better than no support. The children themselves are overlooked. Decisions are made regarding our children by professionals who have briefly or never met our children whilst we sit outside closed doors."*
642. Another issue is that the legislation, unlike the English version of the duty to cooperate, does not have a provision to take into account parents. Parents are a very important part of the process of cooperation because they know their child better than anyone else. To put it

- succinctly, when people work together in a collaborative process and people from different disciplines share their expertise, you are much more likely to get a sensible outcome and to avoid the duplication of labour and the wastage of time in answering emails from the Children's Law Centre and defending judicial reviews. We do not take legal action lightly; we take legal action when it is required to meet the best interests of children.
643. I would be happy to take any questions that you might have.
644. **The Chairperson (Mr Nesbitt):** Thank you very much indeed. With regard to the Bill's reference to the six high-level outcomes contained in the current 10-year strategy, can I be clear that you are suggesting a change in phraseology to:
- "the high-level specified outcomes of the Children's Strategy currently operative",*
645. and that the intent of that is simply to say that if there is a new strategy that has different outcomes, it will be covered?
646. **Ms Hogan:** Yes.
647. **The Chairperson (Mr Nesbitt):** A more substantive point is your reference, Natalie, to the obligations on the UN Convention on the Rights of the Child. Are you arguing that that would be the better measure as opposed to the six high-level outcomes?
648. **Ms Whelehan:** We will enter the consultation process on the new children's strategy with the view that it should be based on the UNCRC. I see them as being one and the same. The UNCRC is, supposedly, the underpinning of the children's strategy as it currently operates anyway, so they are very closely interlinked already. We would like to see the statutory duty in the Children's Services Co-operation Bill make explicit reference to the best interests of the child, which comes directly from article 3 of the United Nations Convention on the Rights of the Child. It can also be found across various pieces of our own domestic legislation, such as the Children Order. It will be proposed in the new Justice Bill in terms of the aims of the justice system. For us, it is really about government moving closer to realising children's rights through the children's strategy and the legislation, and delivering better outcomes for children.
649. **The Chairperson (Mr Nesbitt):** As I understand it, a lot of work went into drawing up that strategy, and, as you say, the UN Convention on the Rights of the Child was the underpinning document. Are you critical, then, of these six high level outcomes?
650. **Ms Whelehan:** No, I am just nervous about going into a consultation process with the decision made beforehand. It might well be that, at the end of the consultation process on the children's strategy, everyone is perfectly happy with the six high-level outcomes, but it might be that changes are required — it is 10 years old — or it might be that changes will be required in 10 years' time. We are really keen to future-proof this legislation, and it would be more sensible to take the outcomes out and refer generally to the high-level outcomes of the children's strategy rather than name them in the Bill.
651. **The Chairperson (Mr Nesbitt):** You have also highlighted that there are some issues that rest with the Northern Ireland Office, not least immigration, refugee and asylum issues. These are not devolved by definition. How can we legislate to cover something that is not in our competence?
652. **Ms Whelehan:** Well, we cannot. There are constitutional issues, which I flagged up in a written submission. It really was just to highlight that as an issue for the Committee and for OFMDFM. There will be services that will not come within the scope of the Bill because they are not devolved.
653. **The Chairperson (Mr Nesbitt):** You, along with others, recommend that we have statutory guidelines on foot of this Bill. What is your rationale for that?
654. **Ms Hogan:** We have experience of dealing with statutory guidelines in

the area of special educational needs and disability, as other witnesses have mentioned. We find that, as long as it is statutory guidance, so that there is a duty to have regard to it at the very least, it does hold sway with decision-makers. It helps with that culture change, but it is also easier for people to comply with their obligations when they have explanations and examples of what good practice looks like. It is guidance and is not written in stone, but it does hold sway. We have found, having taken matters before the courts, that they will always have regard to statutory guidance, and that, in itself, is helpful for people, as they know that there is oversight by the courts and that statutory guidance therefore has a level of importance.

655. **The Chairperson (Mr Nesbitt):** You also say that you would like to see a definition of “functions” in the Bill. Why?
656. **Ms Whelehan:** That is just an example. We would like to see a definition. The purpose of the guidance is to provide everybody with a clear understanding of what is expected of them, what their obligations are under the Bill and definitions of what is meant by some of the terms. We flag up “functions” and refer the Committee in our submission to the definition of “functions” under section 75 of the Northern Ireland Act 1998, in the interests of being helpful. Obviously, drafters are going to have to look at what is meant by “functions”.
657. **The Chairperson (Mr Nesbitt):** OK. Time is nearly up.
658. **Mr Spratt:** Thank you for your presentation. Daniel Greenberg, an expert and former member of the Office of the Parliamentary Counsel, gave evidence to the Committee, which you have probably read. He had some key concerns with this legislation as presently drafted. He suggested that it was difficult to ascertain what the impact would be on the lives of children and young people. Also — I think it is one of the areas that you have just covered — he suggests that the inclusion of policy outcomes in the legislation is inappropriate and that they would be better placed in a strategy document. Using them in legislation could lead to misinterpretation, challenge and judicial review, in the view of Mr Greenberg, who is an expert in the area. Do you agree?
659. **Ms Hogan:** Looking at the way that the clause is drafted, certainly you can see that it could be adapted or other devices employed to make it more useable. It is difficult to measure those specified outcomes, and I agree to an extent with what he has said. It could be said to be vague. Would that then spark judicial reviews? Not necessarily, because I think that the annual reporting process, if there is an annual reporting process, would be very important in this, because it can set out in indicators, preferably in child rights’ indicators, how outcomes are being met and measure progress. The outcomes, therefore, can be further defined through those measurements. I can understand why there would be some concerns about the way that that is drafted, and we agree with that to an extent. I think that further work could be done on it. I understand that there is now access to the Office of the Legislative Counsel and that it can employ expertise to that. It is not my area of expertise either — hands up. I am a children’s rights lawyer, not legislative counsel.
660. **Mr Spratt:** I am not asking you to give a legal opinion, despite what I said about fat cat lawyers. [Laughter.]
661. **Ms Hogan:** I am not one of them anymore.
662. **The Chairperson (Mr Nesbitt):** Other types of lawyers are available.
663. **Ms Hogan:** There is a range of services.
664. **Mr Spratt:** Finally, in terms of the reporting process, do you think that doing it annually is the best method? We are worried about another level of bureaucracy or another level taking money away from a full pot — we will say that it is a full pot now — to employ people to do a yearly process

- in the various Departments. Is that an appropriate use of public money?
665. **Ms Whelehan:** I understand that concern completely, and I have similar concerns, but my experience has been that what gets measured —
666. **Mr Spratt:** How do we get around it, Natalie?
667. **Ms Whelehan:** I will tell you. I think that what gets measured gets done. If we build the annual reporting process into it from the very outset, it should not be onerous and bureaucratic, because, actually, how they are fulfil children's rights and the best interests of children should be a consideration of all Departments and agencies as they do their work on a daily basis. That should be an ongoing consideration as it is. It does not have to be a hugely onerous report. It should certainly not take away from doing the work that has to be done. It is about being clever about how we prepare for that annual reporting. That should be built in at the beginning.
668. The other issue that you raised was removing money from an ever-dwindling pot. I actually believe that that is the purpose of this. Our experience has been that money is being wasted on having to threaten judicial reviews, as Rachel explained, and take tribunals. That is absolutely unnecessary. If we could get Departments and agencies to cooperate better and provide services to really provide better outcomes for children, there would be huge savings to be made. That money could be far better spent; I totally agree with you. That is where the inefficiency lies. It is not about creating another tool to beat government with; it is about doing things smarter and better and, ultimately, creating better outcomes for children.
669. **The Chairperson (Mr Nesbitt):** Our time is up, but Alex indicated that he wanted to speak.
670. **Mr Maskey:** Very briefly, Chair. Again, thank you both for the important evidence you have given us this afternoon. I am just taking it from reading your submission and hearing
- the points that you made that you want the legislation tightened up a bit. You referred to the designated, including statutory, bodies, and, Rachel, I think you referred to parents being included at those things as well. I presume that means that you would agree with introducing the need to deal with NGOs as well, who also have some of those responsibilities. You also referred to statutory obligations. Am I right in saying that, generally speaking, you are supportive of the Bill but want it tightened up in certain aspects? You have identified some of those today.
671. **Ms Whelehan:** Yes. We see it as a great opportunity. We want to tighten things up and place a notice on government. Our experience is that it is not happening, and it needs to happen — I think Rachel's cases are great examples of what really needs to happen — in order to stop these things from happening again.
672. **The Chairperson (Mr Nesbitt):** OK. Natalie and Rachel, thank you both very much indeed.

22 April 2015

Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
 Mr Chris Lyttle (Deputy Chairperson)
 Mr Alex Maskey
 Ms Bronwyn McGahan
 Mr David McIlveen
 Mr Jimmy Spratt

Witnesses:

Ms Elaine Black	<i>Belfast City Council</i>
Councillor Seán McPeake	<i>Northern Ireland</i>
Ms Karen Smyth	<i>Local Government Association</i>

673. **The Chairperson (Mr Nesbitt):** Karen Smyth is head of policy for the Northern Ireland Local Government Association (NILGA), and Councillor Seán McPeake is its vice-president. Elaine Black is the children and young people's officer with Belfast City Council. Seán, Karen and Elaine, you are all very welcome.

674. **Councillor Seán McPeake (Northern Ireland Local Government Association):** Along with me is Elaine Black, who is children and young people's manager at Belfast City Council, and Karen Smyth, who is a policy officer for NILGA. I begin by thanking the Committee for giving NILGA the opportunity to speak about the Children's Services Co-operation Bill. We have already provided the Committee with a short briefing to accompany our evidence today, but I would like to take a couple of minutes to highlight a few issues before the main part of the discussion.

675. We strongly welcome this Bill, particularly the intent to encourage Departments to cooperate and to enable them to pool budgets. The Bill appears to us to be robust in its attempt to address issues relating to lack of strategy, delivery and over-reliance on goodwill. There are a number of examples across government of areas of work that would have been made more effective through better cross-

departmental cooperation, such as delivery of the neighbourhood renewal strategy. NILGA was keen to ensure that the new local government community planning function was strengthened by inclusion in the Local Government Act of a statutory duty for Departments to participate in and contribute to the process. Unfortunately, we say that our attempts have met with limited success. Therefore, we are extremely interested in the development of this Bill, which, if it passes as currently worded, will set precedents on cooperation and resourcing that we can build on across government. However, clarification will be necessary on departmental cooperation and, in particular, on how the pooling of budgets will operate.

676. We are particularly interested in the proposed actions to be taken should Departments or agencies fail to comply with the requirements of the Bill. Would sanctions be imposed and, if so, who by? An additional concern is the failure of the Bill to acknowledge or address the potential synergies, overlaps, conflicts or gaps in community planning, and this is perhaps more an issue of timing than anything else, as a number of key policy instruments for community planning are still in the development stage. Issues of this nature that NILGA has already identified are in relation to the definition of children and young people and the lack of reference to the role that they can play. We encourage the Committee to liaise with the Department of the Environment, as this Bill is developing almost in tandem with the guidance on community planning.

677. I also draw the Committee's attention to the recent formation of the political partnership panel, which all Ministers are entitled to attend with elected representatives from the 11 councils and NILGA. The work plan for the panel is in development, and it is intended to examine how we can work together

- more effectively in central and local government to achieve better outcomes for the citizen. The next partnership panel meeting is on 28 April, and we sincerely hope that OFMDFM Ministers will be in attendance as we will be discussing the Carnegie well-being framework and its potential for informing the development of the next more-outcome-focused Programme for Government, which will, again, impact on the intent of this Bill.
678. We, particularly my colleagues Elaine and Karen, will be happy to answer any questions that the Committee may have. If there is an issue that we are unable to address directly today, I will ensure that we get back to you as soon as we possibly can after the meeting.
679. **The Chairperson (Mr Nesbitt):** I appreciate that. Thank you, Seán. You said that you were surprised at the lack of reference to the role for children and young people in the Bill. How would you fix that?
680. **Ms Elaine Black (Belfast City Council):** Perhaps it will be useful if I reflect on how Belfast City Council has engaged its young people in an outcomes approach to children and young people's services. Roughly 10 years ago, councillors made a commitment that children and young people were a priority, and, in the last two years, they have agreed that an outcomes approach should be taken with that. We have engaged Belfast Youth Forum, and it has helped to shape the pilot and what our outcomes in the council look like for children and young people. We think that there are opportunities, and I know that the Northern Ireland Commissioner for Children and Young People (NICCY) would impress it on us that there are opportunities to have a parallel and fully integrated process of involving children at each stage of the engagement and using Children in Northern Ireland's Ask First standards. I think that there are a lot of tools already in place to support that.
681. **The Chairperson (Mr Nesbitt):** I think that I am right to say that NILGA has a role on the Children and Young People's Strategic Partnership (CYPSP). How do you find that?
682. **Ms Karen Smyth (Northern Ireland Local Government Association):** Chair, I am not sure that we do. The local government representation on that partnership is actually through the Society of Local Authority Chief Executives (SOLACE). The chief executives attend that partnership. There is an operational input from local government on that. Elaine may be able to reflect better on how that partnership is working.
683. **The Chairperson (Mr Nesbitt):** So it is SOLACE rather than NILGA.
684. **Ms Smyth:** It is.
685. **Ms Black:** SOLACE is represented on CYPSP at a regional level. One issue that may well need to be considered is that each council has a different identity and approach. Belfast certainly has made an investment in children and young people in a very dedicated way through a play service and a youth forum. It also serves a bigger population. If you are looking at how things operate in CYPSP, it would probably be useful to try to make sure that there is a way to engage all the councils. The outcomes group that I sit on, on behalf of the council, which is really about the geographical structures, brings in all the partners at a Belfast level. It is still aligned to the trusts but will bring together the 11-council model. One issue with that structure is that not all Departments are represented at that level if, in particular, they are delivering children and young people's service or funding them. Secondly, the community and voluntary sector has only a certain number of representatives. There is probably an opportunity to try to create better links there.
686. **The Chairperson (Mr Nesbitt):** You highlighted what I would characterise as a concern about the lack of statutory duties as currently constituted and how that might impact on community planning. Could you expand on that for me?
687. **Ms Smyth:** There are a number of concerns about the statutory duty. There is the question mark over whether or

- not a statutory duty is actually useful, given the inability to impose sanctions if the statutory duty is not complied with. When sustainable development became a statutory responsibility, we established that the only way of holding public bodies and Departments to account was if, for example, Friends of the Earth or another environmental non-governmental organisation took a judicial review against that Department or body.
688. On community planning, we have repeatedly requested that an overarching relationship between local government and central government forms and that Departments should be required to be statutory partners in the community planning process. The Environment Minister, Mr Durkan, wrote to the other Departments to try to bring them closer to the process of the development of the community planning partners Order. One Department was very willing to be a statutory partner — I think that it was DSD — but, unfortunately, the other Departments were much less willing.
689. The difficulty in Northern Ireland is that public service delivery is much more fragmented than it is in other places. Councils are responsible for less and are more reliant on service delivery arms of Departments. That adds to the complexity here, particularly with children's services. In Scotland, the councils have much more responsibility, have a wider remit on children and young people's services and have a greater ability to bring Departments into the fold, but they are still looking at how to pool budgets and how to have people working effectively in the community planning process. We felt it very important to tie Departments in as strongly as possible, but we found it very difficult. We see this as a first step. If this is successful and goes through, it sets a precedent for that and may enable us to go back and say, "It is happening for children's services. Why can it not happen in a more overarching way for community planning?"
690. **The Chairperson (Mr Nesbitt):** Let us deal with sanctions, because we have discussed that with other groups. One theory that has been put to us is that, beyond judicial reviews, the ultimate sanction is the people sitting around this table, although we might argue that there is sanction beyond that called the electorate. What is your view on sanctions?
691. **Ms Smyth:** Our experience is that the first question councils and Departments face in a resource strapped-environment is: "What is the sanction if we do not do this? What happens if we do not do it? Do we have to do it? Is it required?" If it is required, that is one thing; and councils that have a statutory duty will perform it. However, you still get the question: what is the sanction? For some of the outgoing councils, I know that there were things that they should have done that they did not do, because they knew that there was no real sanction. Naming and shaming is all very well, but some councils, bodies, Departments and people have very broad shoulders and can take the naming and shaming to a certain extent.
692. **The Chairperson (Mr Nesbitt):** You are suggesting to us that the question is asked: "OK, this is a statutory duty. What is the sanction for non-compliance?" If the answer is, "There isn't one," it is not a priority.
693. **Ms Smyth:** Yes; what is the point in it being a statutory duty?
694. **Ms Black:** I think that could be opportunities, though. I know that, at a high level, it looks very much like that. However, if you have a wrap-around service for each child, there are people already accountable, whether in social services, education or whatever. We are trying to look at how this will work, but we should remember that they are already accountable, with standards of working whereby they have to create and complete reports in a certain time and all the rest of it. So there are windows of opportunity for getting people to do things differently. The difficulty is in building it up to where it becomes politically accountable. How do people like me not let you down? We make sure that we are compliant. That is achieved through a culture. The opposite

- of applying a sanction is creating a culture where the willing can freely flow, and at least you get a minimum standard of compliance from those who are not so willing.
695. **The Chairperson (Mr Nesbitt):** If this Bill becomes law, there is going to be a requirement for a report. It might be required once every three years; others are arguing that it should be produced annually. Is it not a sanction if the report says that X agency, Y Department or Z council failed in its statutory duties? Is that water off a duck's back, Karen?
696. **Ms Smyth:** It could be, in some circumstances. Some councils will do everything within their power to make sure that they comply with a statutory duty, and they will not want to be named and shamed, as it were. I imagine that particularly new councils will not want to start life by being named and shamed. My point is that, if, for example, there is a particular resource consideration for a public body or Department, that is the lesser of two evils for it.
697. **The Chairperson (Mr Nesbitt):** OK. Thank you.
698. **Ms Black:** I suppose that there are a number of examples that it might be worthwhile to look back on where, currently, there may be European sanctions in terms of compliance and what lessons that has taught us. Perhaps even something as simple as "the scores on the doors", which we operate for other things, might be a way to look at performance.
699. **The Chairperson (Mr Nesbitt):** We touched on the definition of young people and nobody, who has given evidence to date, has had an issue with the 2003 Order, by which you are a young person if you are under 18 or, if you have needs, under 21. You are not, as a group of councils, consistent, as I understand it. You suggest that under 25 years could be a definition.
700. **Ms Black:** For me, finding out what the definition is the question. When we are stuck, we look to the United Nations Convention on the Rights of the Child for guidance, which provides that young people are under 21 years. In Belfast City Council, generally my remit is to provide dedicated services for people from four years to 18, but we still deliver family services or funding and, equally, we provide employability opportunities for over 18s and support a student body and population in the city. We are undecided, but we are mindful that that still needs reflection.
701. **Mr D McIlveen:** Thank you for your contributions so far. I am glad, Seán, that you mentioned the Carnegie Trust's 'Towards a Wellbeing Framework'. It is probably one of the best documents that have been produced in five decades at least, and the fact that I was part of the round table does not influence my opinion in any shape or form. [Laughter.] In all seriousness, the approach of outcome-focused government slots in really well with what we are looking at in the proposed legislation. The one thing that unites everybody on this issue is that we support the principle of what the Bill is trying to achieve. We want that to happen. I think that we are all a little bit unsure how it can actually be achieved and how we can get the outcome, as opposed to just being seen to do something about it. A lot of the expert advice that we have been getting around how the Bill in its current form has been drafted is that some concerns have been raised around interpretation and how that could cause some difficulties.
702. In the broader legislative process, we also have a problem where this is, ultimately, a first draft. When you unpick one clause in the legislation, that has a domino effect and other parts have to be amended. Most of us around the table, certainly from the legislative side, are predicting that there is almost an inevitability that, by the time the Bill gets to Final Stage, it will look very different to how it looks now, because Departments are named, and they are going to find themselves looking at a proposed statute that is going to place certain obligations on them that they may feel, for whatever reason, they may not be able to achieve, or it is going

- to put a burden on them that will be beyond what they will be able to achieve.
703. We have had some discussions with previous contributors today around whether it is necessary for this to be put through as a piece of legislation or whether there are more outcome-focused ways in which what we want to achieve can be achieved. We want to avoid a bad Bill at the end of this that would just make the situation worse. I believe, and I am sure that I am no different to anybody else, that, when it comes to our children and young people in particular, we cannot afford to get this wrong. Therefore, we have to get this right, ideally at the first go.
704. Obviously, you are here representing local government, which is undergoing a major transition at the moment. A major redistribution of power, particularly around planning issues and so on, is now being handed from here to local government. If we found ourselves in a position where the legislative avenue was not the right direction to go — I am not writing it off at this stage entirely — in a hypothetical sense, where do you think local government could find its place in contributing to help to achieve the outcomes that the Bill aims to achieve, and what do you think the overall distribution of responsibilities would look like? To be fair, as I look through the draft Bill, local government gets off quite lightly on this. A lot of Departments are mentioned — the police are mentioned, along with Departments such as Justice, Health and Education — and they are all very important contributors to this, but you get off quite lightly. If we were sitting down to rewrite the Bill again in a final form, where do you think local government could step in to provide a real, meaningful and tangible contribution that would, ultimately, move towards an outcome that we want to see?
705. **Ms Black:** There may be parts of that that I can answer immediately; I might have to think about other areas. The whole point of an outcomes approach for children and young people is that everybody has to be involved, and equally involved. From my perspective of being involved in the Belfast Outcomes Group, at times the system does not really fit local government, and we are keen to be mindful of that.
706. One of the major focuses, if there were not legislation around it, would be one plan and one pooled budget. However, to have a pooled budget, you need to have the right procurement to enable you to say that, if an outcome is not being reached by a service provider, it can be stopped. We, along with you, struggle with being able to be in that position and the impact that that would have on other providers. To answer you, it would be desirable to have one plan where we do not have a range of different pots of money coming through to local government. I understand that there are a lot of conversations going on at the moment to strengthen links between local and central government, which is great.
707. Secondly, and it will not really give you the answer that you are looking for, perhaps, we currently sit with discretionary involvement. Belfast took the chance, and has been inspired by its politicians to make children and young people a clear priority. I still have a long journey though, because it has taken me two years to get that from one place to another. This is the end of our first year, and we have two more years down the line. It is just us driving it, and perhaps another issue that it would be helpful to look at, if there is no legislation, is drivers. I have the luxury of a senior manager who is a champion for children and young people, and there is a named representative from every political party that chooses as a children and young people's champion in Belfast City Council, besides staff who operate in that way for each department. Those are crucial for me, but our problem is making sure that we do not have an overkill of structures. A clear one-focus approach would probably be useful, while being mindful that we are sitting currently with discretion and that the 11 councils will take a different approach.
708. **Ms Smyth:** Just to build on what Elaine said, I know that a number of you have been looking at what happens

- elsewhere, for example in Scotland. The last time I was before this Committee we talked about Scotland Performs, single outcome agreements and things like that. There is a huge piece of work that needs to be done there and is starting with the Carnegie Trust, as you say, which was looking at wellbeing and outcomes. Scotland has been in the lucky position of being able to develop this piece of work over time. You had community planning, and then you had Getting it Right for Every Child. One fed into the other and, with Scotland Performs, you have a set of agreed outcomes at regional level that are then reflected at local level. All their Departments are going in the same direction. People are looking to achieve agreed outcomes.
709. A big piece of work that needs to be done here is overcoming silo approaches, both in local government and in central government, to move towards a single outcome agreement approach. The difficulty with this Bill, as we have outlined in our briefing, is that, if we have what we need for one small area — children's services — it skews what we are trying to achieve in a more general way. It might be better to look at pooling of budgets and departmental cooperation in the round, rather than through one particular issue. In saying that, you are right about this being an extremely important issue, and we do not want to see it fall by the wayside. A balancing act is required, and I do not envy you as you try to come up with the way forward. Certainly, regional and local working and how that goes forward is going to be key in making sure this actually works on the ground.
710. **Ms Black:** The position that we have taken is that the six regional outcomes — I know that there is some conversation about whether or not they are vague — could easily be very much operational outcomes for us in Belfast, aligned to the political aspirations of councillors. We suggest that our outcomes be "Each child reaches their potential" and "Belfast is the place to do it." They are higher-
- level. That is really where we use the political leadership to take on this role in outcomes-led work. There is merit in that and similarly for the Assembly. You have the political aspiration.
711. Sweden has a model for an outcomes-based approach to children and young people where the three areas are attitudes, knowledge and working together. Clearly, the political message is the attitude — a shared attitude and aspiration. The knowledge is there. We have systems that really could be aligned to create a better approach to understanding what happens with each child along their journey. The one struggle with the culture and creating a discipline is around how we, as officers, serve in every department and at every level to contribute to that. The opposite of that is in America, where it is highly technological. People are creating scorecards all over the place. There are variations, and further work is ongoing in exploring those areas.
712. **The Chairperson (Mr Nesbitt):** The final comment and question falls to Alex.
713. **Mr Maskey:** To repeat David's earlier point, all of us around the table are very keen to see the potential of this to work in the most effective way. This is more of an observation: I am trying to think about how we make it as effective as possible. In your contributions today and your submission, you pointed to conflicts or conundrums around what predetermined outcomes are handed down to you in community planning. The idea is for the council areas to determine issues as best they can for their locality. There are issues around how it impacts on community planning and what obligations there are via that process. There is then the statutory duty, which is being posed as a good thing. How can that be made into an effective tool? There is also the whole question about the definition of what children are. You, Elaine, gave examples of how Belfast City Council is being proactive around this. It has champions, so it is up for that; it wants to do something. Maybe it wants to do even more than what is going to be in the Bill.

Other councils may not be in the same place; I do not know. Is NILGA offering up an idea that these things should be predetermined? Should much discretion be left, if at all possible? Can we make the Bill tighter or more authoritative?

714. **Ms Smyth:** We outlined in our response that the issue for us is mainly about timing. It is all coming together, but the two tracks of work are not reading across to each other. That is the main problem. I think that the community planning guidance is still in draft; I am not sure that it has been published yet. It very much says, “Look, you need to take into consideration your responsibilities from government and all the different strategies and policies that you have to take on board as you formulate your community plan”. Belfast and other councils, including, I think, Mid Ulster, are fairly far along with their community planning. This stuff is happening already. We have a Bill coming to us that may radically change what happens at the local level for children and young people. That is not necessarily a bad thing; I am just saying that it would be useful to design out that potential conflict now, rather than letting the two things develop without looking at each other.

715. As Elaine explained very eloquently, Belfast and other councils are already doing this work anyway, possibly, as you said, far in advance of what is going to be required in the Bill. The difficulty with everything that we do at council level in trying to make an impact at the local level is in making sure that our partners in government are tied in and delivering and are walking in the same direction and at the same speed as us, willing to contribute.

716. **Ms Black:** You have to consider where you start and what you bite off. Realistically, the Bill is welcomed by the sector and yourselves in the main. The reality is that it provides that focus on children and young people. Often, the priority for most people is to intervene early in people’s lives to give them the best start in life and put less pressure on the support that Governments need to find. I look for opportunities. Being

practical about it, if the Bill is coming and it allows for an integrated approach to be tested, as long as the resources are attached to it, there is still an opportunity for the parallel processes because there will be other priorities under community planning as well.

717. **The Chairperson (Mr Nesbitt):** That is a good point to finish on. Thank you for coming today and for your submission. Seán, Elaine and Karen, thank you very much indeed.

27 April 2015

Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
 Mr Alex Attwood
 Mrs Brenda Hale
 Mr Alex Maskey
 Ms Bronwyn McGahan
 Mr Stephen Moutray
 Mr Jimmy Spratt

Witnesses:

Mr Peter Hutchinson	<i>Office of the First</i>
Ms Margaret Rose	<i>Minister and deputy</i>
McNaughton	<i>First Minister</i>
Mrs June Wilkinson	

718. **The Chairperson (Mr Nesbitt):**

Today we welcome Peter Hutchinson, June Wilkinson and Margaret Rose McNaughton. Before we move to your opening remarks, Margaret, I thank you for your constructive engagement with Committee staff on the Bill. That has been much appreciated. I understand that you have also been engaging with the Bill sponsor and officials in other Departments. I think you previously received a copy of the clause-by-clause issues paper and the themes that we have been exploring through our oral evidence sessions. I will hand over to you for opening remarks.

719. **Ms Margaret Rose McNaughton (Office of the First Minister and deputy First Minister):** Thank you very much, Chair, and thank you for inviting us along to brief the Committee today. I just want to take a few minutes to provide an overview of some of our thoughts on the Children's Services Co-operation Bill. As you said, you have a paper that, hopefully, members have had an opportunity to read.

720. Ministers have previously agreed that they support the general principles of the Bill, but we do have a number of issues and areas where we would like to make amendments. The paper provided to members outlines the key concerns

raised by Departments and some of our early thoughts on how the Bill could be revised, but, again, that is not a final or agreed position at this stage. We still have a lot of work to do on it.

721. I am conscious of time, but today I hope to take you through the paper that we sent to you on Thursday on the clauses and the amendments that we plan to make to the Bill. It is from paragraph 9 of the paper onwards. Again, I will be guided by what members feel is most appropriate or most helpful at this stage. Please feel free to interrupt and ask questions as we go through each of the clauses. I will ask June to take us from clause 1 onwards.

722. **Mrs June Wilkinson (Office of the First Minister and deputy First Minister):** First, we want to consider the introduction of a new clause 1, which would act as a purpose clause. This was suggested by Daniel Greenberg when he assessed the Bill. Purpose clauses are more common in Australian law and there are only a few examples of such clauses in the UK. Whether the amendment is introduced will depend on whether the purpose clause adds any value to the Bill. We will liaise with the Office of Legislative Counsel (OLC) on that point. The purpose clause will define what the Bill is about and what functions will be conferred in the Act.

723. **The Chairperson (Mr Nesbitt):** Daniel Greenberg and others have said in evidence sessions that it would be useful to have a very clear articulation at the very beginning that this is what we want to do.

724. **Mrs Wilkinson:** OK. Moving on then, the existing clause 1 on the duty to cooperate would then be revised and would become clause 2. The duty would ultimately be on the Executive to ensure that the necessary arrangements were in place to promote cooperation and place the child at the centre of services.

- We would also wish to ensure that this cooperation would support rather than hinder Departments' existing functions. The focus on cooperation would be to achieve better outcomes for children and young people, and it would be detailed in the strategy that is going to be brought forward. It is about tying the duty to cooperate to the strategy, as opposed to leaving services in the ether.
725. The new clause 3, then, deals with the strategy. It would place a duty on the Executive to set out and bring forward a children and young people's strategy that sets out a high level of strategic outcomes for children and young people and how all relevant partners would work cooperatively to achieve those outcomes. This would mitigate concerns about naming policy outcomes in the legislation and places an emphasis on the Executive to deliver on the strategy document.
726. **The Chairperson (Mr Nesbitt):** One witness suggested that rather than say "deliver against the six high-level outcomes in the strategy" it would be reworded to say "against the high-level outcomes as currently defined" or words to that effect, so that if you change it, the Bill does not lose relevance.
727. **Mrs Wilkinson:** Yes, so that there is room to manoeuvre.
728. **The Chairperson (Mr Nesbitt):** Is that something that you are concerned about?
729. **Mrs Wilkinson:** Yes, we are concerned about that too because we want to ensure that there is flexibility. As the position changes, we want the legislation to be able to move with it. We want to get the wording right so that it links to the agreed outcomes.
730. **The Chairperson (Mr Nesbitt):** That are live.
731. **Mrs Wilkinson:** Yes, live as opposed to defined.
732. That clause would also provide an opportunity to have the relevant Department consult children and young people themselves, which is very important in the development of the strategy. We want the strategy to include key outcomes and measurable indicators that can be monitored to determine success. It empowers the Executive to hold Departments to account on what they are doing, how it is delivered and where the improved outcomes are.
733. The existing clause 4, which amends the Children (Northern Ireland) Order 1995, could be placed as a stand-alone clause rather than amend the 1995 Order. The clause would seek to have the focus on the existing clauses insofar as the Executive are the body working to produce a plan to deliver on the strategy. It is taking it to the next step; we would link with the 1995 Order's requirements to have a plan — the plan to deliver on the children and young people's strategy.
734. **The Chairperson (Mr Nesbitt):** I am not 100% clear on this. If there is a controversial clause, clause 4 seems to be it. You are saying that it will be a stand-alone clause.
735. **Mrs Wilkinson:** Yes. Rather than clause 4 amending the 1995 Order, we are just having a clause 4 in the strategy which is about planning, rather than linking it to an amendment of the 1995 Order, which was about planning.
736. **The Chairperson (Mr Nesbitt):** I have got that, but are you proposing to significantly alter the wording and the responsibilities as a stand-alone?
737. **Mrs Wilkinson:** Yes, completely.
738. **The Chairperson (Mr Nesbitt):** Completely. OK, that is clear.
739. **Mrs Wilkinson:** Yes, but totally still delivering cooperation in the underlying plan.
740. **The Chairperson (Mr Nesbitt):** OK, but I think we would be interested to know how you intend to monitor it and where the responsibilities will shift to.
741. **Mrs Wilkinson:** Children's services will still be planned, commissioned and delivered by the relevant partners. All

- the Departments and relevant partners will contribute to producing the strategy. They will also have to contribute to producing the plan that links to the strategy. In simple terms, if there is a health issue, the Health Department will have contributed a plan on how it is addressing that within the strategy. That is how it will be described in those terms. It breaks it down. That means that the elements of the strategy which link to the 1995 Order, and which the Children and Young People's Strategic Partnership (CYPSP) already delivers on, would be included. It means that the plan for this Act will encompass the work of the 1995 Order, so there will be one plan. The 1995 Order has its section of it, which is particularly for children with particular needs, and we will ensure that the plan covers all other children and all other requirements.
742. **The Chairperson (Mr Nesbitt):** Which body leads?
743. **Mrs Wilkinson:** At the minute, OFMDFM is the lead Department. Our duty is to coordinate, but it is the responsibility of all Departments to contribute to the strategy and the plan, because it is an Executive strategy. Children's issues touch on all Departments.
744. **The Chairperson (Mr Nesbitt):** What are the implications for the Health and Social Care Board, compared with what it currently has responsibility for?
745. **Mrs Wilkinson:** The Health and Social Care Board had concerns that it was only engaging with other partners where it was able to secure buy-in. This empowers the Executive to require all Departments to give buy-in to the Health and Social Care Board. If it needs a partner on a particular issue, it is empowered, under the Executive strategy, to ask that Department to work with it.
746. **The Chairperson (Mr Nesbitt):** Is it fair to say that, under your proposals, the HSCB stops being the core body and OFMDFM replaces it as the core driver?
747. **Mrs Wilkinson:** No, I would not say that it stops being the core body. It is unique in what it delivers in relation to the 1995 Order, and it would continue to do that. The Bill will ensure that other Departments are also required to cooperate with the Health and Social Care Board. At the minute, they do not have that definitive role. Some Departments and bodies do cooperate, but this will require them to.
748. **The Chairperson (Mr Nesbitt):** Would you argue that what you propose is consistent with the role OFMDFM plays in Delivering Social Change and Together: Building a United Community, for example?
749. **Mrs Wilkinson:** Yes. It would be by no means an OFMDFM strategy; this is an Executive strategy. OFMDFM just happens to be the tool to provide its operation. If the role moves to another Department in the new structures, that would move accordingly.
750. **The Chairperson (Mr Nesbitt):** If you do not mind, Alex Maskey will come in at this point.
751. **Mr Maskey:** Would this mean a new clause? I am not sure whether it is the same clause or if you are talking about a rewritten clause. Does this mean that OFMDFM would have the authority? If the Health and Social Care Board came forward and said, "We're taking this area of work forward, but we need this other agency or Department to participate. They are not doing that at the moment. We need buy-in from this other structure", does OFMDFM have the authority, under this, to say to the other Department or agency, "Away you go; work away with that"?
752. **Mrs Wilkinson:** It does, but it would not be as specific as that. It is not OFMDFM but the Executive who would have the authority, because, through the Bill —
753. **Mr Maskey:** But it would be processed through OFMDFM.
754. **Mrs Wilkinson:** Yes, OFMDFM would be the agent.
755. **Mr Maskey:** So, in a way, this gives the Health and Social Care Board greater —
756. **Mrs Wilkinson:** No.

757. **Mr Maskey:** — authority, if you like, to call for greater cooperation, albeit via the Executive.
758. **Mrs Wilkinson:** That is right, yes.
759. **Mr Maskey:** It does not have it at the moment.
760. **Ms McNaughton:** This is just one of our proposals. None of this has been agreed in any way yet.
761. **Mr Spratt:** Just on the back of the questions that Alex has asked, in respect of the HSC Board, surely there is a danger, and it is important that it is not prescriptively laid down in legislation for a board directing Executive Departments, whether it is the Department of Education, the Department of Health, OFMDFM or any other Department. You cannot have an outside body wagging the tail of government, at the end of the day. Are we certain that that clause will make sure that that does not happen?
762. **Mrs Wilkinson:** Yes, that is why I was describing it as totally removing it in its current form but continuing to have a clause that required a plan. The clause that described it as it was in the Bill that was introduced is not the same. That would be removed completely.
763. **Mr Spratt:** That was always a major concern that I had. I think that I raised it in earlier meetings that we had in relation to that. Are you satisfied that that will make it watertight and that that will not happen?
764. **Ms McNaughton:** We want to bring the power back to the Executive to decide who it is that sets out the plan. The board will still continue to plan for services for children in need under the 1995 Order, but under the new Bill and what is required in terms of a plan for the children's strategy, we may well ask the board to produce that plan. That might be what comes out of all of this, but it will be an Executive decision as to who does it. It will be the Executive that will tell the board what they want to do. We have to discuss that with the board in more detail.
765. **The Chairperson (Mr Nesbitt):** So this is your current thinking rather than your definitive thinking.
766. **Mrs Wilkinson:** Yes, but we have had meetings with the board and outlined our view to it. I have been liaising with it to ask, if there was the one plan, how it would marry with its requirements, so that we get it right once rather than duplicating.
767. **The Chairperson (Mr Nesbitt):** OK.
768. **Mrs Wilkinson:** Will I move on?
769. **The Chairperson (Mr Nesbitt):** Please, June.
770. **Mrs Wilkinson:** Clause 5 will amend and replace the existing clause 2 entitled 'Co-operation report'. Clause 5 will require the Executive to report regularly on the delivery of the strategy through the plan and provide information on the measurable indicators and outcomes. The report will also be expected to include commentary on how Departments and relevant bodies have cooperated in the delivery of the outcomes and further opportunities for cooperation. That takes in the aspiration of the current Bill but frames it around a report on how well we are doing on delivering the strategy.
771. **Mr Spratt:** On the reporting, I suppose that this is one of the areas of worry as well, in increased bureaucracy with adding other layers of reporting and actually taking away from getting the money to the source where it needs to go to. Some of the bodies that have been giving evidence have been suggesting yearly. Surely, on top of existing procedures for reporting I am not exactly sure how that happens at the minute, but maybe you can give us some explanation around that vis-à-vis new arrangements, are you certain that that clause will make sure that it will not be prescriptive in increasing bureaucracy and needing a lot more people to do it, and, at the end, you have another nonsensical report and the stuff is not getting done at the end of the day, which, I suppose, is the best way that I can put it?

772. **Ms McNaughton:** You are right. We had that concern as well: that this would just increase bureaucracy. Whatever we finally end up with in this Bill, we need to be clear that we will be reporting on the child poverty outcomes model. We are currently reporting on the children's strategy and the action plans associated with that. In any report that comes along, we want it to include the reporting requirements of all the other strategies so, where we can, we are doing one report. For some, we will have to report on a yearly basis because that is already written into legislation on child poverty. For this one, is it every three years for planning?
773. **Mrs Wilkinson:** Yes. We were not prescribing an annual report.
774. **Ms McNaughton:** In any case, our Northern Ireland Statistics and Research Agency (NISRA) colleagues continuously collate information around how we are doing in terms of the actions of the current strategy. There is a need to work with them and make sure that we have one reporting cycle that is easy to maintain and does not involve reporting on 300-odd actions. There is still a need for us to be clear about what the reporting arrangements are going to be. I share the concerns about the added bureaucracy; it has been a concern of ours from the beginning.
775. **The Chairperson (Mr Nesbitt):** The evidence sessions were fairly consistent in terms of the external commentators saying that they wanted an annual report. Were you surprised by that?
776. **Ms McNaughton:** Not surprised, I suppose, because there has been concern because not as much progress has been made in terms of the children's strategy as what they would have hoped in the past. That is something that we can work with. In the discussions that we have had with them so far, they are quite positive about some of the changes that we are planning to make. There is maybe a compromise; if it is not every three years, we can think about every two years.
777. **Mrs Wilkinson:** In some of my discussions with the sector, it suggested that we could review it annually and report every three years. That way, you are keeping on top of the issues and ensuring that there is delivery, and you keep moving against the indicators. You keep examining the measurement, so at least you are seeing whether we have made any movement, but you do not have to report annually.
778. **The Chairperson (Mr Nesbitt):** Could those indicators lend themselves to a sort of live update, where you could go online and say, "Well, a week ago, it wasn't as good as it is today"? That would almost negate the need for continuously writing lengthy reports and the concern that Jimmy has about bureaucracy.
779. **Mrs Wilkinson:** We have been engaging with the board to do that. The board has a website that reports on the plans that it delivers on for children and young people. We have been engaging with it to see how we can update that information and extend it so that the whole plan is reported on. That would be the ultimate.
780. **Mr Maskey:** Like anybody else, I would not want any additional bureaucracy in the system, but you can envisage MLAs at Question Time periodically asking OFMDFM for an update on the children's strategy, the cooperation Bill or whatever you might call it at that point in time, and you would get an answer. I cannot understand why there is a big issue around an annual report as opposed to a three-year one. I cannot see the sense of it, to be honest. I cannot see the big problem with that. I think that you made the point, Chair, that this is ongoing work. I cannot see why it cannot be topped and tailed at the end of the year and presented. I do not see the big fuss.
781. **Ms McNaughton:** There is probably a way for us to do this that reduces bureaucracy. You are quite right about ongoing and almost live reporting, but if we have an outcomes-focused strategy that is reported on, as far as possible, on a six-monthly basis, it depends on what

- the indicators are, how often you can measure them and how often you can see progress. I think that there is a way around this where, rather than producing a huge report on a yearly basis that just takes up someone's time, we produce something similar to what the board does at the moment. The board assures us on the information that it provides, the outcomes that it produces and the plans that it makes. I think —
782. **The Chairperson (Mr Nesbitt):** OK. Sorry, June. Let us crack on.
783. **Mrs Wilkinson:** The final substantive clause deals with pooled funds. It is an amendment to the existing clause 3. We want to ensure that there is provision that any pooled funds are managed properly and the practical outworkings of how that is done in terms of management and accountability are in place. That is our key goal.
784. **Mr Spratt:** This is one that seriously concerns me in terms of how it would work. It is fraught with all sorts of loopholes and dangers, certainly in the area of accountability and in terms of procedures and stuff like that. An MOU is an MOU, but it is not laid down in tablets of stone. Sometimes MOUs are written in ways that can make them very ambiguous. In some cases, maybe in the care of a child, the Department of Education, DSD to a degree and Health might be involved, and dear knows what other fund there might be. To me, that sounds like a nightmare waiting to happen in terms of public money, and there is a high danger of misuse. I am not saying that it will happen intentionally, but it may well be used in ways that it should not be used. Some of us will have the monitor that, but there are no accountability mechanisms other than that, at some stage, the Auditor General can come along and find that there has been a serious problem, that there is criticism of all the Departments and everything else, and that it is all because somebody wanted to put something like that in.
785. It is different in England, and I know that the English example has been used.
- There, an awful lot of this is carried out by the local authorities, which already have delegated budgets for all these things. They are operating education, a lot of the health stuff, a lot of the devices and a lot of physiotherapy that might be needed. When you go into a school like Mitchell House, you can see some of the good work whereby various Departments come in and help the children with physiotherapy and stuff like that. I suppose there is need in more mainstream schools, but I do not know how you would ever work out an MOU to make sure that this is working safely and is accountable to the public purse.
786. **Mrs Wilkinson:** Where a common goal and vision are shared between two Departments as you describe, it can be effective. Processes already exist to move money around to deliver on that.
787. **Mr Spratt:** That happens at the minute, June.
788. **Mrs Wilkinson:** Yes, it does happen; that is what I am trying to say: is there the need for a pooled budget?
789. **Ms McNaughton:** We suggest that it should still be an enabling power rather than a mandatory power.
790. **Mr Spratt:** Surely pooling is the sort of thing that, perhaps, starts in Education, and then more intervention might be needed, in terms of what the Department of Health might deliver through devices, wheelchairs or whatever, which might be needed for the movement of people with a disability. It already seems to work reasonably effectively, so I assume that some sort of procedure is already in place. I do not know how you would set something down in the present system here. Yes, England is different, but this is not England.
791. **The Chairperson (Mr Nesbitt):** I am conscious that we are in plenary. I will not say that we should be quick-fire, but let us see if we can get through these. The Health Minister has articulated concerns. Can you update us on where you are with the Department of Health and the Minister?

792. **Ms McNaughton:** Clause 4 is one of his big concerns, and the Bill's ability to amend the Children Order 1995 is a big issue. As you said, the Department of Health is meeting the board tomorrow or Wednesday, and we hope to meet the Department of Health after that to go through all the concerns raised in its letter. These are not new concerns; we knew about them. We hope that the amendments that we will put forward will address all the issues.
793. **Mr Spratt:** Chair, I have one point. It is not just Health, but Education and the new Education Authority have had an input as well. Have there been discussions with them?
794. **Ms McNaughton:** There have been initial discussions with the Department of Education. The SEN Bill is coming forward as well, and the Committee sent a copy of that to us a few weeks ago. We have not had the same discussions with Health, but we have shared the Bill with Education and have had a response back. We need to work through them to the new Education Authority.
795. **Mrs Wilkinson:** We will work directly with the Department of Education, and the Education Authority's views will come through that Department.
796. **The Chairperson (Mr Nesbitt):** There is also the Department of the Environment. Last week, we were hearing that there was a concern that these new statutory powers may have unintended consequences for community planning for the new councils.
797. **Mrs Wilkinson:** We met officials in the Department of the Environment and we are listening to what they say. This is exactly what we do not want. We do not want it to inhibit community planning actions. Cooperation on children's issues is very important in community planning, so we want to make it effective rather than challenge it.
798. **The Chairperson (Mr Nesbitt):** You are talking about Departments, and then you add agencies to that. Just give us the rationale, on the record, for that, please.
799. **Ms McNaughton:** Do you mean the like of the Health and Social Care Board? If we are talking to Departments — I am sorry, I am not quite sure I heard you correctly. Do you mean in terms of talking to them now?
800. **The Chairperson (Mr Nesbitt):** No, for the legislation.
801. **Mrs Wilkinson:** The Health and Social Care Board is a statutory body. So, this is to ensure that it is required to cooperate with a Department. It is so that the Department of Education, for example, would cooperate with the board. That is why agencies are identified as well as Departments.
802. **The Chairperson (Mr Nesbitt):** Let us go back to the witnesses we have heard from so far. There was some strength of feeling that there should be some sort of independent oversight or consultation with the sector in drawing up the report. Of course, we have the Commissioner for Children and Young People, and the Children and Young People's Strategic Partnership (CYPSP). Do you take a view on whether it is necessary for any further formal body to be set up?
803. **Ms McNaughton:** We did not think that we would be putting forward the view that there may be the need for another independent oversight. You are right: we have the Children's Commissioner and —
804. **The Chairperson (Mr Nesbitt):** They have a statutory duty to take a view on the delivery of services.
805. **Mrs Wilkinson:** We would not need to do that. It would not be on our radar.
806. **The Chairperson (Mr Nesbitt):** OK, if members are content, I will say, "Thank you very much" to June, Peter and Margaret Rose. That was very helpful. Again, thank you for the informal or ongoing liaison with staff. We appreciate that very much.
807. **Mrs Wilkinson:** Thank you.

27 April 2015

Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
Mr Alex Maskey
Ms Bronwyn McGahan
Mr Stephen Moutray
Mr Jimmy Spratt

Witnesses:

Mr Agnew	<i>MLA - North Down</i>
Mr Ross Brown	<i>Green Party</i>

808. **The Chairperson (Mr Nesbitt):** We welcome the Bill's sponsor, Steven Agnew MLA, to the table. We also welcome Ross Brown, the researcher for the Green Party. Steven has provided a response to issues raised in the clause-by-clause table, and we thank him for that written response. You have just heard from the officials, Steven, so the logical thing to do is to ask for your reaction.

809. **Mr Steven Agnew (Northern Ireland Assembly):** There is nothing surprising in what I have heard, because engagement with OFMDFM has been consistent and considerable. We held a number of joint meetings at which all parties were able to be there at the same time. I appreciate that diaries do not always allow for that but, as much as possible, we are trying to go along, step by step, together.

810. The Department has outlined its proposals. At this point, there is nothing with which I have major concerns. I have said from the outset of this process that I want to work collaboratively and have sought to do so. That is subject to seeing the draft of the amendments, and I think that that is true of all parties, including OFMDFM. We are in agreement with the aims of the Bill. We see areas for improvement in the drafting. Subject to seeing how the amendments look, we support the direction of travel that OFMDFM is proposing at this point.

811. **The Chairperson (Mr Nesbitt):** Clearly, OFMDFM wants a new clause 1, which is a sort of statement of intent. I know that Daniel Greenberg said that, if you want to know what a Bill's sponsor intends through his Bill, the best thing to do is to say, "Steven, what is the Bill is supposed to do?".

812. **Mr Agnew:** First and foremost, it is supposed to improve cooperation in delivering services to children. It is about ensuring that more resources go to the front line through more efficient working, that organisations delivering services to children are not having to run between Departments and that there is a central point through which to work.

813. **The Chairperson (Mr Nesbitt):** There is a suggestion that clause 1 would change to a general duty at departmental level. Are you content with that?

814. **Mr Agnew:** I actually intend and have organised to meet Daniel Greenberg. It is a new form of drafting to what I am used to. As stated in the last session, it is not common within UK law. My understanding has always been that the place for it is in the explanatory and financial memorandum and then the legislation is separate.

815. I have no problems with the intent. Obviously, Mr Greenberg is an expert in his field. I intend to meet him, but, at this point in time, I see no concern in that. It could be an opportunity. Concern has been raised in this Committee about the ability to enforce high-level outcomes because they are broad, and deliberately so. Perhaps, a better place for them to be, potentially, is in the general purpose clause. I am interested in exploring that possibility as a way forward to ensure that the six high-level outcomes are included in the legislation, which would perhaps get round any legal problems they might create.

816. **The Chairperson (Mr Nesbitt):** What is your current thinking on sanctions and the lack of them for those who do not comply?
817. **Mr Agnew:** I suppose the feedback is coming from both sides on this. Some are saying that we require more direct sanctions while others are saying that reporting is already too onerous. Sometimes, when your point of view is in the middle, that is the right place to be.
818. I still have not got a concrete example from anyone of what a sanction could look like, other than fines. I do not see how fining a Department for not delivering services to children will help children. I think that the ultimate sanction is always judicial review, which is not in anyone's interest. It is always the ultimate sanction. The Department should work cooperatively to avoid such a sanction.
819. Reporting is there to keep accountability. That is why I defend the need for reporting without it being necessarily over-bureaucratic. Reporting is there to ensure accountability and that we have oversight, both within the Assembly and for outside agencies, to ensure that cooperation is happening, is seen to be happening and indeed can be evidenced through the reporting. In that regard, this is how we ensure that cooperation has taken place, as I say, with the ultimate option of judicial review always being there. Beyond that, I do not see a workable form of sanction that would be helpful. Through all your consultation and mine, I have not seen a proposal that would improve the Bill in that regard.
820. **The Chairperson (Mr Nesbitt):** One organisation said that, rather than name the six current high-level outcomes, the form of words should be more flexible and say whatever high-level outcomes are effectively live and in play at the time. Are you content with that?
821. **Mr Agnew:** That is what is proposed with regard to linking directly to the children's strategy. The only concern I have — and I have said this to the Department and it has asked the drafters to look at it — is that this was never meant to be specifically about the children's strategy: there will be other strategies, whether it is the childcare strategy or things like the SEN Bill which has recently come forward, that would impact considerably on children and would still require cooperative working. If the Bill is linked solely to the children's strategy, I would be concerned, but, if it is linked to the children's strategy and others relating to children, however that would be drafted, I would be content.
822. **The Chairperson (Mr Nesbitt):** I sense tension between you and the Department on this. I picked up the impression that it is linking it very tightly to the strategy.
823. **Mr Agnew:** We have no problem with the strategy. In fact, one of our earlier drafts had a direct link to the strategy. However, we thought that it was too prescriptive and might scare the horses somewhat. The Department's coming forward and saying, "Let us link this to the strategy" is something that we welcome. Our concern would be if it were exclusively the children's strategy. This is supposed to be an overarching piece of work regarding how children's services are delivered. If it were linked solely to the strategy, I would have concern.
824. I would not say that there is tension. Indeed, my understanding is that OFMDFM raised that concern with the drafters to see whether other strategies can be encapsulated. Again, subject to seeing the draft of the amendments, I think we are coming from a similar direction of travel.
825. **The Chairperson (Mr Nesbitt):** Some witnesses who came to us talked about the need for statutory guidance to be developed to accompany the Bill. Are you in tune with that?
826. **Mr Agnew:** Absolutely. However, that is out of my hands as the Bill's sponsor. It is not something that would appear in the legislation. I am sure we will come to it. However, the pooling of budgets would need to be accompanied by statutory guidance, undoubtedly.

827. **The Chairperson (Mr Nesbitt):** Who would draw that up?
828. **Mr Agnew:** If we take the example of pooled budgets, then that would have to be done in cooperation with DFP. However, OFMDFM, as the overarching Department at this point in time and subject to any changes in Departments, would be responsible, as it is now for the amendments, for pulling that information together. My understanding is that it would be required to put forward the guidance.
829. As I said, it is not uncommon for legislation to be followed by statutory guidance. As the Bill sponsor, I would say that it is outside the legislation, so, barring me and my party getting into government any time soon, I would not have oversight of that.
830. **Mr Spratt:** No chance, Steven. Do not build up your hopes.
831. **The Chairperson (Mr Nesbitt):** Do not rise to it.
832. There has been a suggested amendment that would define the term, “functions”. What would that read like?
833. **Mr Agnew:** It is something we are content with in principle. We would have to see what it would look like. I suppose that this is the advantage of having OFMDFM and a direct link, through it, to the Office of the Legislative Counsel so that we can take its expert advice on that. Where greater definition is required, we are open to that.
834. **Mr Spratt:** I have a number of issues to raise, Chair, if you can bear with me. It is important to give Steven the opportunity.
835. You mentioned Daniel Greenberg. I am a bit surprised that you have not had a meeting with him yet, given that he has made quite a number of criticisms. The Chair raised one of them with you in relation to ascertaining the impact it would have on young people, and you answered that. However, he also raised issues, and I will go through them one by one and give you an opportunity to answer questions on them. He said that including policy outcomes in the legislation is inappropriate and would be better placed in the strategy document, which you have just discussed. He said that using them in legislation could lead to misinterpretation, challenge and judicial review. What is your reaction to that?
836. **Mr Agnew:** The first thing to say is that we came from a point of view of looking at similar legislation to the Children Act 2004, which has high-level outcomes. It has obviously been in place for over 10 years now, and there have been no such problems.
837. The wording of our high-level outcomes is different, because it reflects the policy in Northern Ireland more accurately. As we discussed, the direct link into the children’s strategy is something that we are sympathetic to if it allays concerns about the practical applications of the outcomes. We are keen that the statutory duty to cooperate and the outcomes continue to be linked, but we are not precious, and I have said that consistently since the initial drafting. If there is a way of doing this that allays concerns that some people have, we support that approach.
838. **Mr Spratt:** I assume you would be concerned about leaving any opportunity open for increased judicial reviews, given their cost.
839. **Mr Agnew:** Yes, absolutely. Judicial reviews should come forward only if Departments are not actively cooperating.
840. **Mr Spratt:** Also, Daniel Greenberg said that the interpretation of the way in which you have presented the Bill could leave it open. He is not saying Departments; he is saying your Bill.
841. **Mr Agnew:** No, absolutely. My intention is that, where there is a failure to meet the objectives of the Bill, it is always the last resort in terms of making sure that cooperation happens. That is why we are going through this process and why we are working with OFMDFM. Indeed, we are meeting Daniel Greenberg, and it is only for diary reasons that that has not happened sooner. We are working

- constructively to amend the Bill to ensure that there are no unintended consequences, such as you and Daniel Greenberg have outlined.
842. **Mr Spratt:** OK. One of his criticisms was on the duty to cooperate. He said that it could mean that Departments would have to prioritise the interests of children and young people over existing functions. What is your reaction to that?
843. **Mr Agnew:** That was a drafting flaw that he pointed out. In the last oral evidence that I gave, I think that I said to the Committee that we saw that as a drafting error and would correct it as part of the process that we are going through now with OFMDFM.
844. **Mr Spratt:** So, you will correct that when you bring the final —
845. **Mr Agnew:** Yes.
846. **Mr Spratt:** You were at the back of the room and will have heard the conversation about additional reporting that we had with the OFMDFM officials, and I think that I raised the point of increased bureaucracy with you before. Daniel Greenberg said that additional reporting duties are unwelcome, especially when there is no obvious added benefit and a potential for duplication with existing reporting measures.
847. **Mr Agnew:** Again, I said from the outset that it does not have to be a discrete report. Based on my engagement with OFMDFM, I think that they do see opportunity. If we are tying it in with the children and young people's strategy, there will already be action plans for that strategy and reporting on those action plans etc.
848. **Mr Spratt:** Tell us what you see as the yearly reporting mechanism.
849. **Mr Agnew:** My original proposal was for three-year reporting and review. The Children's Law Centre has asked for an annual report. That would be more along the lines of a statistical report and would use some of what is being done by the Northern Ireland Statistics and Research Agency (NISRA) in that regard.
- So, it would be almost a progress report on the numbers that shows where we were and where we are year on year. The three-year review would show whether it was working, how it was working and how it could be made to work better. That is more in line with what we have outlined in the current drafting.
850. **Mr Spratt:** So, we are talking about a three-year review as opposed to a yearly review.
851. **Mr Agnew:** Yes. We are talking about annual reporting with a three-year review. As I said, it will be a progress report up to the three years when it will be reviewed. That is certainly where the Children's Law Centre was coming from — at least that is how I understand its proposal — and I would be sympathetic to that.
852. On the overall picture, as I said, OFMDFM has a number of reporting requirements. Again, it would be for the OLC to confirm, but there is nothing in the legislation that says that it has to be a discrete report over and above what is being done. It would just mean that existing reporting requirements would have to conclude how cooperation was taking place.
853. **Mr Ross Brown (Green Party):** Could I come in, Chair?
854. **The Chairperson (Mr Nesbitt):** Yes.
855. **Mr Brown:** I just want to add that clause 4 actually reduces the reporting requirements. It reduces the current requirement to annually review the children's plan to a review once every three years. The Bill outlines some reduction in bureaucracy.
856. **Mr Spratt:** The focus on reporting is mostly based on cooperation as opposed to outcomes, and that was certainly a criticism that was made by Daniel Greenberg. Have you done anything to address that to improve the outcomes?
857. **Mr Agnew:** In the replacement of clause 4, we have looked at what is in place with children's services planning. This

- is what I mean about it not having to be a discrete report. There is already reporting on children's services plans, and it would add to the reporting that is being done and report on cooperation. It is the Children's Services Co-operation Bill; we are not writing the children's strategy or the children's plans into legislation. It is really saying that, in addition to what is happening, there will be reporting on cooperation — if it is happening and how it is happening — and on the benefits and improvements from that. We will also review how it can be done better. By necessity, the Bill is about cooperation, and the reporting contained within is specifically about cooperation. That will fit in with what is happening, which looks at performance and outcomes.
858. **Mr Spratt:** OK. You will have heard the discussion earlier about pooled budgets and the difficulties that that would create with accountability, risk management and the rest of it. That was certainly something that Greenberg raised as well. How do you see accountability, authority for payments, cost control and risk management being dealt with between the Health Department, the Department of Education, DSD to some degree, the Education Authority and other bodies that have delegated budgets? Where is the accountability? What accountability mechanisms would be put in place? Are you suggesting a memorandum of understanding (MOU) between bodies? Do you really think that MOUs work?
859. **Mr Agnew:** I am starting from the basis that the current situation is not working efficiently. The structures —
860. **Mr Spratt:** But it does work efficiently in some areas, Steven, such as for children in special education. I named a special school earlier that I have done a lot of work with. There is evidence of the Department of Education working hand in hand with the Health Department and the then education and library board — it will now be the Education Authority — to develop a plan for an individual child on physiotherapy, educational needs or wheelchair or appliance needs. There is evidence of a system that works.
861. **Mr Agnew:** I would say that there is evidence of good practice. There is no evidence of systemic good practice, which is what this Bill is seeking to move us towards. There are counter examples that I would give, which have been highlighted in some of your own consultation as well as in mine. Parents are having to go and meet somebody in the Education Department and then the Health Department, and they develop two separate plans for the same child. Everything happens in parallel rather than together. That sort of thing is inefficient for the family and the system.
862. Look at the report of the Northern Ireland Commissioner for Children and Young People (NICCY) around transitions. Parallel planning, for, say, a child with autism, where the Education and Health Departments are developing different plans, would increase the number of transitions that that child has to go through in moving from child to adult services. Take even the Special Educational Needs and Disability Bill. We had the situation in the Assembly when we had legislation for the Education Minister to have to work with agencies of the Health Department, but there was no reciprocal duty because it was a Department of Education Bill and not a cross-departmental Bill. We see those problems in the system.
863. In terms of how it would work practically, I shared with this Committee the guidance from the Department for Communities and Local Government in England, where they use pooled budgets. The evidence from that is that, where the culture of cooperation improves, pooled budgets happen almost organically. It would, of course, be for DFP to set the parameters of reporting and accounting. I know that, in the Minister's response, the early intervention transformation programme (EITP) has been cited as an example of pooling budgets. However, look at that guidance from the Department for Communities and Local Government. I would say that EITP is more of an

- example of aligned budgets whereby each Department keeps its pot of funding but they agree, through shared objectives, who will spend on what and who will do what. That is the kind of halfway house, as I see it, whereby everybody keeps their own accounting mechanisms and accountability, but they agree shared objectives and who spends what where.
864. Under pooled budgets, you would have only one set of accounting. You would have only one application process to receive that funding. Rather than having that across three, four or five Departments, you would have one point that you go through. That is inevitably more efficient. Yes, new accountability structures and systems would have to be worked out but, once you have done that, you would have a much more efficient system and more resources could go into services.
865. **Mr Spratt:** Would there be costs involved in that?
866. **Mr Agnew:** In terms of the transition, the costs would be around getting people in a room to thrash out how we make this work. That is the initial cost. Once that is set up, there are savings in the medium term because, rather than five different accounting officers, you have one, and, rather than several application processes for funds, you have one. Ross, did you want to come in on that?
867. **Mr Brown:** I wanted to come in on a couple of things. You mentioned the memorandum of understanding, and I suppose that, any time services are contracted out from government, there is generally a memorandum of understanding. The same rules of accountability would apply in that regard.
868. Bringing it back to what Steven said about administration and duplication: that is essentially what the pooled budget is designed to combat. One partner acts as the host, and you have a single accountancy officer rather than a host of them.
869. The other situation in which such budgets may be perceived as necessary
- is when services fall between the cracks in the responsibilities of Departments. One such example was language services for the parents of deaf children. The Health Department said it was the Department of Education's responsibility, and it said it was DCAL's responsibility, who then said it was the Health Department's responsibility. When something like that falls between the cracks, who picks it up and consolidates everything? It is an example of how a pooled budget could operate effectively to bring something into place where everybody has some level of interest but nobody is taking the overall responsibility for driving it forward.
870. **Mr Spratt:** There are two other areas that I want to raise, sticking with what Daniel Greenberg said. He said that the balance of powers between the Health and Social Care Board and other public bodies outlined in clause 4 is inappropriate. What is your reaction to that?
871. **Mr Agnew:** We always felt that we are simply placing the reporting duty where it already sits for the children's services plan, which is with the Health and Social Care Board. It has come up a number of times from different sources. The proposal we are working on with OFMDFM would elevate that to Executive level. The outworking might still be that a lot goes through the Health and Social Care Board and that its role does not change considerably. However — and Mr Maskey teased this out — the direction would ultimately come from the Executive, through OFMDFM, on the requirement for cooperation. I anticipate that the ultimate channel for that will still be through the Health and Social Care Board, but it will legislatively satisfy those who have raised concerns about those powers.
872. **Mr Spratt:** I have one final point. One of the issues that he raised was the potential impact on the Children (Northern Ireland) Order 1995. He said that would need to be considered. What consideration have you given to it?
873. **Mr Agnew:** One of the issues that came up about the Order in the development of this Bill was that this Bill is about

- all children, and the Order very much talks about vulnerable children. There would be some confusion were we just to amend the Children Order. What is proposed instead is that we have a stand-alone clause whereby, for example, if the children's services and the planning required are restated in this Bill, the elements of the Children Order that duplicate that will be repealed. Rather than amend the Order, which is about vulnerable children, we would have it stand alone because, ultimately, this Bill is about all children and the outcome is intended to be that vulnerable children, through a catch-all, get improved services and are less at risk of falling through the cracks.
874. **Mr Spratt:** That is all for the minute.
875. **Mr Maskey:** Thanks, Steven and Ross. In the first instance, I was pleased to hear that you, as the sponsor of the Bill, were, broadly speaking, satisfied with the direction of travel that the officials outlined earlier. Obviously, we have not had time to think about all that because we are in the middle of taking evidence and working our way through it. I am pleased to hear that the work is going on and at least there is agreement, so far, that it is going in the right direction.
876. It is important that we have a clear purpose for the Bill, and I think you have agreed with that. We should all be mindful that we are not saying that it will do more than it might actually do. Everybody around the table, including me, has made it clear that we want it to be successful and we want to see all the agencies and Departments cooperating properly in the interests of children and young people.
877. There are some arguments around that I do not really see as valid, which does not cloud my judgement in wanting to support it in the first place, but to talk about ending up with one set of accountants instead of five — there is no basis in that. Every penny spent in every Department will have to be accounted for. The Departments do not currently have a single, stand-alone accountant for money to spend on young people. I am only pointing out that I would not add it as a selling point, because it will be knocked down fairly quickly.
878. The other thing is around the notion, which I think Ross suggested, that, if they pool budgets and there are grey areas of provision, the Health and Social Care Board might decide, "We have £100. We have spent £80 of it. We will spend £20 because there is a crack in there and we will sort that out". I do not think that board could do that. This is a cooperation Bill; it is not policy setting. It would not decide to skew budgets, I do not think. We might need to tease that out.
879. **Mr Agnew:** Can I just make a point on that? When we met one of the agencies of a Department, it said that sometimes what currently happens is that a Department will agree to surrender money for the monitoring round that another Department will bid on to deliver a service. One of the opportunities presented through a pooled budget — it is a "may" clause; it is not a "must" clause — would be, rather than waiting until the monitoring round to surrender that and bid for it, you could have that pooled arrangement whereby Departments could put into a pot where a gap in services is identified.
880. The evidence from England is that that does not happen overnight, but where that culture of cooperation grows, the pooled budgets can be almost an organic outcome. We recognise that the problem needs solved. We have got the money, you have got the delivery mechanism, we will put it in through the monitoring round. That seems onerous. To go back to the point that I made about being inefficient: pooled budgets, to me, seem to be a more efficient way of doing that.
881. **Mr Maskey:** Yes, you can pool budgets, but you might not necessarily cede authority over policy. That is the point that I am making. We need to be clear and, hopefully, it will be set out in the purpose clause that it is not a body that will determine policy; it will discharge policy. It is about cooperating, and you

- made that point. It is an important distinction. It will be interesting to see the purpose clause and, hopefully, you will agree to that. Hopefully, we can get an agreed purpose clause from you and others who are working on it.
882. It is interesting that you have put forward the monitoring process and review on a three-year basis, whereas, a number of the contributors said that they wanted it on a one-year basis, and there are others who want to go further than you have. I think that you explained very well what your intention was behind that. I get the impression that, in some ways, in fairness to you because you want the Bill to work, the proposals in the Bill are relatively modest. Based on the officials' presentation the other day, the Department, in my view, seems to be thinking that it almost wants to try to enhance at least the enabling aspect for the care board, which is fair enough, insofar as it says that, if you are not getting cooperation for somebody for whatever reason, you go and there is a pathway. So, the Executive will hopefully compel it to do that. That is an enhancement, as I read it. It would probably be welcomed.
883. **Mr Agnew:** Absolutely. In some of our considerations, we put forward proposals that we thought were realistic, and, in some cases, we have almost been too modest, as the Department is saying that we could go a bit further with this, which, from our point of view, is very welcome. In that regard, having that collaborative working with it has been very constructive.
884. **The Chairperson (Mr Nesbitt):** Steven, the officials made it clear that, in their view, the way forward for a new clause 4 would be to have the central role resting with OFMDFM, and it would facilitate what will be an Executive strategy. Are you content with that?
885. **Mr Agnew:** Absolutely. The draft for clause 4 that we are currently working on is something like draft 10. I think that every draft alternated between the Department and the Health and Social Care Board because we kept getting different advice. So, raising that to a higher level is something that we welcome and something that we grappled with. I am getting a very clear direction from the Department that that is where it would be happier seeing it.
886. **The Chairperson (Mr Nesbitt):** So, you have no difficulty with OFMDFM taking the lead on behalf of the Executive.
887. **Mr Agnew:** No, no difficulty at all.
888. **The Chairperson (Mr Nesbitt):** Even though, under the proposals for the nine-Department model, responsibility for children and young people no longer rests with OFMDFM.
889. **Mr Agnew:** Presumably, that responsibility would shift to the Department of Education. I know that is where the —
890. **The Chairperson (Mr Nesbitt):** Why not place it with the Department of Education now? The change is coming within a matter of 12 months.
891. **Mr Agnew:** As structured, I do not think the Department of Education would be the appropriate place. It has to be OFMDFM because it has that oversight role. My understanding is that the children's strategy will move to the Department of Education, as currently proposed and, obviously, subject to it going through the Assembly. This element of the Bill needs to go where the children's strategy goes because, again, that is more where we are trying to direct it.
892. **The Chairperson (Mr Nesbitt):** So, you would want it to go to the Department of Education should the nine-Department model come into being.
893. **Mr Agnew:** From what I have seen of the proposals, that would be the most appropriate place post-departmental reform.
894. **The Chairperson (Mr Nesbitt):** The other area I would seek comment on is the concerns raised by the Health Minister.
895. **Mr Agnew:** In terms of?

896. **The Chairperson (Mr Nesbitt):** His concerns, to a large extent, were around clause 4, so maybe they have been addressed, but do you think his concerns are valid?
897. **Mr Agnew:** We worked with the Health Department on clause 4. I had two meetings with the Department, and OFMDFM met the Health Department and, indeed, had two meetings with the Health and Social Care Board. So, I think those concerns have been addressed.
898. I have one disagreement with the Health Minister. He describes the EITP as a pooled budget. By my understanding of pooling, it would be more an aligned budget. Indeed, we have a response from the previous Health Minister going back to November 2012 saying that legislation was not being passed that would enable the establishment of a pooled budget. That answer from the then Health Minister was part of our decision-making in bringing forward a clause on pooled budgets because there seemed to a lack of legislative certainty around pooling. That is why we have an enabling clause. I always said that, if it was not necessary, I would be happy to have pooled budgets, but I have not received that certainty from the Finance Department or the other Departments in terms of their ability to pool budgets. That does not seem to have happened or to be happening, so we still believe that that clause is necessary.
899. **The Chairperson (Mr Nesbitt):** A number of people who responded to our call for evidence were surprised that there was no explicit reference to consulting children and young people. Is that a fair criticism?
900. **Mr Agnew:** I think it is. In the discussions with OFMDFM, the proposal seems to be that any linking to the children's strategy would include a requirement to consult with parents and young people as well as the community and voluntary sector.
901. **The Chairperson (Mr Nesbitt):** You have been working closely with OFMDFM officials and officials in other Departments. Superficially, it looks as if everybody wants this to work. Reshaped, yes; perhaps significantly reshaped from the first draft, but it is the outcome that maybe counts. Should we as a Committee consider tabling our own amendments, or do you think we can rely on OFMDFM officials and the rest to reshape the Bill effectively?
902. **Mr Agnew:** OFMDFM has outlined its case, and I have cited my agreement with the direction of travel and where we might propose amendments. Amendments have been proposed as a result of your consultation, and we could decide, at least through correspondence, how we could proceed in that regard. We stated in our response to you which of the proposed amendments we agree with. We are happy for them to come forward from the Committee. It is almost first refusal to the Committee, because your consultation is the feedback you have had.
903. Not having been through this process, I am not sure of the usual practice. However, where the Committee agrees with proposals, I would have thought it would then be for the Committee to propose amendments. In a scenario in which the Committee did not agree with a proposal and we did, maybe we would follow on. I suppose that we would accede to the Committee in that regard and leave it to you to table those amendments, bearing in mind the response we gave about the proposals.
904. **The Chairperson (Mr Nesbitt):** I appreciate your response. For the Committee, that is a decision for another day. Ross and Steven, thank you very much indeed.
905. **Mr Agnew:** Thank you.

13 May 2015

Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Ms Megan Fearon
Mr Alex Maskey
Mr David McIlveen

906. **The Chairperson (Mr Nesbitt):**

Members, we are now in open session. As we turn to our deliberation of the Children's Services Co-operation Bill, I remind you that the session is being reported by Hansard.

907. We have heard from stakeholders who are generally in principle supportive of the Bill, but they also have issues and concerns. We have also heard from the Department about its concerns and how it believes they can be addressed. The Bill's sponsor has given us his response to issues that have been raised and has suggested amendments that have been put forward during our evidence gathering. Finally, we had the benefit of input from Daniel Greenberg.

908. The purpose of today's session is not to formally consider and agree the clauses but to go through them, weighing up evidence received and considering whether we wish to explore amendments. There are three ways that we could bring forward amendments. First, we could agree amendments with the Department, where it would address our concerns. You will recall that the Department outlined amendments that officials considered could improve the Bill. Secondly, we could do it by way of agreed amendments from the Bill's sponsor. Thirdly, we could do it by way of our own amendments. There may be other policy issues that do not need to be included in the Bill but that we may wish to consider making recommendations on in our report, such as streamlining the various reports required in respect of children. I suggest that, if you are content, we leave those

issues until a later date and concentrate on the Bill.

909. We will start with clause 1, which is on the general duty. It sets out six high-level outcomes for children and young people and places a duty on Northern Ireland Departments to cooperate to further those outcomes. The high-level outcomes are those listed in the current children's strategy, which runs out next year. Clause 1 will also allow OFMDFM to amend outcomes by subordinate legislation. We heard support for the general duty from a range of stakeholders. Many agree with specifying the six high-level outcomes. However, the Children's Law Centre considered that the Bill should not fetter or predetermine the development of the next children's strategy. It suggested an amendment to link the high-level outcomes specified in the children's strategy. They used the two words "currently operative". We will take that first, members. Rather than spell out the current six high-level outcomes, we suggest an amendment that says that it is aligned to what is currently operative. It seems to me that that gives a flexibility. It covers the current six high-level outcomes. If they were to become five or seven, or if one of the six were to change, there would be no need for further legislation.

910. **Ms Fearon:** It seems to be a good enough suggestion, because I know that there was discussion about the fact that those outcomes are vague and hard to measure. How do you measure the outcomes of growing and learning? It might be better to link them to the strategy.

911. **The Chairperson (Mr Nesbitt):** OK. I am not hearing any objections. David, are you reasonably content?

912. **Mr D McIlveen:** Yes.

913. **The Chairperson (Mr Nesbitt):** I think that the Children's Law Centre came up

- with another recommendation to amend so that there is specific reference to the obligations under the United Nations Convention on the Rights of the Child (UNCRC). I suppose that that would tie us into international best practice.
914. **Mr D McIlveen:** You cannot argue against it, I guess.
915. **The Chairperson (Mr Nesbitt):** The Children's Law centre also recommends the inclusion of an obligation on Departments and agencies to further respect the delivery of children's rights and states that there should be a duty to cooperate at the earliest opportunity. The "earliest opportunity" is the proposed amendment. I will let that one float, members.
916. To go back to the United Nations Convention on the Rights of the Child, should we seek urgent clarification on the Department's position on that proposition to see whether we are in tune or whether it has any reason for objecting?
917. **Mr D McIlveen:** That would be sensible, Chair. I have to be honest: I would be surprised if it was not already doing that. There is no reason not to put it in legislation, but it would be interesting to hear what the Department is doing.
918. **The Chairperson (Mr Nesbitt):** And what the implications are of putting it in the Bill.
919. The Department of Education advised that it is uncertain that the Bill will actually bring about greater cooperation and collaboration beyond what is already taking place. The Health Minister also questioned whether it is actually necessary to introduce a statutory duty or whether that would simply add a further layer of bureaucracy. OFMDFM has a view on this. It thinks that the clause could be amended to place a duty on the Executive to ensure that Departments, agencies and relevant partners cooperate in the delivery of outcomes that are in the best interests of children and young people as set out in the children's strategy. That would change the emphasis and put the duty on the Executive. A new clause could also be inserted that would require the Executive to bring forward a strategy for children and young people. That would allow flexibility, should the outcomes need to be changed over time. You will remember that we were assured that the strategies and outcomes would be developed in cooperation and consultation with key stakeholders, including children and young people.
920. The first thought on that is whether this becomes a duty on the Executive. Beyond that, the Bill's sponsor indicated that he would be concerned if the Bill was to link solely to the children's strategy. He felt that an amendment to pin the Bill to that strategy alone would mean that instances where Departments have failed to cooperate in the best interests of children and young people through other strategies, like the early years strategy, would therefore not be covered by the legislation. I think that there is some merit and weight in the argument that this is a Bill that is not simply about the children's strategy.
921. **Ms Fearon:** What way would that sit with the Children's Law Centre's suggestion to specify the children's strategy instead of naming the outcomes?
922. **The Chairperson (Mr Nesbitt):** I suppose, Megan, it depends on the extent to which the new strategy coming next year embraces something like the early years strategy and whether it becomes fully embracing. There would be an argument that it really needs to be like that if the Bill becomes law. There is a bit of a chicken and egg there. As currently constituted, I kind of get the sponsor's point, but the current dispensation may not necessarily continue. In fact, the Bill may force a rethink. I think that that is one to take away at this stage, members.
923. **Mr Maskey:** You would perhaps have a conflict when the outcomes are determined, because clearly, Departments will have their policies and Programme for Government commitments, for example, which would be the starting point for anything. If outcomes change, hopefully for the

- better, and they are not included in the Bill by default, you would be in a bit of a pickle, would you not? It is a chicken and egg. What you want is a Bill that maximises the obligation of cooperation.
924. **The Chairperson (Mr Nesbitt):** Again, that is one where we might want to seek further assurance from the Department about its intentions.
925. **Mr Maskey:** A wee complication in my mind is this: if it is not a Programme for Government commitment for Departments to do something, how will we get a Bill to get them to cooperate? Who defines what they will cooperate on, if you know what I mean?
926. **The Chairperson (Mr Nesbitt):** You are a Minister, and you have Programme for Government commitments; that is your bible. Now you are being told that you have another statutory duty to cooperate.
927. **Mr Maskey:** That, in itself, is fine. That is important. It is what the Bill is designed to do. The sponsor of the Bill or someone else might say, “You have a duty to cooperate to deliver A”, but the Department might say, “A does not fit within the Programme for Government commitments that we are bound by”. How do we avoid that clash?
928. **The Chairperson (Mr Nesbitt):** I suppose that ultimately it requires a revisit to the Programme for Government.
929. **The Clerk Of Bills:** It may be helpful to recall that the duty to cooperate, as far as I understand it, was aimed at cooperation to achieve those outcomes for children, rather than to deliver set policies that would be named. It is more about these high-level outcomes that would be listed in the children’s strategy. That might address some of the concern on that. It may be something that you want to pick up with the Department just to seek further information.
930. **Mr Maskey:** We are getting some conflicting evidence. People are saying, “It is important to specify them”, while others are saying, “Do not specify them; link them to a strategy”.
931. **The Chairperson (Mr Nesbitt):** There is still a tension there, as there is a tension between strategies for vulnerable children and the Bill, which is for all children.
932. Members should note that the Northern Ireland Local Government Association (NILGA) raised a fairly technical issue requesting that consistency be applied to the term “outcomes” throughout the Bill.
933. Finally, clause 1(4) allows OFMDFM to modify the specified outcomes at clause 1(3) by subordinate legislation, which would be subject to draft affirmative procedure in the Assembly. You will see in the examiner’s comments that this is a: *“fairly high degree of Assembly control”*.
934. He is pointing out that it is for the Committee to consider whether the power to modify the outcomes by subordinate legislation should be included, as it goes to the very heart of the Bill. The examiner is suggesting an amendment to the next clause. We can consider that in a moment. Are there any other comments for today’s session on clause 1?
935. **Mr Lyttle:** In response to OFMDFM’s view that the duty should be on the Executive, rather than Departments, my initial reaction is that that seems a bit wide-ranging. I am not sure how the Executive are held to account in comparison with Departments. I would be slightly wary of that approach. I can come back on that.
936. **The Chairperson (Mr Nesbitt):** OK. Before we move on to clause 2, I want clarity on whether we are simply going back to the Department at this stage asking for those points of clarification or whether anybody around the table is settled on wanting one or more amendments to clause 1.
937. **Ms Fearon:** We are asking for clarification.
938. **The Chairperson (Mr Nesbitt):** Clarification, OK. Thank you.

939. Clause 2 is on the cooperation report. It requires OFMDFM to publish a report at least every three years on how Departments have discharged their functions and cooperated to further the achievement of the specified outcomes. Departments would be required to cooperate with OFMDFM in preparing the report. Many of the people who responded to our call for evidence welcomed the principle of a cooperation report, but a number of respondents considered that reporting should be done at annual intervals rather than every three years. Some proposed an annual report with a more comprehensive review every third year. During oral evidence sessions, a number of members voiced concern about the risk of increased bureaucracy with this reporting regime. The Department of Education also noted that being required to report to OFMDFM may place a greater administrative burden on Departments. OFMDFM noted that the focus of the report appears to be on cooperation, rather than on the achievement of policy objectives and improved outcomes for children and young people. It also states that additional reporting duties are unwelcome —
940. **Mr Lyttle:** I am sure they are.
941. **The Chairperson (Mr Nesbitt):** — especially if there is potential for duplication of existing reporting arrangements. The Department proposes an amendment requiring the Executive to report regularly to the Assembly demonstrating how the strategy and the plan are being delivered to achieve and improve the best interests of children and young people. This report would also consider how effectively the duty to cooperate is working. OFMDFM did not propose an annual report but acknowledged in its oral evidence that there may be a compromise, which would be, funnily enough, every two years. I will just pause there, members.
942. I suppose that one of the key points is that you can cooperate from morning till night and not achieve anything. The point, again, is that the focus of the report appears to be on cooperation, rather than on the achievement of policy objectives and improved outcomes. Is that a fair point?
943. **Ms Fearon:** It is hard to know. Maybe there should be one, two or three years of reporting. You would possibly get a more comprehensive report if you left it for two or three years, but where the burden is concerned — it is considered their job, so it is not really a burden — if they have that pressure, they are more likely to try to meet the outcomes.
944. **Mr Lyttle:** It is a fair point. I do not think that it means that you remove reporting on cooperation; rather, we maybe try to find a form of words that requires that the reporting on cooperation includes how that contributed to the achievement of the objectives and the outcomes.
945. **The Chairperson (Mr Nesbitt):** I think that you are right, Chris. To me, it is the same sort of thing as the difference between promoting a cause and advancing a cause. You can go out and promote a cause all day and not actually achieve anything, but, if your objective is to advance a cause, that is measurable by considering whether the cause is better off. It sounds to me that the Department is working on an amendment to that. Is that the understanding? I think that it is.
946. **Mr D McIlveen:** I am not clear on how this will differ from a private Member's motion, which anyone can bring at any time, and asking the Department to update us on what it is doing to further the needs of children and young people. I am just not really sure how effective this will be. Anybody in the Assembly can, effectively, call the Minister to the Dispatch Box at any time, so how does this differ from that?
947. **The Chairperson (Mr Nesbitt):** It is all very nice to be reading a report that says, "We have cooperated by having 27 meetings on the following dates with these various officials", etc, but what you really want to know is that literacy and numeracy levels amongst young

- people have improved by x and that poverty is down by y.
948. **Mr D McIlveen:** I am all for focusing minds, and I think that it is good and right that we should do that. This is probably more of a general point than a point on the specific clause, but in all the evidence that we took, there did not really seem to be anybody who was cheerleading for this legislation. They accepted that more needed to be done and that there needed to be —
949. **The Chairperson (Mr Nesbitt):** That was not my impression.
950. **Mr D McIlveen:** I asked pretty much the same question to everybody about whether what was being suggested and proposed as legislation could be dealt with by other means, and very few people really seemed to consider it. If you ask somebody whether they want a Bill that will potentially improve the quality of lives and opportunities of young people, of course everybody will say yes, but that does not mean that it would be a good Bill. That is where I probably need a little bit more time to try to get my head around it. If it is decided that legislation is the best way to deal with it, let us do it. Let us just go for it and make sure that it is as good a piece of legislation as it can be. I am still remaining to be convinced on that.
951. **The Chairperson (Mr Nesbitt):** I accept your views. My take is different. I felt that a lot of the witnesses said that we are going in the right direction and that this could kick it on significantly.
952. **Mr Maskey:** I had the impression that most of the people who gave evidence were keen for there to be legislation. I am not so sure that everybody quite understands how it might have the best impact. They are separate things, I suppose. I suppose that what we are doing now is working our way through the clauses and the various arguments. Ultimately, when we get to the end of that process, you will have an idea and you can make your mind up on where it is going. Do you know what I mean?
953. **The Chairperson (Mr Nesbitt):** Yes. OK.
954. The next issue in this clause is the lack of sanctions. We heard from Steven Agnew that he basically felt that a judicial review was the ultimate sanction. Against that, you could say that an election is the ultimate sanction at the Assembly. Do we want to dwell on this?
955. **Mr Lyttle:** Despite identifying a lack of sanctions, no one identified a possible sanction, so it is hard to remedy that.
956. **The Chairperson (Mr Nesbitt):** OK.
957. I mentioned the examiner and a potential amendment. That is specifically related to making an amendment to clause 2(1)(d) on the better achievement of objectives with or without modification under clause 1(4). The proposal is that that could link the modification of the specified outcomes by subordinate legislation with a recommendation for modification in a cooperation report.
958. Basically we are saying that one way of doing it is by subordinate legislation, but the alternative is to say that you are putting in place all these reporting mechanisms, which could be the way of focusing minds on achieving your specified outcomes.
959. **Mr Maskey:** What would be the trigger for bringing forward subordinate legislation? Would it be the progress reports? I am reading that and seeing that people are essentially advocating an annual reporting mechanism and a three-year full review of the progress, which, in other words, is when you do an overview. What would trigger subordinate legislation?
960. **The Chairperson (Mr Nesbitt):** On the one hand, OFMDFM might say, “Right. We want to change things, so we’re bringing forward subordinate legislation”; on the other hand, the report, whether it is annual or every two or three years, comes for debate in the Assembly. We may look at it and say, “This isn’t working as well as we want”. That report then becomes a mechanism for saying, “We are now going to vote to change the high level”.

961. **The Clerk Of Bills:** It may be worth remembering that this may be a moot point if the Committee is content that the six high-level outcomes in the Bill are in the children's strategy. They have been taken from the children's strategy, but, if you move to a case where the Bill signposts you to the children's strategy and binds the Executive to pay heed to and work towards those objectives, they will be changed when the children's strategy is changed. Amending this will become a moot point if the Committee accepts FM and dFM's proposal for amendments.
962. **Mr Maskey:** In other words, you would not need subordinate legislation.
963. **The Clerk Of Bills:** No, because it will be in the children's strategy.
964. **Mr Maskey:** That is what I thought initially.
965. **The Chairperson (Mr Nesbitt):** We will return to that if we need to.
966. **Mr Maskey:** That is the value of linking it to the strategy, which may change.
967. **The Chairperson (Mr Nesbitt):** I am not sensing any suggested amendments to clause 2 at this stage.
968. **Mr Lyttle:** I am inclined to support annual reporting. It looks as though OFMDFM will bring forward a form of words to tighten up reporting on cooperation with a link to achieving specific outcomes. That would be helpful as well. It also proposes requiring the Executive to report. Does the Bill require a particular Department to report? Is it OFMDFM?
969. **The Clerk Of Bills:** Yes.
970. **Mr Lyttle:** There is a bit of vagueness there, in that responsibility for children and young people shifted, as far as I am aware, from OFMDFM to the Department of Education. Will OFMDFM retain responsibility for the children and young person's strategy, or will that go to the Department of Education as well? That makes me think that we need to seek some clarification from OFMDFM.
971. **The Chairperson (Mr Nesbitt):** As far as I am aware, Chris, the implementation group on Stormont House has not drilled down or had a paper at that depth of allocation. We know the names of the nine Departments, and we have some high-level allocation.
972. **The Clerk Of Bills:** Chair, once again, it is worth keeping it in mind that the Committee will not be able to understand fully the detail and the implications until it sees the text of the amendments. People sometimes refer to the Executive when they mean that the Departments individually and collectively have to do something. The way that the amendment is worded might address some of your concerns. It could well be that the Departments might contribute their bit of the report on any policy areas for which they have responsibility.
973. **Mr Lyttle:** That is helpful. Forgive my cynicism around who would actually do the reporting if it was left to the Executive rather than to a Department. I suppose that we have to see the wording of the amendment and maybe seek some clarification of that. We should maybe check with the proposer of the Bill what his views are on who exactly should do the reporting. The idea of the Assembly being awash with Ministers coming to give detailed annual reports on performance against agreed outcomes is nonsense, to be honest. It can only be a good thing if someone gives a detailed report on an annual basis.
974. **Mr Maskey:** There is a wider argument around accountability and, as somebody said earlier, the final recourse is maybe a JR or an election. There are clearly deficits. The report that was published yesterday and debated in the Assembly clearly shows that there are deficits around accountability. I still think that a lot more can be done in the institutions if people apply themselves, including us, as members, through all the Committees, because, in my opinion, we can do a lot more and be a lot more robust in our scrutiny. I include myself in that. It is not an accusation about anybody. I just think that we can do a lot more on scrutiny and accountability.

975. It is a wee bit of a conundrum. I took it that putting it to the Executive is an advancement. I thought that it was an improvement. It puts it at the door of the Executive by putting it into legislation. It is not that the Executive will have a discussion; it puts an obligation on the Executive. I thought that was an improvement on what was suggested by the sponsor. Unless somebody convinces me otherwise, I think that it would be a good thing. It may not always deliver what everybody is looking for, but the fact is that you are putting it, through the Bill, on the table of the Executive.
976. **The Chairperson (Mr Nesbitt):** Yes, and as a cross-cutting and cross-departmental matter.
977. I will move on, because we will come back to who has authority and where responsibility lies later on in clause 4. Clause 3 is the enabling power that allows Departments to establish pooled budgets and share resources to achieve the outcomes. Many stakeholders supported that provision and considered that it would make it easier for Departments to share resources and staff with the objective of delivering outcomes. It was felt that resources could be targeted in a more cost-effective manner and that savings would ensue. NILGA suggested that it could be strengthened to include the collaborative use of resources by public bodies in general and the alignment of plans. PlayBoard suggested that the power should be extended to include agencies and that an approach to the joint commissioning of services should also be adopted. The Children's Law Centre believes that it should not simply be an enabling power but a statutory obligation on Northern Ireland and UK Departments and agencies. Some stakeholders pointed to Delivering Social Change (DSC) and said that it was an example of good practice in pooling budgets. In their evidence, officials advised that pooling budgets can be effective where a common goal or vision is shared by two or more Departments but said that processes exist to move money around to deliver on that. A number of stakeholders, including the Department of Education and NILGA, stressed the need for the establishment of clear governance and accountability. OFMDFM states that provisions on the arrangements for such funds would be required, such as, for example, a memorandum of understanding, objectives for a fund and procedures for managing and the accounting of those funds. Finally, the Bill sponsor was of the view that, once the accountability structures and systems were in place, there would be a much more efficient system and that resources would be freed up to be put into services. Pooled budgets are also a way to prevent an issue falling between the cracks when no one Department has the overall responsibility for driving the matter forward. Do members have any thoughts on that?
978. **Mr Maskey:** Local government has the power to address well-being, which allows councils to intervene in certain cases where they feel it necessary. Is there potential conflict in that? In community planning, for example, there is an obligation on all Departments and agencies to work together. Is there a parallel for that, for example? Is there potential conflict in that or is it in addition to that? Councils can then say, "Well, actually you're not doing that. We're going to do that now, and we'll bill you for it".
979. **The Chairperson (Mr Nesbitt):** Certainly, the local government reps who came in thought that there were implications that had not been fully thought through. I am not sure we are any further forward.
980. **Mr Maskey:** It is about getting the balance. You want people to cooperate and Departments and agencies to put their money where their mouth is. It is just about getting that balance between Executive authority and Departments, and what is, in essence, a non-departmental public body (NDPB) dictating. I am not nervous about that, but I am conscious of it.
981. **The Chairperson (Mr Nesbitt):** Are you proposing that we seek further information and clarification?

982. **Mr Maskey:** Equally, you could have some provision in the Bill that would be akin to the power to address well-being. I am not ruling that out, but I would think about it.
983. **The Chairperson (Mr Nesbitt):** OK, we shall do that. Thanks, Alex.
984. The famous clause 4 is next. This proposes to amend the Children (Northern Ireland) Order 1995 with the aim of strengthening the work being carried out by the children and young people's strategic partnership. The clause specifies a range of agencies and Departments that will be required to cooperate in the planning, commissioning and delivery of children's services.
985. The Department has noted that the balance of powers between the Health and Social Care Board (HSCB) and other public bodies in this clause appears to be inappropriate. During oral evidence, some members voiced their concerns that it appeared to give the HSCB powers over and above Departments, which, of course, impacts on democratic accountability. That was not a view that was necessarily shared by all. However, Children in Northern Ireland did suggest that the clause could be amended to place a duty on the Executive.
986. The Children's Law Centre advised us that it wished to see the insertion of a clause requiring consultation with children and young people, and with relevant public bodies, regarding reviews and modifications to plans. The Northern Ireland Commissioner for Children and Young People (NICCY) considers that children and young people should be included as a named partner in this clause. Include Youth suggested that the Department for Employment and Learning should be included.
987. You will remember that Ann Godfrey gave evidence to us. She wished to add the voice of children, advised that all relevant bodies should be included and early intervention referenced. Ms Godfrey provided suggested text for an amendment, which is in members' packs.
988. It was pointed out to us in evidence that the Children (Northern Ireland) Order focuses on children in need, and that is at odds with the intention of the Bill, which applies to all children and young people. That point was made earlier. The Bill sponsor acknowledged that point and advised that he is working with departmental officials on potential amendments to deal with that tension.
989. OFMDFM suggested that the Children (Northern Ireland) Order should not be amended. Rather, there should be a stand-alone clause, which would mean that a relevant Department, under the authority of the Executive, would be responsible for the development and delivery of a children and young people's plan. That would be developed with regard to the strategy and in collaboration, and it would detail four key areas. The first is how children's services will be planned, commissioned and delivered by relevant partners. The second is the key actions, programmes and services that are to be taken or commissioned by the relevant partners. The third is detailing the targets to be used in assessing the effectiveness of the action taken. Finally, it would define how the key outcomes detailed in the strategy would be supported and achieved.
990. Members, I also direct you to correspondence from the Health Minister in your tabled packs. The Minister notes that legal advice to the Health Department indicates that clause 4 cannot amend the Children (Northern Ireland) Order to achieve the policy purpose of the Bill in respect of children's services planning and that a stand-alone provision will be required. The Minister also considers that, should the provisions relating to the Children (Northern Ireland) Order be removed, there should still be a level of focus in the new clause to cover planning and reporting. He also raised a number of matters that should be given consideration. As I understand it, health officials are meeting this afternoon with officials from OFMDFM and others with a view to taking this forward, so there is not a lot that we can do except be aware that that meeting is taking place and ask for a brief on the outcomes, if you are content.

991. Finally, on clause 4, the second power to make subordinate legislation is contained in this clause. This allows DHSSPS to amend by order the list of consultation bodies in a new paragraph, which is 2A(7). Those are the bodies to be consulted in a review of the paragraph. This is subject to draft affirmative procedure, and it is the Examiner's view that this seems to be an appropriate level of Assembly control.
992. There is a lot to consider, members. Primarily, it is about who does what in terms of the children and young people's strategic partnership and, perhaps above all, the HSCB. OFMDFM does not think that there is an appropriate balance of power here, so it is working on an amendment.
993. **Mr Maskey:** As I said, that is the only concern that I have. I am not clear about an NDPB having the Executive-like powers that it might end up with. It might be a good thing, and I might be happy with that. I do not see how that will work out in practice. You could end up with an unnecessary conflict.
994. **The Chairperson (Mr Nesbitt):** I propose that the most sensible thing to do is for each member and each group to take a view so that, when we see the amendment from the Department, you are able to make a pretty swift assessment on whether that concurs with your position.
995. **Mr D McIlveen:** I think that we are discussing something that could be very fluid at the minute, so it would probably be sensible to take that approach.
996. **Mr Maskey:** It is one of the key questions that we have to address.
997. **The Chairperson (Mr Nesbitt):** It is at the core of it, so I propose that we move on with the recommendation that we not only seek some clarifications from the Department on foot of this discussion but we ask for the earliest possible sight of any proposed amendments that it will bring forward. That will help to feed the process, which I think everybody is interested in.
998. Clause 5 is on interpretation. It defines children and young people in accordance with the meaning prescribed in the Commissioner for Children and Young People (Northern Ireland) Order 2003. In reacting to that, NILGA noted that there is no standard approach to how councils define young people. In fact, the inclusion of under-25s applies in certain areas and on certain occasions. The witnesses representing parents of children with an acquired brain injury advised in their written submission that the Bill should cater for young people up to the age of 23. The Bill sponsor indicated that the legislation defines young people as being up to the age of 21 in line with the 2003 Order, but he was also open to feedback and an alternative definition if proposed. The Children's Law Centre advised that it wished to see the inclusion of a definition of functions in the Bill in line with the Northern Ireland Act 1998. I believe that the 1998 Act talks about functions as being powers and duties. There is another Northern Ireland Act from 1954 that talks about powers, duties and jurisdiction as the definition of functions. I think that we should usefully seek the Department's current thinking on what it considers the definition of functions to be.
999. **The Clerk Of Bills:** Chair, I will comment on that, if it is helpful. "Functions" is referred to in the Interpretation (Northern Ireland) Act 1954, which gives us a list of terms that do not need to be defined in each and every piece of legislation. Terms that are commonly used include "functions".
1000. **The Chairperson (Mr Nesbitt):** That 1954 Act has "jurisdiction" as well as "powers".
1001. **The Clerk Of Bills:** I cannot comment on that in particular, but I looked up "functions", and it is listed as including duties and powers. Section 46 of the Act states:
"Functions' shall include jurisdictions, powers and duties".
1002. That means that, unless you want to give it a particular unique definition

- in the Bill, you can rely on the Interpretation Act to give you the definition.
1003. **The Chairperson (Mr Nesbitt):** So, if we do not amend it, the word, as it appears in the Bill, refers to jurisdictions, powers and duties. Again, members, you can mull that over.
1004. My final point on clause 5, which deals with interpretation, is that the NSPCC felt that it should be made clear that references to “the Department” in clause 4 are not references to OFMDFM but to the Department of Health, Social Services and Public Safety. If it is ambiguous —
1005. **The Committee Clerk:** Because it is amending other legislation, it is referring to the Department in the other legislation, which is the Department of Health, Social Services and Public Safety. In some ways, it is clear, but, in some ways, I can see where the confusion might arise.
1006. **The Clerk Of Bills:** Given that you are expecting a fairly comprehensive amendment on this to redo the entire provision, I imagine that point will be addressed by the Office of the Legislative Counsel (OLC).
1007. **The Chairperson (Mr Nesbitt):** So, it is unlikely that we will need to have to worry about it.
1008. Clause 6 is the short title. There were no problems with that.
1009. I move now, members, to the long title. Ann Godfrey suggested that the long title should be amended to include the requirement on the agencies to discharge their functions and cooperate in order to contribute to the achievement of the specified outcomes through an amendment to the Children (Northern Ireland) Order 1995. OFMDFM suggested the insertion of a new clause clearly setting out the intention of the Bill. Children in Northern Ireland also felt that there should be a clear narrative setting out the essence of the Bill and outlining what is required at departmental and agency level. One of the points made to us during the expert briefing was that we should sit down the Bill sponsor and ask that person, “What are you trying to do?”. That should be an articulation of the intention of the Bill. Are we reasonably content that we would like that amendment?
1010. **Mr Maskey:** Do you mean Ann Godfrey’s amendment?
1011. **The Chairperson (Mr Nesbitt):** Ann Godfrey suggested a specific amendment which would say that we are spelling out that there is a requirement on agencies to discharge their functions, but Daniel Greenberg said that if you are unclear about the intent of a Bill you should ask the sponsor and that, normally, that transcription is as good as you will get.
1012. **The Committee Clerk:** The other thing about Ann Godfrey’s suggested amendment is that it leaves in an amendment to the Children (Northern Ireland) Order 1995. It depends on the potential for that not to happen. That would have to be reconsidered as well.
1013. **The Chairperson (Mr Nesbitt):** OK. In the absence of any other comments, that is it until a proposal —
1014. **Ms Fearon:** Sorry, Chair, I want to comment on clause 4. NICCY and the Children’s Law Centre suggest an additional clause to include the voice of children in consultation. Will that be dealt with by the Department?
1015. **The Committee Clerk:** I think that the Department suggested that any changes on reporting etc would be done in consultation with stakeholders, which would include children and young people, but we can seek clarification on that as well.
1016. **The Chairperson (Mr Nesbitt):** At this stage, members, as we are finishing for today on this issue, we have some points of clarification. We are also seeking early sight of proposed amendments from the Department. I think that we should do the same with the Bill sponsor. Are you content that we indicate to the Department that we are

broadly supportive, in principle, of where we think it is going with its amendments but we really need to see the text before we can take a formal view?

Members indicated assent.

1017. **The Chairperson (Mr Nesbitt):** It is proposed that we consider draft amendments on 27 May and have our formal clause-by-clause scrutiny on 3 June, but, of course, that is dependent on getting those amendments. Thank you very much.

27 May 2015

Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
 Mr Chris Lyttle (Deputy Chairperson)
 Mr Alex Attwood
 Mr Alex Maskey
 Ms Bronwyn McGahan
 Mr David McIlveen
 Mr Stephen Moutray
 Mr Jimmy Spratt

1018. **The Chairperson (Mr Nesbitt):** Following our post-evidence deliberations a couple of weeks ago, we wrote to the Bill's sponsor seeking clarification of where he believed responsibility for compiling the report would lie. We also asked for sight of any amendments that he might be planning to table. In your packs you will see a response indicating that Mr Agnew considers that responsibility for compiling the cooperation report should lie with the Office of the First Minister and deputy First Minister. He also indicates that he is generally supportive in principle of the direction being taken by OFMDFM with regard to amendments. However, he advises that he would need to see the final proposals before deciding whether he believes that further amendments are required. Are there any comments on that?

1019. As you are aware, we await sight of amendments that are being proposed by the Department before we make any decisions regarding amendments that we may wish to table. Unfortunately, the text of the amendments is not available for us to look at today. Committee staff will continue to engage with departmental officials. We hope that the text may be available for us to consider next week. Consequently, our timetable for the remaining stages of our consideration of the Bill has had to be updated.

1020. In the absence of comment, members, I would just say that, if the circumstances arise where we do not have sight of departmental proposed amendments next week, we will then have to make a decision on whether we want to issue instructions for our own proposed amendments, because, if we do not make that decision next week, we will probably miss that boat.

3 June 2015

Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
 Mr Chris Lyttle (Deputy Chairperson)
 Mr Alex Attwood
 Ms Megan Fearon
 Ms Bronwyn McGahan
 Mr Stephen Moutray
 Mr Jimmy Spratt

1021. **The Chairperson (Mr Nesbitt):** When we were last briefed by the Department, officials indicated a number of areas for proposed amendments to the Children's Services Co-operation Bill. Those are outlined in Committee members' packs. In a subsequent discussion, we indicated that we were broadly supportive in principle of the direction in which the Office of the First Minister and deputy First Minister is going with potential amendments but that our support was subject to sight of the text of those proposed amendments.
1022. Last week, we noted correspondence from the Bill's sponsor, Steven Agnew. He also indicated that he was generally supportive in principle of the direction being taken by the Department. However, he advises that he would need to see the final proposals before he could decide whether he believes further amendments are required. A copy of his correspondence is also in your pack. Unfortunately, the text of the draft amendments to be proposed by the Department is not available for us to consider today. We have a very limited timescale in which to report to the Assembly. An update on that is in your pack.
1023. I also suggested last week that this week was decision week, but we could allow one more week to see whether the Department is in a position to provide us with its draft amendments. If they are not available for us next week, we will have to come to a decision on how we wish to proceed. If that is the case, members, I suggest that we need to

be prepared next week to discuss in some detail any specific amendments that we may want to bring forward. I suggest that, at that point, we will be going through the Bill, not formally clause by clause but informally clause by clause, and asking you to identify the clauses for which you would like to send instructions for draft amendments. The impression that I am getting is that the Department is working flat out to bring forward the amendments. There is no sense that it is trying to restrict access to the Committee. It is just proving difficult for a number of factors. That said, next week will be a hard deadline, so, please, if you want Committee amendments tabled, tell us broadly what they are so that we can instruct the Bill Office. Are members content?

Members indicated assent.

1024. **The Chairperson (Mr Nesbitt):** Finally, on that issue, members, we considered correspondence from Kinship Care last week. It wanted an opportunity to present to the Committee. Bronwyn advised that the Committee for Employment and Learning had received a briefing from Kinship Care last week, and the Committee Clerk was asked to review the transcript to determine any issues of relevance to this Committee's remit. The Clerk's note is in the tabled papers. Do members have any comment? No? The basic conclusion is that it does not fall within our remit.

10 June 2015

Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
 Mr Chris Lyttle (Deputy Chairperson)
 Ms Megan Fearon
 Ms Bronwyn McGahan
 Mr Stephen Moutray
 Mr Jimmy Spratt

Witnesses:

Ms Eilis Haughey *Bill Office*

1025. **The Chairperson (Mr Nesbitt):** We move on to our consideration of the Children's Services Co-operation Bill. When we were last briefed by the Department, officials indicated a number of areas for proposed amendments to the Bill, and Committee members can find an outline of those in their pack.

1026. In a subsequent discussion, the Committee indicated that it is broadly supportive, in principle, of the direction that OFMDFM appears to be going in, subject to sight of the text of the proposed amendments. We previously noted correspondence from the Bill sponsor, Steven Agnew, who has also indicated that he is generally supportive in principle of the direction being taken by OFMDFM. However, he advises that he will also need to see final proposals before deciding whether he believes that further amendments are required. His correspondence is in your pack.

1027. Unfortunately, the draft amendments from the Department are still under consideration there, so the text of them is not available for us to consider today. We now have a very tight timeline in which to report to the Assembly, and, if I can draw members' attention to their pack, they will see that timeline. We have to agree the final report on 1 July. Today, we were supposed to

be considering draft amendments ahead of clause-by-clause scrutiny next week. However, it is our understanding that the Department is very close to agreeing its amendments, and, as we are supportive in principle of the direction of travel, there is an option of calling an extraordinary meeting as soon as the amendments come out or as soon as is practicable thereafter. For example, if they were to come out on Friday, we might try for a meeting next Monday. Are members content with the approach that, if the amendments come out between now and next Wednesday, we go for a meeting as soon as we can practicably organise it?

Members indicated assent.

1028. **The Chairperson (Mr Nesbitt):** Thank you very much.

17 June 2015

Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
 Mr Chris Lyttle (Deputy Chairperson)
 Mr Alex Attwood
 Ms Megan Fearon
 Mrs Brenda Hale
 Ms Bronwyn McGahan
 Mr David McIlveen
 Mr Stephen Moutray
 Mr Jimmy Spratt

Witnesses:

Mr Peter Hutchinson	<i>Office of the First</i>
Ms Margaret Rose	<i>Minister and deputy</i>
McNaughton	<i>First Minister</i>
Mrs June Wilkinson	

1029. **The Chairperson (Mr Nesbitt):** I welcome Peter Hutchinson, June Wilkinson and Margaret Rose McNaughton from the Office of the First Minister and deputy First Minister.
1030. We have a revised draft of the Bill that is significantly different from the one introduced by Mr Agnew. Margaret Rose, as we go through the revised draft, will you highlight for us where there are significant changes, and can we do that clause by clause? We will take clause 1 and then have some discussion.
1031. **Ms Margaret Rose McNaughton (Office of the First Minister and deputy First Minister):** Thank you very much, Chair, and thank you again for the opportunity to brief Committee members on the Bill.
1032. You have recognised that we have made significant changes to the Bill originally put forward by Mr Agnew. Although it is a significant departure from the original Bill, the intention is still the same. It is our belief that amending the Bill in that way will make it more likely that it can be effective legislation.
1033. The amendments are not our final amendments. There is still a bit more work to be done, particularly on clause

4 around planning and the statutory partnership. We want to have further discussions with the Department of Education and the Department of Health, Social Services and Public Safety, so we do not have the final amendments at this point.

1034. If you turn to the revised Bill that we provided, I can provide the rationale for all different elements of each clause. Is that OK?
1035. **The Chairperson (Mr Nesbitt):** Yes.
1036. **Ms McNaughton:** I will deal first with the long title. That in itself is not legislation, so that just relates to it being:
- "A Bill to require co-operation among certain public authorities".*
1037. The words "public authorities" are in there, but we are really talking about children's authorities, as defined in clause 7, but some of those things can be changed. The long title, as I said, is not actually the legislation.
1038. Clause 1 deals with the purpose of the Bill, explaining that it is intended to support the improvement of the well-being of children and young people. That relates to the point that Daniel Greenberg made to the Committee that it was difficult to ascertain the Bill's core objective and, as such, would benefit from having a purpose clause.
1039. In the clause, we use the six high-level policy outcomes as the basis of what we mean by "well-being", with the aim of giving it a holistic definition. There is no intention to change the strategic outcomes in the current 10-year strategy. Those continue to be in place, but it is not appropriate to put outcomes in a strategy into legislation.
1040. That is clause 1. Do you want to discuss that?

1041. **The Chairperson (Mr Nesbitt):** Yes, please. Some people thought that an alternative to naming the six high-level policy outcomes would be to talk about a strategy that is operational, but you chose against that. What was the rationale for that?
1042. **Ms McNaughton:** We took our guidance from the Office of the Legislative Counsel (OLC). The intention was that we had to set out the purpose of the Bill. We are trying to say that the Bill is going to support improvements to the well-being of children and young people. How are we going to see how those improvements are made? The improvements are to the well-being of children, so, if they are to the well-being of children, what do we mean by “well-being”? That is why the six high-level outcomes were considered but not deemed appropriate to be set out in legislation in the way in which they are in a strategy. What we have now are not definitions, but, if you are talking about the physical and mental health of a child, for example, it will be easier to measure what we mean by physical and mental health. All of those will bring us back to the well-being of the child, which is the purpose of the Bill.
1043. **The Chairperson (Mr Nesbitt):** OK. Those six high-level outcomes are in the children's strategy.
1044. **Ms McNaughton:** They are in the children's strategy, yes.
1045. **The Chairperson (Mr Nesbitt):** There will, sooner rather than later, when plans are delivered, be a new children's strategy.
1046. **Ms McNaughton:** Yes.
1047. **The Chairperson (Mr Nesbitt):** Can we therefore assume that the six high-level outcomes will remain and transfer across?
1048. **Ms McNaughton:** No, they may not remain. There may be new ones, but there will be provision in the Bill if we need to amend any of the areas that we covered in the definition of “well-being”.

1049. **The Chairperson (Mr Nesbitt):** You have that facility. Is it a commitment from the Department that, if you did change the high-level outcomes in the strategy, the Bill would be amended accordingly?
1050. **Ms McNaughton:** There should be a power in the Bill to amend by regulation if required. Is that not the intention?
1051. **Mrs June Wilkinson (Office of the First Minister and deputy First Minister):** Yes. We hope that there will not be much need. The new strategy can contain new outcomes, but, as long as they link back to the parameters that try to give a definition, for want of a better word, of “well-being”, it will be empowered to do that. The goal was not to have to change it, but there is power in the legislation to change it should it be decided that an element of well-being is not there. However, the flexibility is in the strategy.
1052. **The Chairperson (Mr Nesbitt):** Members, are we broadly content with clause 1?

Members indicated assent.

1053. **Ms McNaughton:** Clause 2 is a duty to cooperate to improve well-being, and that imposes a duty on all Departments, agencies and other bodies to cooperate with one another and other children's services providers to improve the well-being of young people. It is proposed that the duty will go beyond government and its agencies and extend to those providing children's services in the community and voluntary sector. It would not impose the duty on the community and voluntary sector, but it would mean that government must consider those bodies in the delivery of its functions. There is also a duty on the Executive to make arrangements to promote cooperation, and that is a tangible duty. That reflects the position in the Children Act 2004, which applies to England and Wales.
1054. I know that there was some concern about the words “promote co-operation”, instead of ensuring —
1055. **The Chairperson (Mr Nesbitt):** What about “advance”?

1056. **Ms McNaughton:** — that people do cooperate. It is very difficult to measure how somebody cooperates. Actually, it may not be that difficult, but it does not really tell you that much, because what would you measure? Would you measure whether people emailed each other or held a number of meetings? I guess that what you need to measure is the outcome of what your cooperation has enabled people to do. We received a query about promotion and whether cooperation should be a requirement, but we felt that it is much better in legislation to suggest “promote” as a more tangible and measurable goal. We can easily see whether arrangements are in place, but, in contrast, it would be very difficult to see what the outcome is by attendance at meetings, answering of emails or the delivery of joint actions. That is why we went for “promote”.
1057. **The Chairperson (Mr Nesbitt):** As you probably know, I think that promoting is something that you can do all day without achieving anything. You can promote children’s issues, but if you advance children’s issues, that is measurable. Did you give any consideration to using “advance” rather than “promote”?
1058. **Ms McNaughton:** We can certainly consider that. We talk to our OLC colleagues about that.
1059. **Mrs Wilkinson:** The key thing is that it is only the Executive that are described as promoting it, in that they are promoting Departments to undertake cooperation, but there is a “must” in the clause. All children’s authorities, which include Departments and all agencies, must undertake cooperation. That is where we plan to measure it. The duty to promote relates only to the Executive.
1060. **The Chairperson (Mr Nesbitt):** You use the phrase “children’s authority”, and that is defined in clause 7 on interpretation. Is it just me or is the absence of the Northern Ireland Commissioner for Children and Young People (NICCY) a glaring omission?
1061. **Mr Peter Hutchinson (Office of the First Minister and deputy First Minister):** We cannot include every body on the list. The list is made up of Departments, their agencies and the members of the Children and Young People’s Strategic Partnership (CYPSP) that were included in Mr Agnew’s original Bill. When we mention other children’s authorities, we add “other children’s service providers”. That is later defined in clause 7 as anyone else who is involved in the sector who might be delivering children’s services. NICCY and other such organisations, and even NGOs, will be caught up in that bracket. We are saying that Departments and the statutory bodies would have to cooperate and that they must also pay regard to and work with those other bodies. We cannot really place a duty on non-public bodies, if you like. We cannot place a duty on NGOs or private bodies, but what we are saying is that we should be taking account of what anyone who is involved in delivering children’s services outside of the government sector is delivering. That goes further than what Mr Agnew originally suggested.
1062. **The Chairperson (Mr Nesbitt):** Is NICCY not a primary authority for children and young people and services?
1063. **Mr Hutchinson:** It would be caught up in the second definition. In the legislation, where we say “department”, that does not necessarily mean just the Department. It will also include non-departmental public bodies (NDPBs) and other bodies, because they are not separate in statute. We say that, if you list the Department of Enterprise, Trade and Investment in legislation, that will also include the NDPBs that fall underneath it. Those bodies would be caught up in that. Likewise, NICCY could fall underneath as a body of OFMDFM, because the Department is mentioned. If it is not in the first children’s authorities bracket, it will be in the second bracket. We cooperate with the Department and take its advice, so we have to pay regard to what organisations such as NICCY and other ones that deliver children’s services are doing and bring them into the cooperation of the strategy.

1064. **The Chairperson (Mr Nesbitt):** Who takes the lead on the Executive to make that happen?

1065. **Ms McNaughton:** It will be a lead Department. At this point, the lead Department is OFMDFM, because we are responsible for the children's strategy. The legislation is based around the children's strategy.

1066. **The Chairperson (Mr Nesbitt):** Which Department will it be when we go down to nine Departments?

1067. **Ms McNaughton:** It will be the Department of Education. That is where children's services will primarily lie.

1068. **The Chairperson (Mr Nesbitt):** Therefore, OFMDFM will lead the charge and then hand over to the Department of Education.

1069. Members, are we broadly content with clause 2?

Members indicated assent.

1070. **Mr Attwood:** I am reserving my position on all of this until we go through it in more detail. Steven Agnew raises a question about the use of the words:

"so far as is consistent with the proper exercise of its children functions".

1071. Is that in clause 2?

1072. **Ms McNaughton:** Yes.

1073. **Mr Attwood:** He says that he has received advice that that is a get-out clause and that he will have various amendments to clause 2 and clause 4 as a consequence of that advice. How do you reply to that?

1074. **Ms McNaughton:** We got Steven's views on the Bill just this morning, so we will want to talk to OLC about that. It is not the intention for it to be a get-out clause.

1075. Peter, you have had discussions with Steven on that.

1076. **Mr Hutchinson:** The phrase reflects what Mr Agnew had in his original Bill, which states:

"The Northern Ireland departments must ensure that, so far as is consistent with the proper exercise of their functions".

1077. Therefore, he had a very similar phrase in his. When we spoke to OLC —

1078. **Mr Attwood:** He may have got that wrong and is now regretting it.

1079. **Mr Hutchinson:** Absolutely. We take that point, but we talked to OLC about that, and the point is that Departments have a range of functions and duties that may not all be specifically to do with children and young people. For instance, the Department for Social Development may deliver the benefits system that is set in law, while the Department of the Environment has its planning functions. There are things out there in statute already, and us introducing a duty that they should consider children and young people should not affect what Departments should already be doing under legislation. We do not expect that, because they must cooperate on the well-being of children and young people, Departments should then have to alter how they do their business. In the legislation, we are trying to say that the cooperation duty should kick in when those Departments, agencies or statutory bodies are delivering children's services or doing something for the well-being of children, not when they are delivering other functions of business that may not necessarily impact. That would not be appropriate.

1080. We do not see that as a get-out clause. We see it as an appropriate qualification. Not all those Departments have as their primary function the well-being of children and young people, but there are definitely elements of their business that would impact on that well-being. When they are delivering those children's functions, as we define them in the legislation, they should be thinking about cooperation. It is not meant to be a get-out clause at all. Mr Agnew had that in his original Bill, so the drafters must think that it is an appropriate legislative term. The wording just makes sure that Departments that are delivering services to business or

- funding Departments suddenly do not have to stop their core business and think about the impact on children and young people on every single issue.
1081. **Mr Attwood:** I will read Hansard to try to understand that fully.
1082. If the competence of the Bill covers cooperation, it seems to me that you are stretching a point by arguing that, as not all Departments' functions will relate to children, you are drafting clauses that make sure that their duty to cooperate — [Inaudible.] duty to cooperate — relates to the children's function and not other functions. That seems to me to be stretching an argument in a way that I do not know is sensible, but I will read Hansard and talk to Steven. As such, I will reserve my position.
1083. I agree with the Chair that I do not know whether the Executive's role is merely to promote, as opposed to advance. I do not know how you can differentiate the Executive's function from the responsibilities of other children's authorities. In fact, I would think that the Executive's function is to advance, as it is for children's authorities. Are we saying that the Executive's function is the lesser one of promotion? I do not think so.
1084. **Ms McNaughton:** That certainly was not our intention.
1085. **Mr Attwood:** You made that point of differentiation. I am only picking up on what you said.
1086. **Mrs Wilkinson:** I take your point that "advance" is perhaps a much more appropriate word, because the intention was not to minimise the level, but to distinguish between the two. We can certainly have that considered in the amendments.
1087. **The Chairperson (Mr Nesbitt):** I ask you to move on to clause 3.
1088. **Ms McNaughton:** Clause 3 introduces a duty on the Executive to adopt a children and young people's strategy. You are, of course, aware that there is the current 10-year strategy. We have begun work on the new strategy. The Bill will place the need for that strategy on a statutory footing, and we think that it will provide another tangible example of how cooperation is happening. The clause focuses on the duty to cooperate, which means that all Departments and relevant partners will cooperate with one another to prepare and implement the strategy. That may go a bit further than the original Bill suggested.
1089. The clause also details what will be expected to be included in the strategy and sets out the requirement to consult with children and young people, parents, guardians and representative groups before its adoption. I want to be clear on the point that that in no way removes the overall principle of consultation on policy development. The overall principle remains the same, but we wanted to be very clear that we want to see consultation with children very much embedded in the clause. That is basically what clause 3 states.
1090. **The Chairperson (Mr Nesbitt):** Does it place any further consultation requirements on the Department, because you are working on a strategy?
1091. **Ms McNaughton:** It should not bring any additional requirements. It is just to be absolutely clear that, in the development of a strategy, there are references and clear evidence included that children and their parents and guardians have been consulted.
1092. **The Chairperson (Mr Nesbitt):** Clause 3(4)(c) and (d) talk about:
"such persons ... as the Executive thinks appropriate"
 and
"such other persons as the Executive thinks appropriate."
1093. What does that mean? Who would be "appropriate"?
1094. **Ms McNaughton:** I suppose that that is a catch-all in case we missed any people in the general consultation. We considered parents and guardians, and children and young people, but there

- could be others. Have you any examples, Peter?
1095. **Mr Hutchinson:** Yes. The wording reflects a legislative precedent in the children and young people's plan and in the regulations from 2005 that are in force in England. They talk about consulting with children and young people, parents, guardians, groups and others. It is just to show the importance of the consultation. We really wanted to include children and young people. Our rights under the United Nations Convention on the Rights of the Child (UNCRC) mean that we should take on board the views of young people. Once we state that, it is important also to add parents and guardians, representatives and others. As Margaret Rose said, that does not mean that our existing consultee list is ignored or our requirements under section 75 are ignored. It is just trying to show that the consultation should include all bodies that we think appropriate and that it should be a wide and useful consultation.
1096. **The Chairperson (Mr Nesbitt):** Will that include the relevant elements in the community and voluntary sector?
1097. **Ms McNaughton:** Yes.
1098. **Ms Fearon:** I will take clauses 3 and 4 together for a minute: will there be separate consultations for the strategy and plan, or will they be consulted on together?
1099. **Ms McNaughton:** The strategy has to be produced before the plan, so the strategy will be produced and signed off by the Executive. It could be some time — hopefully, not some considerable time — between the production of the strategy and the production of the plan.
1100. **Ms Fearon:** That is the point that I was going to make. It seems like there will be a lot of devising of strategies and plans, and then consultations on both, meaning that it will be a long time before any implementation.
1101. **Ms McNaughton:** There is a difference. When we are talking about plans, there are implementation plans and the service delivery plans that organisations currently produce in any case, so there is a need to differentiate between the two. The strategy will produce an implementation plan as well. When we get to clause 4, we will talk about how it is almost like the service delivery plan. There are two types of plan.
1102. **Ms Fearon:** What is the difference between them?
1103. **Ms McNaughton:** One is about service delivery. The implementation plan is at a higher level, like any normal implementation plan that comes from government. The service delivery plans that the trusts have, for example, go into much more detail on actions that they will have to take in delivering particular services. At the moment, the Children and Young People's Strategic Partnership and the Health and Social Care Board produce a delivery plan under article 4 of the Children Order. The plan in our clause 4 will be an extension, almost, of that plan, in that it is intended to capture all the other elements of the children strategy, not just the Children Order. It is a different type of plan. There will be further consultation. The Children and Young People's Strategic Partnership will consider the plan for delivering under article 4 of the Children Order. They will consult in the same way when they go to develop the plan under the Bill. There are two stages of consultation.
1104. **Mr Attwood:** I can confirm what the Chair pointed out: the reference to children, parents and guardians in relation to the consultation is for emphasis; it is not to exclude any wider legal or desirable consultation. I go back to your very first point that, in the event that the six outcomes are changed, or it is proposed that they change, there will, of course, be consultation with children, advocacy groups and so on.
1105. **Ms McNaughton:** Absolutely. The outcomes can be changed only when we are developing the new strategy, and, in developing that new strategy, there will be full consultation.

1106. **The Chairperson (Mr Nesbitt):** I get what you are saying, Margaret Rose — you need to have a strategy before you can have a plan — but I just want to note that, in clause 8, “Commencement”, you have the same deadline for the strategy and the first plan to be laid before the Assembly
1107. **Ms McNaughton:** I think that we need to look at that again.
1108. **The Chairperson (Mr Nesbitt):** Do you?
1109. **Ms McNaughton:** Sorry, the commencement date is the date for the commencement of the Bill.
1110. **The Chairperson (Mr Nesbitt):** Yes, but then you say that the “first strategy”, which is the one that we have just discussed in clause 3, and the “first plan”, which we are about to discuss:
- “must be laid before the Assembly before the end of the period of 12 months beginning with the day on which this Act receives Royal Assent.”*
1111. That covers the strategy and the plan.
1112. **Ms McNaughton:** Yes, but, hopefully, the strategy will be developed by early next year.
1113. **Mrs Wilkinson:** The need to develop the strategy exists already because the current one ends in 2016, so, regardless of whether the private Member’s Bill goes through, I have a requirement to produce a new strategy. Hopefully, we will get agreement on the strategy by the time the Bill is ready to be enacted.
1114. **The Chairperson (Mr Nesbitt):** So, we go to clause 4, then, which is about the plan.
1115. **Ms McNaughton:** Yes. This replaces the previous clause 4. We had some discussions with DE in particular, and with DHSSPS, and we still do not think that this does what we wanted it to do. We are still trying to work out what the services plan should look like. Much of this is based on what is currently in the Children Order, which, as you know, is specific to children in need. It might be that the Children and Young People’s Strategic Partnership ends up doing the plan, but we do not want to ask it to produce a delivery plan that covers absolutely everything. We need to be more precise in what we are asking for, so we need to do more work on this clause. Our current clause 4 places a requirement on the Executive to adopt a services plan that details how children’s services will be planned, commissioned and delivered. However, we think that we need to be more precise about which children’s services we are talking about.
1116. **The Chairperson (Mr Nesbitt):** OK. I will ask you to guide us, Margaret Rose. We have scheduled our clause-by-clause scrutiny for next Wednesday. Is there any point in including the current clause 4?
1117. **Ms McNaughton:** Our view is that we do not think that the current clause 4 is what we want to end up in the Bill.
1118. **The Chairperson (Mr Nesbitt):** So, it is not going to make the cut.
1119. **Ms McNaughton:** Not in its current form.
1120. **Mrs Wilkinson:** In answer to your question, it may not. It is quite detailed, and our fellow Departments have raised concerns with us about it. We want to improve it in a way that is effective before you —
1121. **The Chairperson (Mr Nesbitt):** I am not being critical; I am just looking for information. Is it unlikely that you will have clause 4 in a solid state by next Wednesday?
1122. **Mrs Wilkinson:** Best not, I think.
1123. **The Chairperson (Mr Nesbitt):** Our timeline for Committee Stage will not permit us to do the complete job that we would have preferred to do, but that is just where we are.
1124. **Mr Attwood:** Do you have any initial comment on draft clause 4(3) proposed in Steven Agnew’s paper as a way of helping you and OLC to get through this?
1125. **Ms McNaughton:** Clause 4(3):
- “Every children’s authority must —*

- (a) co-operate with the Executive in the preparation of the plan, and
- (b) so far as is consistent with the proper exercise of its functions —
- (i) exercise those functions in accordance with the plan”.
1126. **Mr Attwood:** Steven Agnew has a variation on that.
1127. **Mrs Wilkinson:** You are referring to Mr Agnew's original Bill.
1128. **Mr Attwood:** It is that word “consistent” again. He deletes “consistent”. You do not have to answer that question again.
1129. **Mr Hutchinson:** No, I will not — do not worry.
1130. **Mrs Wilkinson:** Does that refer to the Children and Young People's Strategic Partnership?
1131. **Mr Hutchinson:** We had these shared with us only this morning, but we will take them to OLC and consider them again. The point on clause 4 is who is doing the planning: should it be the Executive or someone else? There is also a question of whether there is too much detail there: should we try to cut back, because the more detail we have, the trickier the job of services planning might be? It is something to consider again, but we are working with our colleagues in the Departments of Health and Education to see what would be appropriate.
1132. **Mr Attwood:** Why is there an issue about who prepares it?
1133. **Mr Hutchinson:** Mr Agnew's initial intention in the Bill was to place the CYPSP on a statutory footing. That was not achieved in the first draft, and we still need to consider whether that body could be placed on a statutory footing. The planning function would then, possibly, be placed on it, but, at the minute, it is at a higher level, at the Executive, because that gives the potential to delegate it to the appropriate Department or body, given the changes going on, the restructuring and so on.
1134. There are wider issues, I suppose, but we need to tighten up on clause 4 to make sure that it will deliver what we want it to deliver: that the strategy sets out what we want to achieve and that the plan then explains how we will achieve that through services planning.
1135. **Mr Attwood:** Are all the other clauses, as you see them, Committee-ready?
1136. **Ms McNaughton:** Yes, the majority are. There are a few changes that we might want to make. From talking to the Department of Education, in particular, I think that there might be some things that we want to tighten up. However, as far as the vast majority of the Bill stands, we are reasonably content.
1137. **Mrs Wilkinson:** Clause 4, on planning, was the key one that we wanted to tighten up. We were conscious of your time frame, and we wanted at least to get initial draft amendments to you to let you see in detail the direction of travel.
1138. **Mr Attwood:** Are there subclauses in clause 4 that you think are Committee-ready? We could end up losing time.
1139. **The Chairperson (Mr Nesbitt):** We have a hard deadline, and we cannot shift it. We have already taken our extension for the Committee's consideration of the Bill, so we cannot go beyond our deadline.
1140. Are you saying that it is likely that there will be amendments beyond clause 4?
1141. **Ms McNaughton:** It is likely, yes.
1142. **Mrs Wilkinson:** There could be two further additional clauses, but they address, I believe, what Mr Attwood referred to in Mr Agnew's original clause 4. Forgive me, but I do not have a copy of the original with me. The original purpose of the Bill was to empower the statutory provider/partnership, so we are discussing with CYPSP, the Department of Health and the Department of Education how a statutory partnership could operate and be effective. I am not suggesting a new body; this is within current resources. We are trying to tie that down and make

- it an effective clause. The next stage would be the enabling of that statutory partnership to develop and deliver the plan. The partnership would be made up of members of the Health and Social Care Board, the trusts, the Education Authority and any other agencies in the two Departments that need to be at the table to provide integrated service delivery for children. Does that help?
1143. **Mr Attwood:** That helps. I am trying to work out whether there are any precedents for such a statutory partnership and, if so, where.
1144. **Mrs Wilkinson:** They exist. We have found a few, and the concept is used across the water. We are trying to get into it in more detail and research what happens there and whether it could work effectively here. That is why there is no amendment at the minute. We are still developing it and trying to test it to see whether it would be an effective body that could operate.
1145. **The Chairperson (Mr Nesbitt):** I am conscious of time. We move on to clause 5.
1146. **Ms McNaughton:** Clause 5 deals with the pooling of funds, and it still reflects Mr Agnew's original clause, with just a few minor amendments to the wording. The clause remains an enabling power rather than a duty, and we remain of the view that it might be problematic to compel bodies to pool funds, in legislative and practical terms, and that it is more effective to provide bodies with the power to act in that way by identifying the need and agreeing how their budgets could be utilised to support shared objectives. There have not been that many amendments to Steven's original clause, although we might need to make another one, which would be the power for Departments or bodies to form a fund in the first instance as well as to pool budgets. That would be a technical amendment.
1147. **The Chairperson (Mr Nesbitt):** OK. A concern was raised by NILGA — the local government association — about the tension between what might happen through the Bill and the councils' power of delivering well-being. Have you resolved that tension?
1148. **Mrs Wilkinson:** No. I was at a CYPSP meeting on Friday, and I had hoped that council officials would be there so that we could open discussions on that. We hope that this duty complements the development of community planning as opposed to —
1149. **The Chairperson (Mr Nesbitt):** — there being any conflict with it. OK.
1150. Can we go straight to clause 6, if members are content?
1151. **Mr Lyttle:** Can I just check on that one? Does the reference to "children's authorities" include Departments?
1152. **The Chairperson (Mr Nesbitt):** Yes, that is in clause 7, "Interpretation".
1153. **Mrs Wilkinson:** Clause 7 will set out all of that.
1154. **The Chairperson (Mr Nesbitt):** I think that we will finish with clause 6, because we have touched on interpretation and commencement.
1155. **Ms McNaughton:** Clause 6 relates to reporting and is the clause that most people were concerned about at the last Committee session. The clause, as it sits, requires the Executive to prepare a report on the operation of the Act. That will provide a range of information, including the actions taken to achieve the outcomes listed in the strategy, the progress on achieving those outcomes and how the well-being of children and young people has improved.
1156. We already had concerns, as you know, about the purpose of the reporting in Mr Agnew's clause. We felt that there was too much focus on reporting on process rather than on the actions taken. Whilst there are elements in the report on how cooperation has happened and how it could be improved, the focus is more on delivery and the impact on the lives of young people. We see the report as being more an overarching one at the end of three years on the impact of our

- strategy on the lives of children and young people.
1157. We still propose that formal reporting take place every three years, but that is not to say that annual reporting could not be carried out at a more local level. The Children and Young People's Strategic Partnership provides ongoing reports on its website on a whole range of indicators related to the high-level outcomes. There is the potential to develop that system to enhance the availability of that information. The Children and Young People's Strategic Partnership could continue to do that, and, every three years, a formal report would be prepared, which could be scrutinised by the relevant stakeholders, including the Assembly.
1158. June, you have some really good examples at a local level of how the current reporting mechanisms in the Children and Young People's Strategic Partnership help to change things on the ground.
1159. **Mrs Wilkinson:** Forgive me: I should have brought more information with me today. At the meeting last week, it was explained to me how the partnership's outcomes groups, of which there are, I believe, 10 in Northern Ireland, work at a very local level and how the locality groups work on a geographic basis. Each locality group has a locality coordinator from the board. The statistical information that the website identified brought up an issue about achieving qualifications in a particular area in Armagh. That information was available at a very local level, so the coordinator was able to contact the schools in the area and ask whether something could be done at a local level. The young people — it was a boys' school — were asked whether they would like help.
1160. It transpired that the outcomes group was able to provide a tutor for a short time in a facility — it was held in a community centre rather than in the school — to support those young people to get through their GCSEs. It was a short-term solution, but it assisted at a local level because of the analysis in the reporting had identified the issue. It was quite effective, and, when that was reported to other locality groups, they were interested in looking at it because it seemed to work. That is a good example of how, on a small scale, the reporting helped to identify and address local issues.
1161. **The Chairperson (Mr Nesbitt):** Margaret Rose, you said that the report would assess the delivery of the strategy. Will it also report on clause 1(2), namely the six high-level outcomes?
1162. **Ms McNaughton:** Yes, because the six high-level outcomes will be in the strategy.
1163. **The Chairperson (Mr Nesbitt):** OK. Are members content?
1164. **Mr Lyttle:** I may have missed this, Chair, but is there any agreement on the frequency of reporting? There is a lot of debate, and some say that it should be every one year rather than every three years.
1165. **Ms McNaughton:** We still suggest three years, but that does not preclude a reporting mechanism continuing yearly.
1166. **Mrs Wilkinson:** The Children and Young People's Strategic Partnership already does that. There is ongoing reporting, in that the website is available and can be utilised at any time. The partnership produces a yearly report and proposes to continue that if it develops as part of the statutory partnership. It would be up to CYPSP to decide whether it wanted to produce a formal one-year report.
1167. **Mr Lyttle:** Sure, but the purpose of this report is to report on how the Executive and Departments have cooperated, not just the strategic partnership.
1168. **Mrs Wilkinson:** That goes back to the point about a statutory partnership. By then, the statutory partnership will not exclude any element of children's services, so it will report on everything that is in the strategy.
1169. **Mr Lyttle:** So you foresee that body reporting on Executive cooperation or otherwise?

1170. **Mrs Wilkinson:** It would report on departmental cooperation, which is the requirement and duty. If it is reporting on Departments, it is, by default, reporting on the Executive.
1171. **The Chairperson (Mr Nesbitt):** We have touched on clauses 7 and 8. I think that Megan would like to raise a point on clause 7.
1172. **Ms Fearon:** In clause 7(1), is there a need for CCMS to be named? Does “the Education Authority” not cover that?
1173. **Mr Hutchinson:** We will have to consider that with our legislative drafters. The point was made earlier that, if we name a Department, that includes its NDPBs and other bodies that may not be listed in statute. Our understanding is that the Council for Catholic Maintained Schools is a separate statutory body. Therefore, if we said “Department of Education” or “the Education Authority”, CCMS would not be bound by the legislation. We can look into that, too. We want to seek clarification on whether that body and others, such as the Housing Executive, need to be included. If it is a separate statutory body and we want to include it, it would need to be named separately. That is our understanding at this stage.
1174. **Ms Fearon:** Finally, on clause 7(3), in relation to disabilities and people under the age of 21, would that provision affect their ability to access adult services, or does it merely allow for their inclusion in children’s services? How, for example, would it affect a 20-year-old visually impaired person?
1175. **Ms McNaughton:** That is one of the issues that DE raised with us last week. We have to change that; it is not right at the minute. We need to think carefully about that because it is not written in the way that we intended.
1176. **Mrs Wilkinson:** Young people in particular circumstances are slipping through the net, in that they are not treated as children and are not being treated, as they need to be, as adults. We are trying to make sure that any transition is captured. [Inaudible.]
1177. **The Chairperson (Mr Nesbitt):** June, Peter and Margaret Rose, thank you very much indeed. Any updates for next Wednesday would be appreciated, but we understand that we will not have sight of the Bill in its solid state.

24 June 2015

Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
 Mr Chris Lyttle (Deputy Chairperson)
 Mr Alex Attwood
 Ms Megan Fearon
 Mrs Brenda Hale
 Mr Alex Maskey
 Ms Bronwyn McGahan
 Mr David McIlveen
 Mr Stephen Moutray

In attendance:

Ms Eilís Haughey *NIA Bill Office*

1178. **The Chairperson (Mr Nesbitt):** We move to consideration of the Children's Services Co-operation Bill. Last week, we heard from the Department that it has a revised Bill setting out the direction of its proposed amendments. You will recall that officials advised the Department that they wish to make further amendments following ongoing consultation with other Departments. We also saw correspondence from the Bill's sponsor giving his initial views on OFMDFM's proposals for the Bill.
1179. Today, our task is to undertake formal clause-by-clause scrutiny of the Bill. Eilís Haughey joins us to aid our consideration. As ever, the Clerk and staff have prepared a number of useful and relevant papers. Departmental officials are not with us today to answer questions, but they have undertaken to provide responses if we submit any issues and will do that as quickly as they can.
1180. Are there any general comments at this stage, members, before we get into clause-by-clause scrutiny? If not, we will proceed.
1181. Clause 1 (General duty)
1182. **The Chairperson (Mr Nesbitt):** This clause creates a duty for Departments to work towards the achievement of six specified outcomes relating to the well-being of children and young people and to cooperate with one another to further the achievement of those objectives. The objectives are consistent with those listed in the children's strategy. Clause 1(4) allows OFMDFM to modify those objectives by subordinate legislation. That is the Bill as Mr Agnew envisaged it.
1183. The Department proposes the inclusion of a new clause, "Well-being of children and young people", which will serve as a purpose clause and explain that the Bill is for the purpose of improving the well-being of children and young people. The six high-level outcomes are used to define well-being, and the text of the clause is at page 1 of the Department's revised Bill. The Committee indicated that it was content in principle with that proposal at last week's meeting. OFMDFM also proposes that clause 1 be amended to place a duty on "children's authorities" to cooperate with other children's authorities and other bodies in the provision of children's services. The meanings and definitions are set out in the interpretation clause. A duty is also placed on the Executive to make arrangements to promote cooperation. The text of that clause, "Co-operation to improve well-being", is provided at page 2 of the Department's revised Bill.
1184. You will recall that officials agreed to consider with Office of the Legislative Counsel (OLC) colleagues whether the word "advance" could be used instead of "promote". That aside, the Committee indicated that it was content in principle with the proposal. Mr Attwood advised that he would reserve his position on all the proposed amendments until they have been considered further.
1185. Mr Agnew suggested that clause 2(1) in OFMDFM's revised Bill should be amended to remove the wording: *"so far as is consistent with the proper exercise of its children functions."*

1186. That is the potted history of clause 1.
1187. **Mr Maskey:** Is there any understanding on why he wants that amended? It is in the original Bill at clause 1.
1188. **Mr Lyttle:** I understand that it is a Greenberg suggestion because it is considered a bit of a “get-out clause”.
1189. **The Chairperson (Mr Nesbitt):** Daniel Greenberg thought that the Department might be able to use that form of words to say, “I cannot help you because it is not consistent with the proper exercise of my functions”. Eilís, can you add to that?
1190. **The Clerk Of Bills:** As far as I understand it, the explanation from the Department has been that “children’s authorities” can include any Department. Departments may, at times, be filling potholes, cutting hedges or doing other things, and the Department thought that that phrase would ensure that there was appropriate room to exercise a function without a procedure around consideration of children’s well-being where that is genuinely not required rather than saying that, even if you are filling potholes, you need to stop and consider children’s well-being. The argument was that:
- “so far as is consistent with the proper exercise of its children functions”*
1191. suggests that, where those functions could have an impact on the well-being of children, you should consider that. That was consistent with the sponsor’s advice and explanation at the start. So you have conflicting advice before you.
1192. **Mr Maskey:** It does not register in my mind as a significant consideration; it is a bit subjective, to say the least.
1193. **The Chairperson (Mr Nesbitt):** Ultimately, whatever legislation you put before officials, they will make a judgement call on it. They may say, “I have limited resources, and you are telling me to do this and do that.”.
1194. **Mr Maskey:** If it ends up coming down to petty — I do not mean petty, but I cannot think of another word at the moment — considerations, it would mean, to me, that the Bill will be fundamentally flawed from the outset.
1195. **The Chairperson (Mr Nesbitt):** In the real world, officials will make a judgement call on whether there is a stronger legislative demand on them to do a rather than b because if they do b, somebody will judicially review them and say that they should have done a because of the strength of the legal obligation.
1196. **Mr Maskey:** What is the suggested amendment? If Steven is saying that he wants it amended —
1197. **The Chairperson (Mr Nesbitt):** He is just going to take it out.
1198. **The Clerk Of Bills:** He wants to take the qualifying phrase out.
1199. **The Chairperson (Mr Nesbitt):** There is no qualification for that. It diminishes the ability of Departments to say, “What you are asking me to do is not consistent with the proper exercise of the children’s functions that rest with me.”.
1200. **Mr D McIlveen:** My concern with it, Chair, is that to remove that sentence and remove the opportunity for government to challenge would effectively make the assumption that government is always wrong and that the other service providers are always right. There are very well-meaning groups and representatives in the sector, but, like everyone, they can get it wrong. If you remove that and set it in legislation that every children’s authority must cooperate with other children’s authorities and children’s services, you are effectively removing the opportunity to challenge. That is something that we should always try to preserve as much as possible when writing legislation, so that, ultimately, the views of a group can be challenged if required. To me, reading it as a relative layman, removing that line would remove the right to challenge, and there would be a legal statutory obligation on everybody to cooperate, whether what they were cooperating on was right or wrong.

1201. **The Chairperson (Mr Nesbitt):** Members, can we take a step back for a second? Normally, in clause-by-clause consideration, we would take the Bill as laid, in this case Mr Agnew's Bill, and consider it against amendments from the Department, but, in this case, we do not have amendments from the Department so much as a new Bill — a total rewrite, almost. This clause-by-clause consideration is of Steven Agnew's original Bill. We can bear in mind what the Department is thinking, but it is not as neat as it would normally be, because it actually has a different number of clauses, and they indicated last week that there will be further amendments, not just to clause 4. In fact, I do not think that we can have confidence that any of the clauses, with the possible exception of the short title, might not be amended. So, we are not in the position that we would like to be in. That is not a criticism of the Department; it is just an observation of where we are.
1202. First off all, it seems to me that, if we are broadly content with the direction of travel of the Department, we can, in this clause-by-clause scrutiny, as it refers to the original Bill, say that we are not content. We might also indicate that we are content with the direction of travel that the Department has indicated to us, but that we are also aware that, at this stage, we cannot have confidence that we have had sight of the final wording. The explicit purpose of clause-by-clause scrutiny is to look at the final wording, and leave it at that.
1203. **The Clerk Of Bills:** The Committee would be within its rights, if it wished, to pursue that course and to indicate if there were replacement clauses or directions that it would support.
1204. **The Chairperson (Mr Nesbitt):** OK, so, what I said, plus, if we have consensus, we could say, "These are specifics that we have not seen that we would welcome."
1205. **Mr Maskey:** Are you suggesting that we go through the original Bill, clause by clause? I was wondering whether there was a hybrid scenario, because, in a way, we are going through an exercise that is near enough pointless.
1206. **The Chairperson (Mr Nesbitt):** It is academic, to an extent.
1207. **Mr Maskey:** It has been changed with the consent, albeit caveated, of the sponsor of the Bill in the general direction of travel.
1208. **The Chairperson (Mr Nesbitt):** As I understand it, in an ideal world, every word that we look at today would be in the Bill that would go to the Floor. Clearly, from what we were told last week, that is not the case, but we cannot wait because we have taken an extension to the Committee Stage and we cannot have an extension to an extension, so we have to do it today.
1209. **Mr Maskey:** Do we have to go through it formally clause by clause?
1210. **The Chairperson (Mr Nesbitt):** Yes, but it is the original, so, if we are content with the direction of travel that the Department is taking, we can say that we are not content with the original clause. If we take it step by step, are we all happy that we are not content with the original clause 1?
1211. **Mr Attwood:** I am a wee bit cautious about that. I can understand why, on one reading of clause 1(1), it could be a get-out clause. You would have to read it in such a strict and suspicious way, and I do not think that that is the proper way to read it. On the other hand, I remember having an experience where the Department tried to argue with me that doing something was not consistent with the proper exercise of the functions of the Department.
1212. I will give you an example. Money came from the Coastal Communities Fund in London, and DFP asked which Department wanted to take it on. I got advice that it was outside our competence and that we would not want it, as it was not consistent with the functions of the Department. Of course, I said that coastal communities are environmental and developmental

- and that those aspects fall within the competence of our Department, so we took it. If they can find a bit of space, officials will sometimes say "This is not our business, so goodbye.". I do not have the sort of global suspicion of the Department that might be suggested by saying that this is a get-out clause. I am not trying to go as far, in my position, as to say that we are more inclined toward the Department at this stage. That might well be case, but not at this stage.
1213. **The Chairperson (Mr Nesbitt):** I take that point and, yes, of course there will be opportunities, as with almost all legislation, for officials to take a position and a judgement call.
1214. I propose that there are three things that we can do for clause-by-clause. First, on each clause, we can decide whether we are content with what Mr Agnew has laid; if we are not, whether we are broadly content with the Department's direction of travel, which is another yes or no question; and, thirdly, whether there is something further that we would like to see included. We may have to vote on some of the issues, and that is fine, because we are not where we would like to be.
1215. **The Clerk Of Bills:** It is worth reminding members that the sponsor has indicated to the Committee that he has been working closely with the Department and with other stakeholders and is heavily engaged and quite supportive of what has been achieved so far with the alternative proposals that will come forward.
1216. **The Chairperson (Mr Nesbitt):** To cut to the chase, if the sponsor was sitting here with a vote, he would oppose clause 1? He would oppose his own clause 1?
1217. **Mr Lyttle:** Exactly, yes.
1218. **The Chairperson (Mr Nesbitt):** Because he has been persuaded through his journey, particularly with officials, that it can be better. Right at the beginning —
1219. **Mr Maskey:** That is without dealing with the issue of "so far as is consistent", because I would prefer to keep that in.
1220. **The Chairperson (Mr Nesbitt):** We might decide that we have not taken a position on that. It would be fair if we say that we do not have a consensus on whether that should be in or out, would it not?
1221. **The Clerk Of Bills:** That is a separate amendment that comes from the sponsor rather than the Department. The Committee would be doing the right thing to make a decision on the departmental amendments before you and to take a separate decision on whether you agree, do not agree, or just note the —
1222. **Mr Lyttle:** I have a brief comment in addition to that. You have the original direction of travel from the Department; you also have amendments that have been suggested to the Department by the sponsor. Do we need to take a view on those as well? There are three things to take a view on, effectively, even if the third is very brief and only affects, I think, three clauses.
1223. **The Chairperson (Mr Nesbitt):** You are quite right, Chris. The first thing that we will take a view on is the clause as laid in the original; the second is a view on the amendments that we are aware of, bearing in mind that we know that there will be more from the Department; the third is whether there is anything outside the other two that we wish to see included.
1224. **Mr Lyttle:** Can I run an example of that? Not content with clause 1 in the original Bill; not wholly content with the direction of travel proposal by OFMDFM; content with the suggestion from the sponsor for the amendment to OFMDFM's direction of travel for clause 1. That would involve the removal of "so far as is consistent".
1225. **The Chairperson (Mr Nesbitt):** Are members content with that approach, at least as a way of getting started?
1226. **The Clerk Of Bills:** One final technical point. The amendment from the sponsor to remove "so far as is consistent" would technically be an amendment to the Department's amendment. They are not necessarily competing with each other. You can support the Department

- and then decide whether it should be amended to reflect the member's point.
1227. **Mr Lyttle:** It is not an ideal way of doing things, but there is probably no other way.
1228. **The Chairperson (Mr Nesbitt):** We have to find a way to kick this on. Members, we have the original clause 1 as laid. Are we content with that?
- Question, That the Committee is content with the clause, put and negatived.*
1229. **The Chairperson (Mr Nesbitt):** No. We have a proposed new clause from the Department, "Well-being of children and young people", at page 1 of the revised draft Bill. Are we content with that?
1230. **Mr Maskey:** I suppose this is to protect everybody, because we are all very conscious that there could yet be some changes, minor or major. Everybody wants to caveat what we are agreeing to. We are agreeing to this, subject to further information. You might get a line in there that covers everybody. I agree with the version put forward by the Department. It might change depending on clause 4 and something else —
1231. **The Chairperson (Mr Nesbitt):** Are members broadly content with the direction of travel of the Department's new proposed clause, "Well-being of children and young people", subject to sight of the final wording?
1232. **Mr Attwood:** And answers to the points raised by Steven Agnew in his memo. Steven says that the Department uses different words in clause 1(2). They may seem minor, but he wanted an explanation for the differences. Officials also indicated that there would be a consultation before any of the outcomes were changed under clause 1(4).
1233. **The Chairperson (Mr Nesbitt):** I get all that, Alex. I am just wondering whether, "subject to sight of the final wording" does not cover all that, and give you the ability to come back and say —
1234. **Mr Attwood:** As long as it means that, I am happy.
1235. **The Chairperson (Mr Nesbitt):** — "I do not accept the final wording, and the reason is that I am not satisfied that you consulted as you promised with the Bill sponsor", or whatever number of reasons you may wish to propose. Is that OK?
1236. **Mr Attwood:** That is how I will interpret that.
1237. **The Chairperson (Mr Nesbitt):** Are we content, members?
1238. **Mr Lyttle:** I am probably not, Chair. I am more supportive of the third way proposed by Stevie, which is not to include:
- "so far as is consistent with the proper exercise of its children functions".*
1239. In his email, he proposes another new clause 1. His suggestion for clause 1 was just the removal of "so far as is consistent", then?
1240. **The Chairperson (Mr Nesbitt):** We are not content with clause 1. Chris, I will go back again, you were making an objection to the second part.
1241. **Mr Lyttle:** Yes, I was slightly mistaken there, Chair.
1242. **The Chairperson (Mr Nesbitt):** It is very confusing.
1243. **Mr Lyttle:** Is, "so far as is consistent" in clause 2?
1244. **The Committee Clerk:** It is in clause 2.
1245. **The Chairperson (Mr Nesbitt):** We will come to that in a minute. We are content with the direction of travel of this new "Well-being of children and young people" clause, subject to sight of the final wording. We now have the other part of what was clause 1, which the Department is now calling "Co-operation to improve well-being". Apart from Chris, who we are going to come back to in a sec, is anybody else not content with the broad direction of travel of this new "Co-operation to improve well-being" clause, subject to sight of the final wording?
1246. **Mr Attwood:** That is my position as well, as I outlined.

1247. **Mr Lyttle:** That probably covers my position on this, in fairness. As I understand it, the sponsor has made a suggestion to the Department to make a change to the Department's version. It is conceivable that the Department may accept that proposal, and your form of wording would give us scope, if it changes in that way, to be content with the general travel.
1248. **Mr Maskey:** So we are not content with clause 1 of the original Bill. Are we now asking whether we are content with the new clause 1 proposed by the Department, subject to final wording?
1249. **Mr Attwood:** We are now at clause 2, though.
1250. **Mr Lyttle:** But that is what happened for clause 1; you are correct.
1251. **The Chairperson (Mr Nesbitt):** The original clause 1 has become two clauses. We have done the first bit, and this is the second bit. This is where:
"so far as is consistent with the proper exercise of its children functions"
1252. comes in. The Department wants it, but the Bill's sponsor now does not.
1253. **Mr Maskey:** We want it in, but, if somebody comes up with a better formula, we will look at that. We would prefer to go with what —
1254. **The Chairperson (Mr Nesbitt):** So, you want it in, you want it out, you want it —
1255. **Mr Lyttle:** I think that that form of words allows me to. The state of flux is that the sponsor is working, as far as I am aware, with the Department. There is a good working relationship there. It is possible that the Department — well, I do not know —
1256. **The Chairperson (Mr Nesbitt):** Everything is possible.
1257. **Mr Lyttle:** It is a possibility that the Department may accept that suggestion. If it does not, the form of words that says "subject to the final wording" allows me, if I am not content with the final wording, to say that I am not content.
1258. **The Clerk Of Bills:** Chair, I should have said earlier that, in relation to the phrase:
"consistent with the proper exercise of its ... functions",
1259. the Committee had been talking about how that was in the original Bill and how the Department has it in this version. Actually, the Department's version in this Bill is different; it is talking about:
"the proper exercise of its children functions"
1260. whereas the original Bill was talking about:
"the proper exercise of their functions".
1261. Arguably, that departmental version is narrower again.
1262. **Mr Lyttle:** That is a good spot.
1263. **The Chairperson (Mr Nesbitt):** OK, but I think that everyone is content that, subject to sight of the final words — whatever form of words — it gives everybody the opportunity to come back and say, "I'm not happy, and here's why."
1264. **Mr Lyttle:** I think that "children functions" is too narrow, so that is fair enough.
1265. Clause 2 (Co-operation report)
1266. **The Chairperson (Mr Nesbitt):** Having agreed clause 2, we are going on to clause 2 of the original.
1267. The original clause says that OFMDFM is required to publish a report at least every three years on progress towards achieving the specified outcomes, the extent of cooperation as required by clause 1 of the Bill as drafted, and efficiencies achieved or opportunities identified for further cooperation. Other Departments are also required to cooperate with OFMDFM in the preparation of the report, which will be laid before the Assembly. That is the original.
1268. The Department proposes to amend the clause to expand the report to

include outcomes and progress as well as cooperation. The report will be produced every three years. It will consider how the well-being of children and young people has improved or not, and it will reference cooperation across Departments. Mr Agnew has suggested that the Executive should commission an independent report on the operation of the Act.

1269. **Mr Attwood:** We do not know, but I understand Steven to be saying that he is satisfied that, on the co-operation report clause 2 from OFMDFM, he is satisfied with the broad direction of travel but not the part that refers to who does the report. That seems to be what he is saying. I would support Steven on the requirement for an independent report, but it seems to me that the broad direction of travel of the new clause 2 is right.
1270. **The Chairperson (Mr Nesbitt):** So, can I say, going back to our formula, that, first, we are not content with clause 2 of the original Bill as laid?

Members indicated assent.

1271. **The Chairperson (Mr Nesbitt):** Secondly, are we broadly content with the direction of travel of the departmental amendments, subject to sight of the final wording?
1272. **Mr Maskey:** That is now clause 6, is that right?
1273. **The Chairperson (Mr Nesbitt):** But, in this case, we have a proposal, I think, from Mr Attwood — and this is beyond agreeing with the direction of travel — that we accept Mr Agnew's amendment, which would give the reporting function to an independent body.
1274. **Mr Lyttle:** I think it should be every year.
1275. **The Chairperson (Mr Nesbitt):** Here is Mr Agnew's amendment, folks:
- "For each reporting period, the Executive must commission an independent report on the operation of this Act."*
1276. It does not say who the independent body would be.

1277. **Mr Maskey:** I think the institutions have to produce the report, whether or not an independent report is done. Every Department has to report on what its duties are. We can understand that.
1278. **The Chairperson (Mr Nesbitt):** However, Steven is specific in stating that it is given to an independent body rather than, say —
1279. **Mr Maskey:** That would have to be over and above what the Departments would have to do anyway, whether annually or —
1280. **The Chairperson (Mr Nesbitt):** Departmental officials would not be doing it. They would simply be servicing an independent body with the data.
1281. **Mr Maskey:** I cannot see any situation whereby a Department would not have to produce a report on what it is doing. You may have an independent report also, but I would not be agreeing with that. I am happy enough to support the direction of travel of clause 6 until somebody brings something additional or new into it that I can live with or work with. At this moment in time, however, I would not be not content with any additional —
1282. **The Clerk Of Bills:** The Committee could consider that or table that as a Committee amendment if it wished, in addition to the reporting clause. So you would have clause 6 requiring the Executive to produce the report, and the Committee would be within its rights to propose that an independent report be an additional obligation and additional clause. It does not have to be a yes or no to what is being proposed by the Department and the sponsor at this point.
1283. **The Chairperson (Mr Nesbitt):** OK.
1284. **Mr Lyttle:** That would give us an opportunity to debate it at the next stage.
1285. **Mr Maskey:** If people are agreeing to that, that will be over and above what the Department would have to report on anyway. The Department cannot do work and spend money, and not report on what it did. An independent review or report might be additional

- and worthwhile. I am not supportive of that at this point in time, but I might be convinced later. Éilis is right.
1286. **The Chairperson (Mr Nesbitt):** The Department is saying that for each reporting period, the Executive must prepare a report on the operation of the Act. Steven is saying that for each reporting period, the Executive must commission an independent report on the operation of the Act. Are you proposing a Committee amendment that says, in addition to the requirement on the Executive to prepare a report on the operation of the Act —
1287. **Mr Maskey:** I am saying that I am content with clause 6 as proposed by the Department.
1288. **The Chairperson (Mr Nesbitt):** OK, so you do not want an independent report.
1289. **Mr Maskey:** No, I am not convinced of the necessity of it. I think Éilis has explained it for me well. Even if you do agree to have an independent report, the Department will still have to report on its work.
1290. **The Chairperson (Mr Nesbitt):** You are content with the proposed clause 6(1) from the Department.
1291. **Mr Maskey:** I might — [Inaudible.] — but that could be done by way of a Committee amendment.
1292. **The Chairperson (Mr Nesbitt):** Does somebody want to propose Steven's amendment?
1293. **Mr Attwood:** Yes.
1294. **The Chairperson (Mr Nesbitt):** Do we have a seconder for Alex in proposing? Do we need a seconder? We do not need a seconder. We will just have a vote. Any other thoughts?
1295. **Mr D McIlveen:** It is too vague, given what Steven has said. At this stage, it could mean anything. Does he mean a rapporteur? Does he mean the Human Rights Commission? Does he mean an arm's-length body? There is no detail.
1296. **Mr Lyttle:** I presume that the proposer may well bring that as an amendment at the next stage, whether we do or not.
1297. **The Chairperson (Mr Nesbitt):** Do members want to go to a vote on this?
1298. **Mr Attwood:** That point that I was going to make is a general point. The correspondence from OFMDFM is from 11 June, and Steven's reply is from 16 June. Everybody was working to a tight deadline because of the Committee meeting last week. I get a sense from Steven's document generally that there could be more to come or that there will be more adjustments to what he has in the document, including on an independent report. The principle of independence is what I support, because draft clause 6 from OFMDFM is all about the Executive. You can restrict it to the Executive doing it themselves, in whatever way they choose, or you can stretch it to say that it has to be independent. Remember that this is every three years: it is not like they are going to have an ongoing review of what is happening every six months.
1299. **Mr Lyttle:** Can I check whether it is three years? I cannot find a time period. OK, it says, "not more than three years".
1300. **The Chairperson (Mr Nesbitt):** And because it is every three years, it will become a very significant report. NICCY would have a legal, statutory obligation to pore over it, and NGOs and voluntary and community sector bodies would be poring over every word in every line. So there would be a lot of independent scrutiny.
1301. **Mr Maskey:** These are three-year reports, which is grand. I cannot see a situation where, in between, you would not be having an annual one.
1302. **The Chairperson (Mr Nesbitt):** Sure.
1303. **Mr Maskey:** As long as we were conscious that that is what they were going to do. That still does not deal with the issue of independence. I would prefer to deal with that at a later stage, because I could yet be convinced.

1304. **Mr Attwood:** I am not going to push it to a vote, because the independence thing is a principle rather than something more concrete. I note that Alex said he could yet be convinced, so we could go about that bit of business. I definitely think that, if we just give this to the Executive to do in any way of their choosing, we close down our options. Our job is to ensure that the greatest rigour is brought to these things. The likelihood is that the greatest rigour is going to come from someone who is independent.

1305. **The Chairperson (Mr Nesbitt):** OK. So, we are not content with clause 2 as laid, and we are saying that we are broadly content with the direction of travel indicated by the Department, subject to sight of the final wording.

Members indicated assent.

Clause 3 (Sharing resources and pooling funds)

1306. **The Chairperson (Mr Nesbitt):** Clause 3 of the original Bill is the enabling power that allows Departments to establish pooled budgets and share resources to achieve the specified outcomes. OFMDFM's revision retains the enabling power to pool budgets and share resources, but it amends clause 3 to reflect the requirements in the revised Bill in respect of cooperation and the adoption of a children and young persons' plan. So, staff, goods, services, accommodation or other resources can be provided to another authority and contributions made to a central fund. Members may recall that the officials advised last week that a further amendment may be required to enable Departments to establish the fund in the first instance, before they can start pooling. Mr Agnew has other ideas in respect of pooled budgets, but the actual final text for potential amendments has not been worked up. Do we have a consensus in saying that we are not content with clause 3 as laid in the original Bill?

Members indicated assent.

1307. **The Chairperson (Mr Nesbitt):** What about the broad direction of travel with regard to Department versus sponsor?

1308. **Ms Fearon:** I would like to see it tightened up a bit and tying the fund or the pooling of resources to the agreed children's plan in clause 4, because it leaves it quite open.

1309. **The Chairperson (Mr Nesbitt):** Megan, the departmental amendment, as we stand at the moment, on sharing of resources and the pooling of funds — clause 5(1), says:

"This section applies to a children's authority for the purposes of exercising any functions in accordance with ...

(b) a children and young persons plan."

1310. Do you want "as defined under section 4"?

1311. **Ms Fearon:** It just says "a plan". It could be any plan.

1312. **The Chairperson (Mr Nesbitt):** So if we said:

"a children and young persons plan under section 4" —

1313. **Mr Lyttle:** Is that a mistake, potentially, by the Department? There is no plan mentioned in section 2.

1314. **The Chairperson (Mr Nesbitt):** Subsection (2) has "arrangements under section 2 (co-operation)".

1315. **Mr Maskey:** It needs to be linked to what —

1316. **The Chairperson (Mr Nesbitt):** It would be consistent with 5(1)(a) to make 5(1)(b) "under section 4", and also clearer. Is that what you mean, Megan?

1317. **Ms Fearon:** Yes.

1318. **The Chairperson (Mr Nesbitt):** Is everybody content with that?

1319. **Mr Lyttle:** Can we ask why the Department has linked it to section 2 as opposed to section 4? I do not know why it has.

1320. **The Chairperson (Mr Nesbitt):** Section 2 is on cooperation.

1321. **Mr Lyttle:** It is not a mistake. The Department is aware that section 2 is

- on cooperation. It has cooperation in brackets. I am just not clear why it has section 2 rather than section 4.
1322. **The Clerk Of Bills:** In legislation, there is a convention that, where it is defined elsewhere in the Bill, you do not necessarily need to say. In the first, the Department has said “arrangements” because clause 2 involves various things. The start of clause 4 says that the Executive must adopt “a children and young persons plan”. Thereafter in the Bill, that allows you to say “a children and young persons plan”, and that should guide the reader back to the inverted quote. It is tied to that.
1323. **The Chairperson (Mr Nesbitt):** So this is the conventional language of a Bill.
1324. **Mr Lyttle:** Yes, I think it is all right.
1325. **The Clerk Of Bills:** At first glance, I can see why —
1326. **The Chairperson (Mr Nesbitt):** I liked it.
1327. **The Clerk Of Bills:** There is no harm done. There is no problem to signpost the reader back to the earlier provision.
1328. **Ms Fearon:** If it is already defined, that is not needed.
1329. **The Chairperson (Mr Nesbitt):** OK, so we are not content with the clause as laid. Are we broadly content with the direction of travel as indicated by the Department's amendments, subject to sight of final wording? Is there anything else that we would like to propose?
1330. **Mr Maskey:** Sorry, this is my own fault. I do not have my glasses with me, so I am struggling. Is that an amendment to clause 3 or another clause?
1331. **The Committee Clerk:** It is new clause 5.
1332. **Mr Attwood:** This is where Steven has some amendments to new clause 6, if you like, although it is the one where he least makes the argument in his short paper. I have a feeling that the tension between clause 5 and where Steven is might be the least of all of the comments that he raises in his email, except that he says that Departments “must” consider opportunities for collaboration, whereas everywhere else it is “may”. He creates a stronger obligation, although OMDFM's clause 2 may capture what he is at. Again, it is subject to the Department's response to that, although I have a feeling that this is an area where the differences might be more narrow than elsewhere.
1333. **The Chairperson (Mr Nesbitt):** I think that what you are saying is that he is aware that, without the funding and the resource, the rest remains aspirational, even in the Bill.
1334. Are members content?
- Members indicated assent.*
- Clause 4 (Amendment of the Children (Northern Ireland) Order 1995)**
1335. **The Chairperson (Mr Nesbitt):** Clause 4 as laid is at page 2 in the Bill and page 4 in the EFM. We are back to tab A in your folders, members.
1336. Clause 4 amends the Children (Northern Ireland) Order with the aim of strengthening the Children and Young People's Strategic Partnership (CYPSP). A range of agencies and Departments are specified, and they would be required to cooperate with each other in the planning, commissioning and delivery of children's services.
1337. Members will recall that concerns have been raised with regard to this clause. To address some of them, OFMDFM has proposed a couple of things. It has proposed a new clause — Children and young persons strategy — which would require the Executive to adopt a strategy setting out how they propose to improve the well-being of children and young persons. The text of that clause is at page 2 of the revised draft Bill at tab B. The Department is also proposing that the Executive are required to adopt a children and young persons plan — and, as we have just discovered, the clause has the same name — which will be developed with regard to the strategy and will detail how children's services will be planned, commissioned and delivered. The text of that clause —

Children and young persons plan — is on pages 2 to 3 of the Department's revised draft Bill at tab B.

1338. Officials have also advised that a further clause may be required with regard to a statutory partnership, which would comprise members of the Health and Social Care Board, the trusts, the Education Authority and other relevant agencies within the Departments of Health and Education. So, that is the Department.

1339. Finally, Mr Agnew has suggested the removal of clause 4(3)(b) in the Department's revised Bill, and that is in his paper at tab C.

1340. So, once again, is the Committee not content with clause 4 as laid?

Members indicated assent.

1341. **The Chairperson (Mr Nesbitt):** We move to the Department's proposals, which are very substantial. I am not trying to foreshorten this, but given that the Department was very clear that it will do more work on it, I am back to the form of words again.

1342. Is there any further thought on Steven's proposal?

1343. **Mr Lyttle:** I am inclined to be content with the proposer's proposal, but the form of words that you have agreed gives me scope to do that.

1344. **The Chairperson (Mr Nesbitt):** I do not sense a great appetite to push for further specifics.

1345. **Mr Attwood:** Given that there is a lot more caution about this clause because the Department will come back with further amendments, I think that that should be reflected in what we decide, rather than simply saying that it is as before with the other clauses. There should be a wee bit more caution about it.

1346. **The Chairperson (Mr Nesbitt):** OK. I suggest then that we note the Department's proposals to place a duty on the Executive to adopt the children and young persons strategy, as per page 2 of the revised draft Bill,

and the proposal to adopt a children and young persons plan, as at pages 2 and 3 of the revised draft Bill, but that we understand that the Department is giving active consideration to further amendments and that our support or otherwise would be dependent on sight of the final wording. Are members agreed?

Members indicated assent.

Clause 5 (Interpretation)

1347. **The Chairperson (Mr Nesbitt):** Clause 5 is on page 5 of the Bill and page 5 of the EFM. We are back to tab A.

1348. 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 to ensure that this legislation mirrors existing legislative definitions of children and young people.

1349. Once again, OFMDFM is proposing to revise this with an extensive interpretation clause, and you will find that at tab B, page 5. That reflects the amendments proposed for the Bill. At last week's meeting, officials answered some questions on whether it was necessary to separately name organisations, particularly CCMS, and advised that an amendment may be required to their clause 7(3), which is at page 6 of the revised Bill. Clearly, this is a clause that the Department recognises is requiring of further work and consideration.

1350. To recap: in the original Bill as laid, clause 5 — Interpretation — was extremely short. The Department has gone into a lot more detail and, in doing so — as is often the case — has discovered that further consideration is required.

1351. So, once again, is the Committee not content with clause 5 as laid?

Members indicated assent.

1352. **The Chairperson (Mr Nesbitt):** Is the Committee broadly content with the direction of travel as indicated in

the Department's amendment, but, conscious that a further amendment will be required, we cannot endorse that until we have sight of the final wording?

Members indicated assent.

Clause 6 (Short title)

1353. **The Chairperson (Mr Nesbitt):** Just when it was going so well. Clause 6 is at page 5 of the Bill, at tab A. It states:

"This Act may be cited as the Children's Services Co-operation Act (Northern Ireland) 2015."

1354. No further issues have been raised by the Department or the Bill's sponsor, save that it will become a different clause number in the Department's Bill and goes from clause 6 to clause 9. There are no proposed amendments.

1355. For the first time, I ask the Question.

Question, That the Committee is content with the clause, put and agreed to.

1356. **The Chairperson (Mr Nesbitt):** Hurrah. Oh, one more question.

1357. **Mr Lyttle:** Chair, what happens if it is not enacted in 2015? I presume that that can be changed. That would be common sense.

1358. **The Chairperson (Mr Nesbitt):** What happens if it is not passed in 2015?

1359. **The Clerk Of Bills:** We just change that by editorial correction.

1360. **Mr Lyttle:** So, you have the discretion to do that. Fair enough.

1361. **The Chairperson (Mr Nesbitt):** With that great victory, Stephen leaves. [Laughter.]

Long Title

1362. **The Chairperson (Mr Nesbitt):** The long title of the Bill is:

"A Bill to require Northern Ireland departments to discharge their functions and co-operate with one another in order to contribute to the achievement of certain specified outcomes relating to the well-being of children and young people, and to amend the Children (Northern Ireland) Order 1995."

1363. The Department has proposed an amendment. It is:

"A Bill to require co-operation among certain public authorities and other persons in order to contribute to the well-bring of children and young people; to require the adoption of a children and young persons strategy and a children and young persons plan; and for connected purposes."

1364. **Ms Fearon:** Take the Department's typo out of it — "well-bring".

1365. **Mr Lyttle:** I find the first one easier to understand if I am honest, but fair enough.

1366. **The Chairperson (Mr Nesbitt):** Do we have agreement on the Department's long title, or do we prefer Steven's?

1367. There might not be an amendment to the Children (Northern Ireland) Order, so even on practical terms, it is the Department's one. Are we all agreed?

Members indicated assent.

1368. **The Chairperson (Mr Nesbitt):** I have to put the Question formally, if you do not mind.

Question, That the Committee is content with the long title, subject to the proposed amendment, put and agreed to.

1369. **The Chairperson (Mr Nesbitt):** Members, thank you very much. Éilis, thank you very much.

24 June 2015

Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
 Mr Chris Lyttle (Deputy Chairperson)
 Mr Alex Attwood
 Ms Megan Fearon
 Mrs Brenda Hale
 Mr Alex Maskey
 Ms Bronwyn McGahan
 Mr David McIlveen

1370. **The Chairperson (Mr Nesbitt):**

Members, you have an initial draft of our report, which you got in hard copy yesterday. It is also in tabled papers in your electronic pack from page 20. Before final consideration of the report next week, we are going to update that to reflect the discussions and decisions that we have just put in place.

1371. **The Committee Clerk:** The draft in front of members is a summary up to this point of the evidence that was received against the key issues. Rather than doing it clause by clause, I have drawn out the key issues, because they are not neatly necessarily against each clause.

1372. First, there is the statutory duty to cooperate. The vast majority of stakeholders were in favour of the statutory duty to cooperate. It was recognised that there is cooperation ongoing at the minute, and that is reflected in the report. However, many thought that more work could be done in that regard. Issues were raised about when a particular matter might cross departmental boundaries in terms of who would take the lead and whether issues fell between two stools. It was felt that that might be addressed by a statutory duty. Even though the statutory duty was welcomed, there were some suggestions. The Children's Law Centre thought that the outcomes should be tied to the children's strategy currently operative rather than being named in the Bill.

1373. The cooperation report was widely welcomed, although many thought that it should be at annual intervals. Concerns were raised through evidence that it could place a burden of greater bureaucracy on the Departments. A further issue raised through evidence was that the report focused more on process rather than on how the requirement to cooperate was delivering against the outcomes.

1374. Pooled budgets was welcomed by most stakeholders, although a number of Departments and OFMDFM cautioned that it would have to be backed up by memorandums of understanding, governance and accountability structures. Again, they are not likely to be required in the Bill.

1375. The biggest issues were raised on children's services planning, which was dealt with at clause 4, and whether the Health and Social Care Board was being granted too much power, under that clause, over and above the Executive. There were questions about democratic accountability as a result of that. Many stakeholders disagreed with members' concerns in that regard and suggested, as has happened in OFMDFM's amendment, that the duty could be placed on the Executive and then delegated to a relevant Department or agency. There was also a concern about whether clause 4 would deliver the Bill's intent for all children, as it focused on the Children Order, which, essentially, was for children in need.

1376. The issue of sanctions was raised — or, I should say, the lack of sanctions in the Bill. However, through stakeholder evidence, and from the Bill's sponsor and members, no appropriate sanctions became evident throughout the discussions. Obviously, the final sanction is the threat of judicial review.

1377. There is a small section on definitions, and no real issues were raised. Many

- stakeholders did not even discuss the definitions in the Bill.
1378. Statutory guidance was raised, and number of stakeholders felt that the Bill should be backed up with statutory guidance.
1379. From page 30 in the tabled papers, or page 11 of the hard copy, there are the details of OFMDFM's proposed amendments to the Bill, which is what the Committee has just gone through in some detail.
1380. That is the initial draft up to this point. It is just a summary of the evidence that was received. It will be updated, and we are more than happy to take any suggestions from members for amendments to it. Obviously, it will be updated with today's clause-by-clause discussions, and we will bring it back next week for final amendment, and it will form the Committee's report to the Assembly on the Bill.
1381. **The Chairperson (Mr Nesbitt):** Are members content? I think that it is broadly a factual reflection of the evidence?
1382. **Mr Lyttle:** It is a well laid out report, and the officials have done a really good job.
1383. **The Chairperson (Mr Nesbitt):** I would endorse that. You guys do an awful lot of preparation and writing for us; thank you very much indeed.
1384. **Mr Attwood:** I concur with the comments about the draft report. What is the time frame that OFMDFM officials are working to now in relation to these adjusted clauses, new clauses and drafts? Do they ever say what it is?
1385. **The Chairperson (Mr Nesbitt):** No, because the sequence was that at Committee Stage we put our marker in the sand at 30 June.
1386. **The Committee Clerk:** It is 3 July.
1387. **The Chairperson (Mr Nesbitt):** So, it has transpired that we have completed our Committee Stage without sight of the final amendments. It is my understanding that there is now no particular deadline for the Department to finalise its deliberations.
1388. **Mr Attwood:** Are we free, then, to go back for third stage in September?
1389. **The Chairperson (Mr Nesbitt):** Without the final amendments?
1390. **The Clerk Of Bills:** Technically, once the Committee reports, Consideration Stage can be sought by the sponsoring Member, but, obviously, he may well want to wait until those amendments come.
1391. **Mr Lyttle:** It is in his hands.
1392. **The Clerk Of Bills:** Yes.
1393. **The Chairperson (Mr Nesbitt):** If he feels that he is getting cooperation and that going back to the Floor of the Assembly would put that at risk —
1394. **Mr Lyttle:** We are not totally slaves to the Department's timing.
1395. **The Chairperson (Mr Nesbitt):** He is not.
1396. **The Clerk Of Bills:** The member is correctly alluding to the fact that, if Committee Stage ends before final amendments are tabled, it takes the pressure off the corresponding Department. That is why we always try to end Committee Stage at a point that allows all amendments to be received in time, which is very difficult at this stage of the mandate.
1397. **The Chairperson (Mr Nesbitt):** I think that we were more than reasonable in extending our Committee Stage to the point that we extended it to. It gave us and everybody else sufficient time to get to their final amendments without taking so long an extension that we were going to be the cause of a delay.
1398. **Mr Lyttle:** Is it worth recording regret or disappointment that a full, final draft of amendments was not available to us and our hope that that does not unduly delay the progress of the Bill?
1399. **The Chairperson (Mr Nesbitt):** Perhaps regret but not disappointment, Chris, if we are genuinely convinced

- that everybody has been moving in cooperation as quickly as they could.
1400. **Mr Lyttle:** Yes.
1401. **The Chairperson (Mr Nesbitt):** It is my impression that this is not an occasion where the Department has been stalling the ball. I may have formed that impression in the past on other issues. We could regret that final amendments were not available to the Committee within the extended Committee Stage that we set ourselves. We could also express a hope that the final amendments are brought forward as a matter of urgency.
1402. **Mr Attwood:** It seems to me that, given your assessment of where OFMDFM and officials are on this matter, it should be anticipated that the amendments will be brought forward very quickly so that Steven Agnew has the freedom or otherwise to move quickly on the far side of the summer.
1403. **The Chairperson (Mr Nesbitt):** I will not second-guess Mr Agnew, but I guess that a Bill's sponsor will make a decision as to whether it is worth delaying because he or she is getting the cooperation of a Department or deciding that the only way to force it is to bring it back to the Floor of the House.
1404. **Mr D McIlveen:** It is unlikely that he will do this, but we have to be careful that if amendments are brought forward now, which will happen after Committee Stage, an assumption is not made that the Committee is automatically, by default, favourable to those amendments. In essence, we have not been able to agree the Bill.
1405. **The Chairperson (Mr Nesbitt):** Absolutely.
1406. **Mr D McIlveen:** That should be tied in as a health warning. It cannot be assumed that we would unanimously support those amendments whenever the Bill goes back to the Floor of the House. Although we were in relative harmony today, we were that way very much in blindness.
1407. **Mr Lyttle:** With a significant caveat.
1408. **The Chairperson (Mr Nesbitt):** It is a fair point. Right from the get-go, we have not moved from being broadly supportive of the direction of travel, first, of the Bill's sponsor and then of the Department, which came in and said that it could be done a bit better. The Bill's sponsor clearly agreed. We have not moved anywhere from the position that the Bill is a good idea in principle.
1409. **Mr Lyttle:** That is fair enough.
1410. **The Chairperson (Mr Nesbitt):** We can only scrutinise what we are given to scrutinise.
1411. I thank the Clerk of Bills and the Committee staff for all their work heretofore. Thank you very much.

1 July 2015

Members present for all or part of the proceedings:

Mr Chris Lyttle (Deputy Chairperson)
 Mr Alex Attwood
 Mrs Brenda Hale
 Mr Alex Maskey
 Ms Bronwyn McGahan
 Mr David McIlveen
 Mr Stephen Moutray
 Mr Jimmy Spratt

1412. **The Deputy Chairperson (Mr Lyttle):**
 Last week, we completed the clause-by-clause scrutiny of the Children's Services Co-operation Bill, and the record of our discussions was agreed earlier in the minutes of proceedings. Also last week, we considered an initial draft report on the Committee Stage of the Bill.

1413. Our task today is to undertake the formal consideration of the report in order to complete Committee Stage by the end of this week. The draft report provides a summary of the Committee's deliberations on the Bill and begins at page 60 in your meeting packs. I propose that we consider the report in sections, beginning with the introduction. We will come back to the executive summary when the rest of the report has been finalised. We should also be aware that, after we have agreed the report today, it will be subject to proofing and editing by Committee staff prior to publication. Before we proceed, do members have any comments? There are no comments.

1414. Starting at page 63 of the meeting pack, are members content with the introduction, which deals with the background to the Bill and the Committee's approach, at paragraphs 1 to 7?

Members indicated assent.

1415. **The Deputy Chairperson (Mr Lyttle):**
 The summary of consideration begins at page 65, starting with introductory text at paragraph 8 and consideration of the

evidence received on the statutory duty to cooperate at paragraphs 9 to 16. Are members content with paragraphs 8 to 16?

Members indicated assent.

1416. **The Deputy Chairperson (Mr Lyttle):** Are members content with paragraphs 17 to 19, on page 67, which deal with the cooperation report?

Members indicated assent.

1417. **The Deputy Chairperson (Mr Lyttle):** Are members content with paragraphs 20 to 25, at pages 67 to 69, which deal with pooled budgets?

Members indicated assent.

1418. **The Deputy Chairperson (Mr Lyttle):** Are members content with paragraphs 26 to 32, which deal with children's services planning?

Members indicated assent.

1419. **The Deputy Chairperson (Mr Lyttle):**
 Are members content with paragraphs 33 to 36, which deal with the issue of sanction?

Members indicated assent.

1420. **The Deputy Chairperson (Mr Lyttle):** Are members content with paragraphs 37 to 39, which deal with definitions?

Members indicated assent.

1421. **The Deputy Chairperson (Mr Lyttle):** Are members content with paragraphs 40 to 41, which deal with statutory guidance?

Members indicated assent.

1422. **The Deputy Chairperson (Mr Lyttle):**
 OK, members. The amendments proposed by OFMDFM are discussed in paragraphs 42 to 56, at pages 73 to 76. The section begins with an introduction to the Department's proposed amendments, and then summarises each of the new draft clauses in turn.

Formal clause-by-clause consideration will be dealt with after that. Members, I propose that we add the following line to paragraph 45:

1423. "The Committee noted that amendments proposed by the Department will require the support of the wider Executive."

1424. Are members content?

Members indicated assent.

1425. **The Deputy Chairperson (Mr Lyttle):** That is just housekeeping; nothing strange or startling. Are members content with paragraphs 42 to 56, as amended?

Members indicated assent.

1426. **The Deputy Chairperson (Mr Lyttle):** Clause-by-clause consideration begins at page 77 of your packs, with introductory paragraphs at 57 to 59. Are members content with those paragraphs?

Members indicated assent.

1427. **The Deputy Chairperson (Mr Lyttle):** Are members content with paragraphs 60 to 64 on clause 1, "General duty"?

Members indicated assent.

1428. **The Deputy Chairperson (Mr Lyttle):** Are members content with paragraphs 65 to 68 on clause 2, "Co-operation report"?

Members indicated assent.

1429. **The Deputy Chairperson (Mr Lyttle):** Are members content with paragraphs 69 to 71 on clause 3, "Sharing resources and pooling funds"?

Members indicated assent.

1430. **The Deputy Chairperson (Mr Lyttle):** Are members content with paragraphs 72 to 74 on clause 4, "Amendment of the Children (Northern Ireland) Order 1995"?

Members indicated assent.

1431. **The Deputy Chairperson (Mr Lyttle):** Are members content with paragraphs 75 to 77 on clause 5, "Interpretation"?

Members indicated assent.

1432. **The Deputy Chairperson (Mr Lyttle):** Are members content with paragraphs 78 to 79 on clause 6, "Short title"?

Members indicated assent.

1433. **The Deputy Chairperson (Mr Lyttle):** Are members content with paragraphs 80 to 81 on the long title?

Members indicated assent.

1434. **The Deputy Chairperson (Mr Lyttle):** We now return to the executive summary at page 62. Are members content with the executive summary?

Members indicated assent.

1435. **The Deputy Chairperson (Mr Lyttle):** Are members content with the list of appendices at page 80?

Members indicated assent.

1436. **The Deputy Chairperson (Mr Lyttle):** Are members content that I clear the relevant extract from today's minutes detailing the Committee's agreement of the report for inclusion in the appendices?

Members indicated assent.

1437. **The Deputy Chairperson (Mr Lyttle):** Are members agreed that this report be the fourteenth report of the Committee for the Office of the First Minister and deputy First Minister to the Assembly?

Members indicated assent.

1438. **The Deputy Chairperson (Mr Lyttle):** Are members content to publish the report?

Members indicated assent.

1439. **The Deputy Chairperson (Mr Lyttle):** OK, members. A typescript copy of the report will be laid in the Business Office by close of play tomorrow, and the remaining stages of the Bill will be scheduled by the Business Office, further to summer recess.

1440. Are members content to issue the Bill sponsor and the Department with a typescript copy of the report in advance of its formal publication?

Members indicated assent.

1441. **The Deputy Chairperson (Mr Lyttle):**
Thank you, members.
1442. **Mr Attwood:** I assume that there has been no further update from OFMDFM officials in respect of where they are with the further clauses.
1443. **The Deputy Chairperson (Mr Lyttle):**
I do not think so. Has there been any update, Clerk?
1444. **The Committee Clerk:** No, there has not. The officials emailed me after listening in to last week's meeting. For clarity, I had to tidy up the report with that line about clearance being required by the Executive but, no, there is no further progress.
1445. **Mr Attwood:** The normal pattern is that, from the beginning of July to the first week in September, there are two or three Executive meetings. It may be different this year because of our circumstances. All I am pointing out is that, if it is Steven's intention to table Consideration Stage very early in the next term, there will not be much space for the Executive to receive, consider and pass any amendments. I just think that we need to keep pressure on the officials to deal with that.
1446. **The Committee Clerk:** Chair, that has been pointed out. The official that I have been corresponding with made the point that the Bill sponsor wanted to move on with the legislation very quickly, so the officials are very conscious of that and are trying their best to push things through.
1447. **The Deputy Chairperson (Mr Lyttle):** I suppose that is another issue we can raise with the First Minister and the deputy First Minister on 16 September if necessary, although we hope there will be progress in advance of that.



Northern Ireland
Assembly

Appendix 3

Written Submissions

Written Submissions

Children in Northern Ireland

Children's Law Centre

College of Occupational Therapists

Committee for Agriculture and Rural Development

Committee for Education

Committee for Enterprise, Trade and Investment

Committee for the Environment

Committee for Finance and Personnel

Committee for Social Development

Department for Employment and Learning

Department of Education

Department of the Environment

Department of Health, Social Services and Public Safety

Disability Action

Employers for Childcare

Equality Commission for Northern Ireland

Godfrey Ann

Health and Social Care Board

Include Youth

National Society for the Prevention of Cruelty to Children Northern Ireland

Northern Ireland Commissioner for Children and Young People

Northern Ireland Council for Voluntary Action

Northern Ireland Local Government Association

Parents caring for children with Acquired Brain Injury

Playboard NI

Public Health Agency

Public Prosecution Service for Northern Ireland

Royal National Institute of Blind People Northern Ireland

Save the Children

Voice of Young People in Care

Western Education and Library Board

Children in Northern Ireland

Committee for the Office of the First Minister and Deputy First Minister

Children's Services Co-operation Bill Response pro forma

For your convenience the Committee has prepared the attached pro forma to assist in responding to the main clauses of the Bill. The Bill can be found at <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/current-non-executive-bill-proposals/childrens-services-co-operation-bill/>

Please respond by Friday 27 February 2015 to committee.ofmdfm@niassembly.gov.uk.

Organisation Name	Children in Northern Ireland
Main contact	Ellen Finlay, Policy Officer
Email address/phone number	ellen@ci-ni.org.uk / 028 9040 1290

I wish for my organisation to be considered for oral evidence sessions in relation to the Committee's scrutiny of the Bill: Yes

Clause	Comments (200 words)
<p>1. General Duty</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> The six specified outcomes relating to the well-being of children and young people as listed in the 10 Year Strategy for Children and Young People 2006 - 2016 The duty on Northern Ireland Departments to co-operate with each other in order to further the achievement of these objectives The mechanism in place for amending the specified outcomes 	<p>Children in Northern Ireland fully support the Children's Bill.</p> <p>The proposed statutory duty to cooperate as a mechanism to ensure better outcomes for children and young people has emerged from a considerable body of evidence and analysis, which finds that current levels of cooperation among departments are based largely on informal relationships between officials, and that this is unlikely to change without a purposeful shift in the manner in which services affecting children and young people are planned and commissioned.¹ The research in particular noted that while there was some evidence of good practice on collaboration at intra-agency level through the work of Children's Services Planning and the establishment of the Children and Young People's Strategic Partnership, this was not always replicated at central government level.</p> <p>The Ten Year Children's Strategy and the six high level outcomes are both robust and well-researched which the Children's Sector were consulted on these in 2006 and fully supported then and continue to do so. The Ten Year Children and Young People's Strategy is, without exception, based on improving the lives of all children and young people. While setting out actions for all children, the strategy also contains actions based on targeted services for those children with specific needs.</p>

Clause	Comments (200 words)
<p>2. Co-operation Report</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The requirement for OFMDFM to publish periodically a report on the progress of departments towards achieving the specified outcomes • The requirement for other Northern Ireland Departments to cooperate in the preparation and publication of the report 	<p>There appears to be some confusion from MLAs regarding the reporting process recommended within the Children's Bill in relation to the Co-operation Report. Some have concerns over this being 'bureaucratic' and 'onerous'.</p> <p>We disagree with this conclusion. There are reporting mechanisms already in place which, if amended slightly, would ensure streamline reporting and avoid duplication when reporting on co-operation to achieve the specified outcomes detailed within the Children's Strategy.</p> <p>The following are just two examples of current reporting mechanisms:</p> <ul style="list-style-type: none"> • Progress reports are required from each Government Department on a quarterly basis to report on how they are progressing to achieve the priorities outlined within the Programme for Government.² • The Child Poverty Act 2010 requires an annual report to detail the progress which has been made towards fulfilling the statutory duty of eradicating child poverty by 2020. Each Government Department is required to submit reports to OFMDFM. <p>Our opinion is that the reporting mechanisms outlined within the Children's Bill should be kept as stated and that those tasked with obtaining progress reports for the Programme for Government and Child Poverty Report are provided with guidance to, at the same time, obtain information on co-operation that has taken place to achieve the 6 high level outcomes within the Children's Strategy.</p>

Clause	Comments (200 words)
<p>3. Sharing resources and pooling funds</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The enabling power which will permit Northern Ireland departments to establish pooled budgets and shared resources to achieve the six outcomes in clause 1 	<p>CiNI fully supports legislation to create an enabling power to permit government departments and agencies to pool budgets and jointly commission services. The manner in which government departments are currently funded creates a number of inhibitors to collaboration and cooperation. The majority of funding is provided and allocated for the delivery of services specific to each department and to meet statutory responsibilities, rather than for achieving outcomes. There are internal administrative and cultural challenges to sharing funds as well, as departments can be territorial about financing, particularly in a time of shrinking budgets.</p> <p>Creating a mechanism for pooling budgets would make it easier for departments to share staff and resources, jointly commissioning services, and work collectively towards shared outcomes. Ultimately, a more collaborative approach to resource management should deliver savings through lower levels of duplication, greater investment in prevention rather than in the consequences of problems, and better levels of information sharing among relevant bodies.</p> <p>There is evidence of good practice in relation to pooling budgets/ resources. For example the Delivering Social Change Signature projects have a total value of £58.45 million, which incorporates pooled resources of Executive Departments such as DHSSPS, DE, DEL, DSD and DoJ. The Sharing Resources and Pooling Funds under the Children's Bill will enhance the work underway and will help achieve better outcomes. In the current economic situation of limited resources a preventative approach and pooling of budgets is important to ensure that limited resources are targeted in a cost effective manner.</p> <p>It is our view that the pooling of budgets and resources to achieve the 6 High Level Outcomes from the Children's Strategy will, as the then Finance Minister noted, 'Reduce future costs in the context of a tightening budget environment, even beyond the current budget period.'³</p>

Clause	Comments (200 words)
<p>4. Children's Services Planning</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The requirement for the Health and Social Care Board to review and publish a children and young people's plan, including: • Content • Review mechanism • Co-operation between public bodies • The public bodies listed at Clause 4 (7) • The duties placed on the Health and Social Care Board particularly with regard to monitoring and reporting 	<p>The requirements contained within the bill are not new. The Health and Social Care Board set up the regional Children and Young People's Strategic Partnership (CYPSP) which is responsible for the statutory process of Children's Services Planning and which operates as a cross-sectoral strategic partnership consisting of the leadership of all key agencies who have responsibility for improving outcomes for all children and young people. The agencies represented include health, social services, education, local government, policing and housing, including representatives from the voluntary and community sector. The purpose of the Partnership is to put in place integrated planning and commissioning across agencies and sectors, which is recorded through the Children and Young People's Plan, aimed at improving wellbeing and the realisation of the rights of children in Northern Ireland. The Bill will ensure this work continues.</p> <p>In respect of specifying public bodies listed at Clause 4, these are bodies that deliver public services. It is important that those bodies are specified to ensure the coordination of the delivery of services to achieve the 6 High Level Outcomes. To ensure greater flexibility if other bodies are identified in future, they can be specified in subordinate legislation without having to introduce new primary legislation. Moreover, we can see no reason for concern regarding the duties placed upon the Health and Social Care Board (HSCB). The HSCB, which was established on 1st April 2009, is directly accountable to the Health Minister for translating his vision for health and social care into a range of services. The HSCB is also required to establish arrangements at a regional and local level that ensures close strategic and operational partnership with key stakeholders both within the HSC sector and wider public sector in meeting the objectives of the Minister as well as overseeing the agreed publication of performance information. The very idea that the Health and Social Care Board could 'usurp ministerial autonomy to set policy direction' is totally unfounded.</p>

Do you have any suggested amendments to the Bill? (200 words)

No.

Do you have any other comments? (200 words)

Policy Intent, outcomes and operation

The policy intent of this Bill is clear – co-operation to achieve the 6 High Level Outcomes within the Children's Strategy for all children. The Children's Bill sets out the high-level framework to allow flexibility for Departments to decide upon how they will co-operate with each other. The Bill cannot be a rigid framework. Perhaps guidance in relation to operation would satisfy any issues there may be surrounding operation; draft guidance would give Departments the chance to feed in to how they see the Children's Bill operating.

Good Policy Making

As outlined within the OFMDFM Guide to Policy Making⁴ it states that, 'Good policy-making will be based on evidence setting out what the need is and potentially evidence surrounding how best to intervene to meet the need also.' The evidence is overwhelming that shows Departments do not work in cooperation when it comes to the needs of children and young people. We are concerned therefore that one MLA suggested that 'we need to consider

whether some poor experiences legitimise the need for legislation.' This goes against the very idea behind the origins of policy making which can come from various sources including evidence, public opinion, as well as from a review of review of existing policies and mechanisms which do not meet the needs of service users.

What is it like for parents when government departments fail to co-operate?

A Mother with three sons all with special needs comments:

"I knew that the statementing process existed, and was difficult to access, but nothing could have prepared me for the colossal battle I have had to endure to get the right support for my sons' special needs. Parents are the ones coping daily with the special needs of our children. Why should we have to also strategically manage the coordinated sharing of information between all the professionals involved with our child? Many parents that I know in similar circumstances gave up their battle simply because they felt they were in a no win situation from the beginning, and couldn't find the emotional stamina required to get through the system. Indeed, if I had not had the support, advice and expertise of the Children's Law Centre, I too would have given up the fight, and my child who is gifted, would have been sitting at home wasting his life."

Another parent, talks about the strain placed upon her daughter and the family when education and health did not co-operate, stating:

"It took two years and eight months, a Tribunal, threat of Judicial Review, suffering on my daughter and unbelievable strain placed on us as a family, before she was provided with Physiotherapy in school, which she now receives twice a week. I believe this Bill could have a huge impact in cases like my daughter's. Sadly it is too late for her, she is now in sixth form. Hopefully it will benefit others and her experience of Government departments not working together in the best interests of the child will become a thing of the past."

Footnotes:

- 1 Byrne, B. and Lundy, L. (2011) Barriers to Effective Government Delivery for Children in Northern Ireland 2011, NICCY.
- 2 <http://www.northernireland.gov.uk/index/work-of-the-executive/pfg-budget-economic-strategy/pfg/strategic-online-report-2011-2015.htm>
- 3 NI Executive Press Release (2012) available online at <http://www.northernireland.gov.uk/index/media-centre/news-departments/news-dfp/news-releases-dfp-june-2012/news-dfp-260612-executive-agree-allocation.htm>

Children’s Law Centre

Committee for the Office of the First Minister and Deputy First Minister

Children’s Services Co-operation Bill Response pro forma

For your convenience the Committee has prepared the attached pro forma to assist in responding to the main clauses of the Bill. The Bill can be found at <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/current-non-executive-bill-proposals/childrens-services-co-operation-bill/>

Please respond by Friday 27 February 2015 to committee.ofmdfm@niassembly.gov.uk.

Organisation Name	The Children’s Law Centre
Main contact	Natalie Whelehan, Policy Officer
Email address/phone number	nataliewhelehan@childrenslawcentre.org / 028 9024 5704

I wish for my organisation to be considered for oral evidence sessions in relation to the Committee’s scrutiny of the Bill: Yes

Clause	Comments (200 words)
<p>1. General Duty</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The six specified outcomes relating to the well-being of children and young people as listed in the 10 Year Strategy for Children and Young People 2006 - 2016 • The duty on Northern Ireland Departments to co-operate with each other in order to further the achievement of these objectives • The mechanism in place for amending the specified outcomes 	<p>The Children's Law Centre (CLC) very much welcomes the Children's Services Co-operation Bill (Northern Ireland) 2015, the aim of which is to introduce a statutory duty to co-operate which will place a legal obligation on the Northern Ireland Departments to co-operate with each other in discharging their functions in the achievement of the six high levels outcomes of the Children's Strategy 2006 - 2016. CLC has long been an advocate of the introduction of statutory duty to co-operate on Government and we believe that it creates a unique and exciting opportunity to improve the well-being of children and young people, as well as advancing the realisation of children's rights in Northern Ireland. We recognise the opportunity that this Bill presents for all children and young people in Northern Ireland and in particular, for those children who are vulnerable, excluded, marginalised and most in need.</p> <p>We are however concerned that placing a duty on Government Departments to exercise their functions to further the achievement of the six high level outcomes in the Children's Strategy is dependent on the continuation of these outcomes over the lifetime of the next Children's Strategy. Consultation on a new Children's Strategy is in the initial stages and while these 6 high level outcomes are currently in place for the Children's Strategy these may be subject to change as a result of consultation. We do not think that it would be constructive for the consultation on the new Children's Strategy for Northern Ireland to be pre-determined or fettered by the introduction of the Children's Services Co-operation Bill (Northern Ireland) 2015 and would suggest that the development of the Children's Strategy needs to take cognisance of any emerging Bill. To future proof the legislation CLC would suggest that the Bill, rather than stating the 6 specified outcomes of the Children's Strategy 2006 - 2016 in the body of the Bill, should refer to the high-level specified outcomes of the Children's Strategy currently operative. Recognising the obligations incurred by virtue of Government's ratification of the United Nations Convention on the Rights of the Child (UNCRC), we would further suggest that the Bill explicitly include an obligation for Government Departments and agencies to co-operate in carrying out their functions to give effect to Government's obligations under the UNCRC. This obligation should underpin the specified outcomes of all future Children's Strategies which the Bill should make clear reference to, but not specify as these may be subject to change. The Children's Strategy and future Children's Strategies should be developed in consultation with children and young people and their advocates, with input from the Committee of the Office of the First and Deputy First Minister and other stakeholders. This will allow for cognisance to be taken of evolving priorities and emerging issues in children's lives, the provision of children's services and developing standard of children's rights. It is CLC's view that it is important that the Bill includes an obligation for Government Departments and agencies to co-operate in carrying out their functions to further respect for and ensure the delivery of children's rights given they are duty bearers in respect of obligations under the UNCRC. CLC believes that it will also be necessary, following the agreement of the specified outcomes to develop statutory guidance, which should be publicly and widely consulted upon including directly consulted upon with children and young people to clarify the</p>

operation of the legislation to ensure that all parties understand their obligations under the legislation. This will be of considerable assistance in the practical interpretation of the legislation and to aid legal compliance with the legislation. Should the Bill become law during the lifetime of the current Children's Strategy the Children and Young People's Strategic Partnership will have an important role in the development of this guidance based on the current specified outcomes, given that they plan and commission children's services under each of the current specified outcomes of the Children's Strategy 2006 - 2016. In addition, CLC wishes to see the inclusion of a clear definition in the Bill to the term 'functions' and we would refer you to Section 98 (1) of the Northern Ireland Act 1998 which defines the term functions for the purposes of section 75 of the Northern Ireland Act 1998. Section 98 (1) states that 'functions' includes 'powers and duties' of a public authority.

CLC is extremely supportive of the need for better co-operation by Government in the delivery of children's services and we have consistently called for the introduction of a statutory duty on Government Departments to ensure collaboration and co-operation to ensure the effective delivery of services for children and young people in Northern Ireland. We believe that the duty **needs to be expanded to include statutory agencies carrying out functions in relation to children and young people** to ensure co-operation between central Government and agencies of Government including Education and Library Boards (ELBs), Health and Social Care Trusts (HSCs), the Police Service of Northern Ireland (PSNI), the Youth Justice Agency (YJA) and others and UK Government Departments and relevant agencies in the discharging their functions which relate to children in this jurisdiction. This is particularly important with regard to the Northern Ireland Office's functions and with regard to immigration and refugee and asylum seeking children who are the responsibility of the Home Office. We highlight this group of children in particular in the context that the four United Kingdom Children's Commissioners have raised concerns about the fact that due to nationality and immigration, including asylum, being a reserved matter that this, "...can lead to tensions between legislation, policy and practice at devolved and non-devolved levels."¹ The Report from the Commissioner also states that, *"Across the UK, children seeking asylum experience serious breaches of their rights. The child's best interests are not a primary consideration in immigration decisions. Immigration control takes priority over human rights obligations to children seeking asylum and their families."*² In addition, research carried out by the Northern Ireland Assembly³ commented that, Northern Ireland does not have a refugee integration strategy and highlighted this as a particular issue for Northern Ireland, where research

¹ UK Children's Commissioners' Report to UN Committee on the Rights of the Child, June 2008.

² *Ibid.*

³ Refugees and Asylum Seekers in Northern Ireland NIAR 348-14, NI Assembly Research and Information Service Research paper, Michael Potter, 6th June 2014.

has suggested that integration is more difficult in a divided society, both in terms of acceptance in communities that have experienced conflict⁴, but also in terms of the newcomers being seen within the parameters of the conflict⁵. CLC recognises that the inclusion of an obligation on UK Government Departments to co-operate with Northern Ireland Departments and agencies when exercising their functions in relation to Northern Ireland, may present drafting and constitutional legislative challenges, however we would again refer the Committee to section 75 of the Northern Ireland Act 1998 which places statutory equality obligations on public authorities, including some UK public authorities who are either designated through inclusion within Section 75 (3) of the Northern Ireland Act 1998 or who are designated through an Order in Council made by the Secretary of State. We would again emphasise the importance of protecting the rights of all children in Northern Ireland, regardless of the particular Departmental portfolio or if the matter is devolved, reserved or excepted.

The importance of co-operation and collaboration at a central Government level was recognised by the First and Deputy First Ministers within the Programme for Government for Northern Ireland 2011 - 2015 which refers to "...the importance of collaboration; ... as well as working more effectively across Government Departments..."⁶ However, it is CLC's experience that there is very little evidence of partnership working at a cross-Departmental or agency level in reality. We believe that the recognition by the First and Deputy First Minister of the importance of collaboration and working more effectively across Government Departments within the Northern Ireland Executive's Programme for Government 2011 - 2015 places a clear onus on Government Departments and agencies to support and commit to the introduction of a statutory duty to co-operate and to work more effectively in partnership with each other to deliver tangible outcomes for the public in Northern Ireland and more specifically for children and young people.

There is further recognition that cross-Departmental co-operation, collaboration and joined up working does not operate particularly well in Northern Ireland, from the Minister for Justice who has recognised the failure by Government Departments to work together in a coordinated manner when he stated that,

⁴ Charlotte-Anne Malischewski (2013), *Integration in a Divided Society? Refugees and Asylum Seekers in Northern Ireland*, Working Paper Series No 91, Oxford: Refugee Studies Centre.

⁵ South Tyrone Empowerment Programme (2010), *Research to identify additional difficulties faced by minority ethnic groups and migrant workers due to the conflict in N. Ireland*, Dungannon: STEP.

⁶ Page 12, Programme for Government 2011 - 2015.

*"Our overall strategic arrangements for children are fairly weak and not very well coordinated. We need a much stronger focus on a more joined up approach to early intervention. We talk about early intervention but we don't actually join up between different departments terribly well"*⁷

Given our experience and noting the recognition by the Minister for Justice that cross Departmental co-operation does not operate well at present, CLC is very supportive of the introduction of a clear legal obligation on Government Departments, agencies and UK Government Departments to work together in the interests of meeting the needs of the 'whole child' in a holistic way which has the best interests of the child as the paramount consideration in the delivery of services for all children and young people in Northern Ireland.

We have briefly addressed the issue of the mechanism proposed for amending the specified outcomes above and would reiterate our belief that the specified outcomes of the Children's Strategy should not be explicitly contained in the legislation. It is the view of CLC that the Bill should make clear reference to the outcomes of any current Children's Strategy, but not specify these in the interests of future-proofing the Bill. This would avoid the need for modifications to the specified outcomes in the Bill to be made by, 'the Office... as it thinks appropriate' and subsequent to the adoption of every new Children's Strategy. The Children's Strategy and future Children's Strategies should be developed through intensive engagement and consultation with children and young people and their advocates, with input from the Committee of the Office of the First and Deputy First Minister and other stakeholders. All modifications to the specified outcomes of the Children's Strategy should come about as a result of this engagement and consultation to ensure that modifications to the specified outcomes are as a result of intensive engagement on the Children's Strategy which allows for evolving priorities and cognisance to be taken of emerging issues in children's lives and the provision of children's services

Closely aligned to the need for increased co-operation and collaborative working at central Government level and to best meet the needs of children as early as possible in their lives, in a way which ensures the best use of public money, is the need for a clear focus in the delivery of services for children and young people on early intervention and prevention. It is widely accepted that investment in health, education and family support in the early years of children's lives has a significant impact on their future life chances and that moderate investment by Government Departments on early intervention and prevention will circumvent the need for extremely high levels of spending later in a child's life when they have not had their needs met at the most appropriate stage. We believe that there is a clear acknowledgement that investment in early intervention and prevention will secure

⁷ Minister's Address to Include Youth Conference, "Getting the Right Youth Justice...engaging with the findings of the review of the Youth Justice System in Northern Ireland" 27th October 2011

better outcomes for children and young people and their communities and society. We also believe that a clear commitment by all Government Department and agencies to the introduction of a legal obligation to work together to deliver for children through a statutory duty to co-operate, will create a renewed and welcome focus on investment in early intervention and prevention to provide services which meet the needs of children and young people in their best interests at the earliest possible stage in their life. It will also result in a more effective use of public money.

CLC believes that the needs of children and young people must be met at the earliest possible stage in order for those young people to have their rights upheld and develop to the maximum extent possible in line with the Government's obligations under the UNCRC. One of the CLC's main concerns, which it has consistently raised with Government Ministers, MLA's, Assembly Committees and Departmental officials with regard to children's rights relates to the invisibility of children and young people in policy planning at central Government level, including within the Government Budget Allocations and the Programme for Government.

CLC is experiencing first hand the impact of these cuts on some of our most vulnerable children and young people through a significant increase in the number of calls to our CHALKY helpline in respect of children who have had educational support, allied services, and mental health services either not provided in the first place or withdrawn. The impact of a failure to provide adequate services for children and young people with additional needs in communities and schools is likely to have the consequence of further marginalising and social excluding children from society, their community and school. One example of the impact on children and young people of the failure by Government to co-operate to make early intervention and prevention a priority is the relationship between education and children coming into contact with the criminal justice system. Research has shown that a lack of statutory education was one of the main factors associated with youth offending and re-offending⁸. Low attainment in education, persistent truancy, exclusion and Special Educational Needs are some of the most prevalent risk factors associated with offending behaviour. With a great many services being withdrawn from vulnerable children and young people who require additional support in school as a result of a lack of funding it is clear that many young people will have an experience of education which is entirely irrelevant to them. One can only conclude that this will increase the risk of children and young people coming into contact with the criminal justice system which is so costly both economically⁹ and in human terms with regard to the lifetime outcomes of children and young people.

⁸ Youth Justice Board, "A Summary of Risk and Protective Factors Associated with Youth Crime and Effective Interventions to Prevent It", YJB 2005

⁹ The current cost of keeping a young person in the JJC is £268,000 based on an average occupancy in 2010/2011 of 27 – Page 17, Announced Inspection of Woodlands JJC (November 2011)

It is fundamental that the needs of vulnerable and marginalised children and young people are identified and met through adequate service provision at the earliest possible stage in line with the Northern Ireland Executive's obligations under the UNCRC. It is therefore central to the success of this statutory duty to co-operate in terms of meeting the needs and upholding the rights of children and young people that Government Departments and agencies invest cross departmentally in early intervention and prevention services for vulnerable children and young people. We would be extremely supportive of this being reflected in the development of the legislation on a statutory duty to co-operate. CLC wishes to see consideration being given to the inclusion of an obligation on Government Departments and agencies to co-operate in discharging their functions to further respect for and the delivery of children's rights and to achieve the specified outcomes of the Children's Strategy. In particular, CLC would welcome in the drafting of the statutory duty to co-operate an explicit reference to a statutory duty to co-operate at the earliest possible opportunity. CLC believes that this would emphasise the need to meet the needs of children and young people at the earliest possible stage in their lives. This would place an obligation on Government and agencies to give effect to early intervention and prevention in the discharge of their functions as they relate to children and young people.

Clause	Comments (200 words)
<p>2. Co-operation Report</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The requirement for OFMDFM to publish periodically a report on the progress of departments towards achieving the specified outcomes • The requirement for other Northern Ireland Departments to co-operate in the preparation and publication of the report 	<p>With regard to the proposed obligation in the Bill for the Office to prepare and publish a report within three years of the passing of the Bill and at three yearly intervals CLC believes that such reports should be produced annually. We note that the Bill currently states that reports should address how each Northern Ireland department has discharged its functions, co-operated with other Northern Ireland Departments in the achievement of the specified outcomes, increased efficiency and effectiveness which has resulted from the co-operation, furthered opportunities for co-operation between Northern Ireland Departments which could help achieve the specified outcomes and any other ways the specified outcomes could be achieved. In light of our comments above we wish to see both this and the requirement to co-operate in the preparation and publication of the report being amended to include both statutory agencies and UK Government Departments in the exercise of their functions as they relate to children and young people in Northern Ireland.</p> <p>With regard to the timeframe for the production of reports, CLC believes that given the fact that the Northern Ireland Government is a devolved Government of the signatory to the UNCRC that the timeframe for the production of reports should be compliant with the obligations of the UNCRC. As stated above, CLC wishes to see a clear legal obligation being contained in the Bill for Northern Ireland and UK Departments and agencies to co-operate in carrying out their functions to further respect for and the delivery of children's rights. It is our view that this should be a constant and rolling consideration for the Northern Ireland Government in exercising its functions with regard to children and young people given the ratification of the UNCRC by the UK Government. We therefore wish to see a legal obligation in the Bill for reporting in co-operation to occur on an annual basis, as expected by the Committee on the Rights of the Child. The UN Committee on the Rights of the Child in its General Comment No. 5 on General measures of implementation for the Convention on the Rights of the Child¹⁰ suggests that such reports, offering an overview of the state of children's rights and progress on delivery on children's rights, be produced annually. CLC would therefore be supportive of these reporting obligations being an annual requirement and think that this would improve the effectiveness, transparency and accountability of the process. It would also lead to better monitoring and improved collection of data in respect of children. Annual reporting would be in line, not only with the requirements of the Committee on the Rights of the Child, but also in line with the requirements of section 75 of the Northern Ireland Act 1998 which places an obligation on Government to put in place annual monitoring systems and to report annually on progress on the implementation of the arrangements specified in their equality scheme to promote the Section 75 statutory duties¹¹, which apply to children and young people. In addition, The Child Poverty Act 2010 requires an annual report to detail the progress which has been made towards fulfilling the statutory duty of eradicating child poverty by 2020. Each</p>

¹⁰ General Comment 5 General measures of implementation of the Convention on the Rights of the Child, CRC/GC/2003/5, 27th November 2003

¹¹ "Section 75 of the Northern Ireland Act 1998 A Guide for Public Authorities", Equality Commission for Northern Ireland, Revised April 2010.

Government Department is required to submit reports to OFMDFM. As OFMDFM is the Government Department with responsibility for the co-ordination of the Government's obligations under the UNCRC and the Child Poverty Act 2010 as well as overall responsibility for section 75 of the Northern Ireland Act 1998, we believe that monitoring and reporting across all these duties should be consistent and should happen on an annual basis. While we are aware that it has been suggested that annual reporting mechanisms can be bureaucratic and onerous, CLC believes that appropriate reporting mechanisms will ensure the effectiveness of the operation of the statutory duty to co-operate and should also ensure transparent implementation, all of which should be in the interests of all Government Departments and agencies and OFMDFM in particular. It will also lead to better outcomes for children.

CLC is extremely supportive of the obligation in the Bill for the Northern Ireland Departments to co-operate with each other in relation to the preparation and publication of the report. This is necessary to ensure that the duty to co-operate is not the preserve of one Department, namely OFMDFM and that all Government Departments work together on the implementation of the duty and also on evidencing how they have implemented the duty as well as ways identified to better contribute to the specified outcomes. CLC has been critical in the past of the apparent unwillingness of some Government Departments to contribute to co-ordinated reports and Strategies. We believe that it is vital that there is a legal obligation on Government Departments to co-operate with OFMDFM in relation to the preparation and publication of reports. In line with our suggestion above that the duty be extended to include not only Northern Ireland Government Departments, but also UK Government Departments and statutory agencies we wish to see this section being amended to place a legal obligation on UK Government Departments and statutory agencies to co-operate with each other in relation to the preparation and publication of the report.

Clause	Comments (200 words)
<p>3. Sharing resources and pooling funds</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The enabling power which will permit Northern Ireland departments to establish pooled budgets and shared resources to achieve the six outcomes in clause 1 	<p>With regard to the enabling power which will permit Northern Ireland Departments to establish pooled budgets and shared resources to achieve the six specified outcomes, CLC does not believe that this is strong enough and we would be supportive of the 'enabling power' being replaced by a statutory obligation on Northern Ireland and UK Government Departments and agencies to pool budgets and share resources to further respect for and the delivery of children's rights. Such a duty will better ensure the realisation of the specified outcomes of the Children's Strategy and will be in the interests of meeting the needs of the 'whole child' in a holistic way with the best interests of the child as the paramount consideration in the delivery of services for all children and young people in Northern Ireland.</p> <p>The need for Government to work together and to pool budgets and share resources is an imperative which CLC has consistently raised as one requiring urgent legislative enactment. We would be very supportive of a clear legal obligation on Northern Ireland and UK Government Departments and agencies to pool budgets and share resources a statutory duty on Government Departments and agencies. We believe this will lead to further respect for and the delivery of children's rights. Such an obligation will also assist in the achievement of the specified outcomes of the Children's Strategy and we believe will go some way to best meeting the needs of children as early as possible in their lives and in a way which also ensures the best use of public money. The need for this obligation has become more urgent given the current climate of Government funding cuts and pressure on limited resources. We firmly believe that the need to make best use of finite resources for the population of Northern Ireland and children and young people in particular provides the Northern Ireland Executive with a critical impetus for prioritising efforts to make cross-Departmental, inter-agency working a priority. Based on evidence available to CLC from our free phone advice line, we do not believe, given the reluctance by Government Departments to date to meaningfully co-operate, that an enabling power will achieve the level of budgetary and resource co-operation and collaboration that is required to achieve the delivery of children's rights and the specified outcomes of the Children's Strategy.</p> <p>In our response to the Green Party in Northern Ireland's Consultation in its Proposals for a Private Members Bill to Introduce a Statutory Duty to Co-operate on Government Departments in the Planning, Commissioning and Delivery of Services to Children in Northern Ireland¹² CLC provided a case example outlining why a statutory duty to co-operate which includes a clear legal obligation on Government Departments to pool budgets and share resources for the provision of children's services is so necessary for children and young people, particularly some of the most vulnerable children and young people in our society. We provide the case example below for the</p>

¹² June 2012

	<p>Committee's consideration.</p> <p>CLC's Case Example - Our Experience of the Interface between Health and Education and the Need for A Statutory Duty to Co-operate</p> <p>CLC is experienced in advising, assisting and representing children and young people who have special educational needs (SEN) and/or disabilities and who rely on statements of special educational needs, incorporating input from both education and health professionals.</p> <p>During the year to 31st January 2012, 34% of all enquires received by CLC related to education law (SEN, school admissions, pupil welfare, school exclusions). 15% of all enquiries to the service related to identification, assessment and provision of services for children with special educational needs.</p> <p>In terms of the level of need within the school population, at least 25% of the school population has some kind of barrier to learning. Figures from the 2011 school census show that 20.7% (over 65,000 children) of the school population are on the SEN register. Statements of special educational need are held by 4.4% (over 14,000) of the school population. The vast majority of children (over 90%) on the SEN register are educated in mainstream schools and units attached to mainstream.</p> <p>The experience of CLC is that, particularly in the current economic climate, the lack of a statutory duty to cooperate is having an increasingly negative impact upon the manner in which inter-departmental resources are prioritised and upon the way in which provision is allocated to children who have special educational needs and disabilities. This is turn is having a significant adverse impact upon equality and inclusion.</p> <p>Article 24(2)(e) of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) recognises the right of persons with a disability to inclusive education and imposes an obligation to ensure that "effective individualised support measures are provided in environments that maximise academic and social development, consistent with the goal of full inclusion".</p> <p>However, in contrast, the principle of early intervention is not sufficiently adhered to within the current system, with the result that children's difficulties continue to escalate and become more costly to resolve. There are long-standing inconsistencies and delays in SEN assessment and provision which are damaging to children's educational, social and emotional development. A significant factor is the lack of a statutory duty to cooperate between the Department of Education (DE) and the Department of Health Social Services and Public Safety (DHSSPS), which causes dispute and delay, even in clear cut cases where it has been established that a child</p>
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	<p>needs a service to be provided.</p> <p>On a practical level, many children are experiencing a myriad of negative consequences due to being left behind and left out at school, as their peers advance in their learning and general development. Parents often struggle to gain access to support for their children and relate their experiences as an exhausting running "battle" with schools and ELBs.</p> <p>The absence of a qualified statutory duty to cooperate between the DE and the DHSSPS alongside ongoing budget restrictions affecting these two departments have been impacting upon special educational provision made available by Education and Library Board's (ELBs), Health and Social Care Trusts (HSCTs) and schools in Northern Ireland for a considerable number of years due to:</p> <ul style="list-style-type: none"> (a) growth in the numbers of children who have special educational needs; (b) increasing numbers of children with complex special educational needs; and (c) ongoing difficulties in resourcing and managing the practical operation of the Department of Education (DE) policy of inclusion for children with SEN and disabilities in mainstream education as per the rights within the <u>Special Educational Needs and Disability (NI) Order 2005 (SENDO)</u>. <p>SENDO strengthens protection for school children who have a disability, reinforcing the right to be educated in mainstream schools. They are protected from disability discrimination at school and schools have a duty to make reasonable adjustments to enable children with a disability to have equality of access to education. This is the principle of inclusive education.</p> <p>In the majority of education cases where there is an interface between health and education, equality of access to education is adversely affected when health trusts and education boards choose not to cooperate in meeting the child's needs. The lack of a statutory duty to cooperate is at the heart of many of the disputes which parents and children bring to the CLC for consideration, specifically with regard to the pooling of budgets and sharing of resources.</p> <p>In terms of legal responsibilities, health trusts have a qualified duty under Article 14 of the Education (NI) Order 1996 to assist ELBs in providing services, such as allied health services, for children with special educational needs. The qualification of the duty is that it is subject to the availability of resources to the health trust. In the absence of an unqualified statutory duty to cooperate, ELB officers are responsible for drafting the statement, having sought reports (referred to as advices) from all relevant sources including allied health professionals such as occupational therapists and speech and language therapists. It established law that</p>
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these therapies are capable of amounting to “educational provision” to be arranged by ELBs, even though they are provided by health professionals.

A properly drafted statement which sets out clearly a child’s special educational needs shall normally specify and quantify provision to meet those needs, unless there is a good reason linked to the child’s needs not to do so.¹³ In our experience, statements are generally not properly drafted, being vague and lacking individualized provision.

Once an ELB officer places a therapy in the sections of the statement headed “educational needs” at Part 2 of the statement and “educational provision” at Part 3 of the statement and states how often the therapy is to be given (either voluntarily or upon an order of the SENDIST), the ELB becomes legally responsible for ensuring the therapy is provided. If a health trust refuses to cooperate, the ELB has an obligation to source the therapy elsewhere. The parent of the child can legally enforce such specified and quantified therapy if it is not provided and may take a legal action against the ELB.

As a result, the vast majority of statements which are brought to us for consideration are drafted so as to be legally unenforceable which is damaging to the interests of children, who in many cases are denied access to therapies without which they are unable to access the curriculum. That is to say, such statements have therapies wrongly inserted in the section headed “non-educational needs” and the level of therapy is not quantified (e.g. in hours per week). ELBs are not legally obliged to provide for “non-educational needs” and vaguely worded statements cannot be properly enforced.

By way of example, in one of our cases an ELB and a HSCT failed to provide any therapies for a young child for a very significant period of time despite the fact that the child had been assessed as requiring these to access education. The HSCT were unable to resource therapies and therefore had no legal obligation to assist the ELB. CLC represented the parents and child at a Special Educational Needs and Disability Tribunal (SENDIST) hearing and obtained an order that the therapies were educational needs and stating the amount of the therapies that should be provided.

The ELB tried to arrange the therapies within the statutory time limits for compliance with a SENDIST Order. The HSCT refused to provide the therapies. The dispute remained ongoing for a number of months with ongoing wrangling between the ELB and the HSCT. At the point when a judicial review was the only course of action, agreement was reached as to the provision of therapies and these were put in place. The manner in which the

¹³ Para 4.21 Code of Practice - Statements should “normally be specific, detailed and quantified.”

agreement operated was complex and was not at all child-friendly. This was a most unsatisfactory outcome with delay and frustration for the child and parents in a relatively straightforward clear cut case where legal entitlement had been established.

In terms of the practical workings of the system under the 1996 Order, it is CLC's experience that resources are frequently at the heart of decision making rather than the needs of the child and the lack of a statutory duty to cooperate specifically with regard to pooling of resources frustrates and delays due process, undermining the integrity of the legal framework which protects children with SEN and disabilities. This problem is continually expanding, alongside the growth in the number of school children on the SEN register and the shrinking resources within DE and DHSSPS.

It must also be noted that the vast majority of the children in our schools who have special educational needs, do not have a statement of special educational needs and therefore do not have access to an accessible legal enforcement mechanism to ensure they receive allied health services as part of their education. There is no mechanism to enable parents or schools to access therapy at the point of need. In many cases services are delayed or refused or children are simply not identified who may need therapeutic input at school.

On 16th May 2012, the Minister for Education gave a briefing to the Education Committee in which he outlined proposals that Personal Learning Plans (PLPs) would replace Individual Education Plans (IEPs) and that significantly, **PLPs will contain any relevant external support for the school or the pupil.**

This is a significant development and we remain very concerned about the more complex cases where there is a dispute about the need for external support, such as health therapies, at the school based stages of the special educational needs system. PLPs will be non-statutory, legally unenforceable documents with no effective legal right of appeal attached. A PLP carries no mechanism for ensuring a child receives ELB support or therapies to meet educational needs from the allied health services in cases of dispute between parents, schools, HCSTs and ELB. Nor would staff from a mainstream school have the expertise to place such supports within a PLP.

It is in our view even more urgent now in light of the out-workings of the review of special educational needs and inclusion by the Department of Education, to ensure the creation of an unqualified statutory duty to cooperate between Government Departments which places a clear statutory duty on Government Departments to pool resources and share budgets in the best interests of children.

Education officers and health staff do currently share a level of cooperation regarding educational provision,

however there is no absolute statutory duty to cooperate to ensure that the special educational provision for and inclusion of children are guaranteed. The mechanisms for cooperation are far from transparent.

The impact of this is that the best interests of children using a “whole child approach” are not at the heart of decision making and neglect of children’s interests creates inefficiencies, ultimately increasing costs to both departments in assisting the child later in life and in defending legal actions.

Further, it is CLC’s experience that reports and evidence provided by health professionals and ELB professionals are increasingly vague and use “coded” language to express what a child needs, with no specific identifiable legally enforceable recommendations which can be transferred into a statement of SEN. We believe this is the result of resource-based pressures upon the system. **This has implications for the procedural integrity of the SEN system, undermining children’s rights to access specific supports to meet their needs and leaving Health Trusts, ELBs, the Department and professional employees who give evidence in disputed matters, open to negligence claims.**¹⁴

By way of example CLC was asked to provide advice, assistance and representation for a child with excellent academic ability who has cerebral palsy and who attends a mainstream school. She uses a wheelchair and is able to walk with assistance. She requires regular daily physiotherapy in order to maintain her mobility and to access the wider curriculum. Due to the lack of cooperation between health and education and the resource implications for the ELB of conceding that physiotherapy was an educational need in this case as well as a failure by the HSCT to provide for the child, this child was denied physiotherapy in a mainstream school, which she would have been able to access in a special school. She was expected to remain seated for 8 hours per day. This caused great distress and discomfort with the result that the child became acutely aware of her disability and her grades dropped considerably. The dispute carried on for over two years. CLC commissioned a private physiotherapy report as part of ongoing legal proceedings in which we provided legal representation. Ultimately, after several hearings and lengthy negotiation, the matter was settled and arrangements made for therapy input. The child is doing very well at school, achieving excellent grades and engaging with all aspects of the curriculum, in keeping with her true potential.

The unwillingness/inability of the health trusts to recommend and provide direct therapeutic support (in mainstream schools and increasingly also in special schools) and the concomitant reluctance of the ELBs to specify therapies as educational needs on the statement or to make provision at the school-based stages needs to be urgently addressed by placing a legally enforceable statutory obligation on

¹⁴ Jones –v- Kaney [2011] UKSC 13 removes immunity from legal claims against expert witnesses in relation to breach of duty in contract or negligence

	<p>Government Departments and agencies to co-operate, particularly with regard to the pooling of budgets and sharing of resources to meet the needs of children and young people.</p> <p>In our view, from a children's rights perspective there is no valid argument that can be made against a statutory duty to cooperate between Government Departments and agencies in the delivery of children's services. This must include a clear enforceable legal obligation on Government Departments and agencies to pool budgets and share resources.</p> <p>Government Departments and agencies need to be aware of the consequences of a failure to provide necessary services for children such as those highlighted above which may result in judicial reviews, discrimination claims, negligence actions and claims for damages, all of which may be much more costly in the longer term, particularly where children have not been enabled to access the curriculum to their full potential.</p>
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Clause	Comments (200 words)
4. Children's Services Planning Please provide comment on: <ul style="list-style-type: none"> • The requirement for the Health and Social Care Board to review and publish a children and young people's plan, including: <ul style="list-style-type: none"> ○ Content ○ Review mechanism ○ Co-operation between public bodies • The public bodies listed at Clause 4 (7) • The duties placed on the Health and Social Care Board particularly with regard to monitoring and reporting 	<p>CLC is supportive of the requirements contained within the Bill with regard to the Health and Social Care Board. CLC understands that this section of the Bill will give legislative effect to the current operation of the Children and Young People's Strategic Partnership (CYPSP) which is responsible for the statutory process of Children's Services Planning and operates as a cross-sectoral strategic partnership. CLC understands that the purpose of this clause of the Bill is to ensure that this work continues as it does currently.</p> <p>CLC believes that the inclusion of a number of agencies within this section of the Bill further emphasises the need for the duty to co-operate to be extended to include statutory agencies as well as Northern Ireland and UK Departments and relevant agencies.</p> <p>CLC wishes to see the insertion of a clause requiring consultation with children and young people as well as, 'relevant public bodies' with regard to reviews or modifications of children and young people's service plans. This should include an enforceable duty to take into account the views expressed through consultation. This would be in line with the obligation under section 75 of the Northern Ireland Act 1998 to carry out direct consultation with children and young people. In addition, the Safeguarding Board for Northern Ireland is under statutory obligations to promote communication between the Board and children and young people and to consult on safeguarding and promoting the welfare of children.¹⁵</p> <p>We note that this section of the Bill (4 (3)(b)) places an obligation on the Regional Board to keep under review the children and young people's service plan and to prepare and publish modifications to the plan at intervals of not more than three years. In the interests of consistency and children's rights compliance CLC believes that the timeframe for monitoring and review and publication of modifications to the plan should be annually in line with the obligations of the UNCRC and as expected by the Committee on the Rights of the Child as outlined in its General Comment No. 5 on General measures of implementation for the Convention on the Rights of the Child.¹⁶ General Comment No. 5 suggests that reports which offer an overview of the state of children's rights and progress on the delivery of children's rights should be produced annually. CLC would therefore be supportive of these review and reporting obligations being an annual requirement and believe that this would improve the effectiveness, transparency and accountability of the process.</p>

¹⁵ Section 3 of the Safeguarding Board Act (Northern Ireland) 2011 and Regulation 19 of the Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) Regulations (Northern Ireland) 2012

¹⁶ General Comment 5 General measures of implementation of the Convention on the Rights of the Child, CRC/GC/2003/5, 27th November 2003

Do you have any suggested amendments to the Bill? (200 words)

CLC would suggest that the Bill, rather than stating the 6 specified outcomes of the Children's Strategy 2006 – 2016 in the body of the Bill refers to the high-level specified outcomes of the Children's Strategy. We would also recommend that the Bill explicitly includes an obligation for Government Departments and agencies to co-operate to give effect to Government's obligations under the UNCRC. This obligation should underpin the specified outcomes of all future Children's Strategies which the Bill should make clear reference to, but not specify as these may be subject to change in the interests of future-proofing the Bill.

CLC wishes to see the statutory duty being expanded to include statutory agencies to ensure co-operation between central Government and agencies of Government including Education and Library Boards (ELBs), Health and Social Care Trusts (HSCTs), the Police Service of Northern Ireland (PSNI), the Youth Justice Agency (YJA) and others and UK Government Departments and relevant agencies in discharging their functions which relate to children in this jurisdiction.

CLC believes that it will also be necessary, following the agreement of the specified outcomes to develop statutory guidance, which should be publicly and widely consulted upon including directly consulted upon with children and young people to clarify the operation of the legislation to ensure that all parties understand their obligations under the legislation. This will be of considerable assistance in the practical interpretation of the legislation and to aid legal compliance with the legislation. In addition, CLC wishes to see the inclusion of a definition in the Bill to the term 'functions' and we would refer you to Section 98 (1) of the Northern Ireland Act 1998 which defines the term functions for the purposes of section 75 of the Northern Ireland Act 1998. Section 98 (1) states that 'functions' includes 'powers and duties' of a public authority.

The Children's Strategy and future Children's Strategies should be developed through intensive engagement and consultation with children and young people and their advocates, with input from the Committee of the Office of the First and Deputy First Minister and other stakeholders. This would avoid the need for modifications to the specified outcomes in the Bill to be made by, 'the Office...' as it thinks appropriate' or subsequent to the development of each new Children's Strategy. CLC believes that all future specified outcomes of a Children's Strategy should come about as a result of this engagement and consultation to ensure that they reflect evolving priorities and take cognisance of emerging issues in children's lives and the provision of children's services.

With regard to the proposed obligation in the Bill for the Office to prepare and publish a report within three years of the passing of the Bill and at three yearly intervals CLC wishes to see an amendment to the Bill to place a statutory obligation on the Office that such reports should be produced annually. We wish to see the requirement to co-operate in the preparation and publication of the report being amended to include both statutory agencies and UK Government Departments and relevant agencies in the exercise of their functions as they relate to children and young people in Northern Ireland.

With regard to the enabling power which will permit Northern Ireland Departments to establish pooled budgets and shared resources to achieve

the six specified outcomes, CLC does not believe that this is strong enough and wishes to see the 'enabling power' being replaced by a statutory obligation on Northern Ireland and UK Government Departments and agencies to pool budgets and share resources to further respect for and the delivery of children's rights and achieve the specified outcomes of the Children's Strategy. This we believe will be in the interests of meeting the needs of the 'whole child' in a holistic way and in a manner which has the best interests of the child as the paramount consideration.

CLC wishes to see consideration being given to the inclusion of an obligation on Government Departments and agencies to co-operate in discharging their functions to further respect for and the delivery of children's rights and to achieve the specified outcomes of the Children's Strategy. In particular, CLC would welcome in the drafting of the statutory duty to co-operate an explicit reference to a statutory duty to co-operate at the earliest possible opportunity. CLC believes that this would emphasise the need to meet the needs of children and young people at the earliest possible stage in their lives. This would place an obligation on Government and agencies to give effect to early intervention and prevention in the discharge of their functions as they relate to children and young people.

CLC wishes to see the insertion of a clause requiring consultation with children and young people as well as, 'relevant public bodies' with regard to reviews or modifications of children and young people's service plans. This should include a duty to take into account the views expressed through consultation.

Do you have any other comments? (200 words)

CLC wishes to reiterate its support for the Children's Services Co-operation Bill (Northern Ireland) 2015. We believe that the Bill presents a unique opportunity to deliver children's services in a better way, which will promote the well-being of children and contribute to the realisation of their rights. While we have suggested amendments to the Bill, these suggestions have been made in the interests of being constructive and strengthening the draft provisions contained in the Bill at present and to ensure better compliance with international children's rights standards.

College of Occupational Therapists

2nd March 2015

College of Occupational Therapists
106-114 Borough High Street, Southwark, London SE1 1LB
www.cot.org.uk

Office of the Minister and Deputy First Minister: Call for evidence to the Children's Services Co-Operation Bill

Submission by the College of Occupational Therapists

The College of Occupational Therapists is the professional body for occupational therapists and represents over 30,000 occupational therapists, support workers and students from across the United Kingdom of whom about 900 are in Northern Ireland. Occupational therapists are regulated by the Health Care Professions Council. There are in the region of 100 occupational therapists working with children and young people with special educational needs in Northern Ireland.

Occupational therapists work holistically and are outcome focused. They have multi-dimensional training that addresses the physical, psychosocial, sensory processing, developmental levels and needs of children and young people. Occupational therapists will spend time finding out about the child's and family's typical daily life and what they want, need or are expected to do. They will then work together with the child, family and other key people to evaluate what helps or hinders their involvement in daily life roles. Together, possible solutions will be developed, such as exploring alternative ways of doing things or making changes to the environment to support participation.

The College of Occupational Therapists supports the Children's Services Co-Operation Bill

The College of Occupational Therapists is supportive of the Children's Services Co-Operation Bill which if passed, will place a statutory duty on all Executive Departments to collaborate and work together in the planning, commissioning and delivery of children's services and will include enabling legislation to allow the pooling of budgets.

The College of Occupational Therapists would like to see a clear legal obligation on Government Departments and agencies to work together to meet the needs of children in a comprehensive and holistic way.

Why is this important to occupational therapists in Northern Ireland?

It is important because occupational therapists work across many departments and agencies such as health, education, juvenile justice and housing. They also work across different settings such as home, school and in the community as well as working in partnerships with parents, carers, teachers, educators and other disciplines. In order to address the assessed needs of each child holistically all of these parts of the processes and systems in the delivery of children's services need to be well co-ordinated and collaborating with each other.

The occupational therapist depends on good co-ordination and collaboration between departments and agencies to deliver a holistic service to meet the assessed needs of the child.

There are more children with special educational needs attending schools of their choice which can be either a special school or a mainstream school. These children may need occupational therapy services and these often need to be co-ordinated across a number of agencies or departments.

For example a child with significant needs may need the following:

- Housing adaptation
- Provision of a specialised wheelchair
- Support with the education curriculum
- Environmental recommendations for school
- Individual therapeutic interventions such as with self-care

Collaboration is required across services to be effective

What are the issues presently?

1. Occupational therapists are funded by the Department of Health, Social Services and Public Safety (DHSSPS). They are being asked to provide services in both Health and Education settings yet occupational therapy services are not factored in when Education plans services. HSC Services have their own priorities driven by statutory requirements which occupational therapists help them to meet. Education has legislative requirements which occupational therapists are expected to contribute to. These are two organisations with differing priorities and separate funding streams.
2. Services are disjointed at present with individual departments responsible for certain elements and no way always of ensuring a cohesive delivery. For example there is a need for a protocol regarding provision, management and maintenance of equipment recommended by occupational therapists but which are the responsibility of the Education and Library Boards.
3. Demographic changes due to increased life expectations and increased diagnosis of children requiring services need to be factored in planning services. As more children with complex needs survive and require a lifetime of services, there is increased need for occupational therapy services such as recommendations for complex housing adaptations and equipment, (e.g. specialised seating, wheelchairs, showering) and hands on therapy intervention to enable function and participation. These children are surviving longer and into transition from nursery to primary education, from primary to secondary education and from secondary to higher/further education or employment.
4. There is also a requirement for occupational therapy services to support children and young people with varying levels of assessed needs so that they can access the educational curriculum and reach their potential. It is becoming more important to ensure occupational therapy services are being utilised to the full to support the maximum number of children in the environments they are in. Occupational therapists can work at three major levels within health, social care, education, voluntary or public health arenas (Arbesman et al 2013):

Level 1: Whole – population or universal programmes designed for all children and young people. For example:

- Whole school programmes promoting mental health (rather than preventing mental illness) have been successful (Wells et al 2003), including participating in leisure occupations (Daykin et al 2008).
- Working with teachers in the classroom has improved the legibility, speed and fluency of children's handwriting (Case-Smith et al 2012)

- Occupational therapists are uniquely qualified to promote lifestyle change to address issues such as obesity (Reingold and Jordan 2013). This could include applying play activities in a nutritional education programme (Munguba et al 2008).
- Implementing a 'whole school' approach to occupational therapy services in mainstream schools enabled close relationships with school staff to be developed which influenced the participation of all children in school occupations (Hutton 2012).

Level 2: Targeted, or selective services designed to support children and young people who are at risk of poorer health or wellbeing outcomes. For example:

- Occupational therapy-led life skills programmes for children with learning delays and disabilities improved self-management skills and decreased aggressive and antisocial behaviours (Carter and Hughes 2005; Drysdale et al 2008).
- Social behaviours of adolescents on the autism spectrum were improved through an occupational therapy programme based on role play (Gutman et al 2012).
- Lifestyle management programmes for children with cystic fibrosis can improve peer relationships and decrease loneliness (Christian and D'Auria 2006).

Level 3: Intensive, or specialist occupational therapy services provided for children and young people with identified mental, physical, emotional, learning or behavioural needs which impact on their participation in life roles. For example:

- Working with children with acquired brain injury using an individualised intervention approach - Cognitive Orientation to Daily Occupational Performance (CO-OP) that teaches cognitive strategies necessary to support successful performance (Missiuna et al 2010).
- Using parent coaching approaches to improve the participation of children on the Autistic Spectrum in their chosen occupations (Dunn et al 2012).
- Focusing on enabling participation in chosen occupations is the most effective intervention approach for children and young people with Developmental Coordination Disorder (Morgan and Long 2012).
- In relation to Cerebral Palsy, intensive (>90 hours) intervention which focuses on the function and movement of the upper limb has been effective in improving outcomes for children with hemiplegia (Miller et al 2014; Sakzewski et al 2014).
- A combination of direct occupational therapy and partnership- based home programme, is effective in improving motor and functional outcomes, provided appropriate support, coaching and monitoring is available (Novak and Berry 2014).

5. Transition is also a difficult time for families and young people yet they don't always get the support required to ensure a smooth transition from school into further education/work or from paediatric services to adult services. For example, children with muscular dystrophy on reaching school leaving age require intense support to meet all of their needs (physical / emotional / medical). Transition is a difficult time for these young people and families, yet occupational therapists have highlighted that they don't get the support required to ensure a smooth transition from school into further education/work or from paediatric services to adult services. This can result in some of the young adults staying at home and consequently becoming increasingly isolated with no structure to their day.
6. Planning of school / Colleges (HEIs) and leisure buildings requiring environmental assessments without collaboration or consultation with occupational therapists and which result in not meeting the needs of children or young people with disabilities. If occupational therapists are not involved from the outset, this can result in having to make more costly adaptations later.

7. The coexisting needs of children with; for example, Autistic Spectrum Disorder and mental health problems or those with Attention Deficit Hyperactivity Disorder who self-harm, requires integrated planning across the services that can meet their multi-faceted needs.

What could be improved if the Children's Bill was passed?

- Procurement, supply and management of equipment. Occupational therapists would like to see a dedicated management system of equipment put in place.
- Smooth transition for children with special educational needs at trigger points, such as primary to post primary, into further education and into adult services.
- Interface between Health and Education along with improved collaboration at all levels leading to improved services.
- Collaboration and co-ordination between all departments in order to achieve the 6 high level outcomes in the planning, commissioning and delivery of children's services.
- There is the potential for added benefits such as a reduction in financial waste and duplication and one example is in the area of equipment purchased by Education and Library Boards and this relates to point 2.

The six high level outcomes are all part of core values in occupational therapy. We feel that to ensure a holistic view and support for all children it is necessary for departments to work together. However we would like to see that it is truly integrated and co-ordinated working and that each department does not come with a singular view for their 'part' in achieving it which maintains a fractured approach.

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Committee for Agriculture and Rural Development



**Northern Ireland
Assembly**

Committee for Agriculture and Rural Development

Room 244
Parliament Buildings
Tel: +44 (0) 28 905 21475

From: Stella McArdle, Clerk, Committee for Agriculture and Rural Development
To: Kathy O'Hanlon, Clerk, Committee for the Office of the First Minister and deputy First Minister
Date: 11 March 2015
Subject: Children's Services Co-operation Bill

At its meeting on 10 March 2015, the Committee for Agriculture and Rural Development received a response from the Department of Agriculture and Rural Development about its views on the Department's response to the Children's Services Co-operation Bill.

Although DARD will respond directly to the consultation, the Committee agreed to forward this correspondence to the Committee for the Office of the First Minister and deputy First Minister for information.

Regards
Stella McArdle

**Corporate Services Division
Central Management Branch**

Stella McArdle
Clerk to the Committee for
Agriculture and Rural Development
Room 243
Parliament Buildings
Ballymiscaw
Belfast
BT4 3XX



Department of
**Agriculture and
Rural Development**

www.dardni.gov.uk

AN ROINN

**Talmhaíochta agus
Forbartha Tuaithe**

MANNYSTRIE O

**Fairms an
Kintra Fordèrin**

Dundonald House
Ballymiscaw
Upper Newtownards Road
Belfast BT4 3SB

Tel: 028 9052 4799
Fax: 028 9052 4884
E-mail: paul.mills@dardni.gov.uk

Our Ref:
Your Ref:
Date: 3 March 2015

Dear Stella

COMMITTEE MEETING 17 FEBRUARY 2015

Your letter of 18 February 2015 refers.

Children's Services Co-operation Bill.

The intention of the Bill is consistent with the collective aim for Departments and external agencies to co-operate closely in the delivery of children's services.

In terms of the Department's response to the Bill itself, there is a concern that the duty to cooperate is too loosely specified, as it is not clear who will lead on cooperation or how it will be achieved. It will be very difficult to force Government Departments to cooperate together, for example, in relation to Clause 3, Sharing Resources and Pooling Funds, to achieve the desired outcomes and the reporting requirements will increase administrative burden.

From the perspective of EU programmes, DARD is the designated Managing Authority for the EU Rural Development fund. Our funding priorities are agreed with Europe at the start of the programme and DARD is the responsible body for those funds. Introducing a requirement to co-ordinate with other Government Departments makes accountability of the EU funds and the associated national match funding difficult. The Sharing Resources and Pooling Funds clause is one area that needs further consideration.

The Committee will be aware that the Department is currently in the process of developing a second three year Children & Young People's Action Plan (2015-2017) and we are once again working closely with the sector and Departmental colleagues in this

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the Department via Text Relay. Dial 18002 + number



process. We will seek to work in partnership with others as we take this Action Plan forward.

DARD currently works in partnership with other departments. An example of this is the BOOST project, a Youth Employability Programme, approved for implementation through the Tackling Rural Poverty & Social Isolation Programme. This is supported by both DARD, who have committed £220k in total, and DEL.

In addition, key DARD officials are also currently working with OFMDFM and the Health and Social Care Trust to consider the types of interventions that could help to enhance childcare provision in rural areas.

Yours sincerely

Paul Mills
Departmental Assembly Liaison Officer

If you have a hearing difficulty you can contact
the Department via Text Relay. Dial 18002 + number



Committee for Education

Committee for Education
Room 375
Parliament Buildings
Ballymiscaw
Stormont
Belfast, BT4 3XX

Tel: (028) 9052 1201 Fax: (028) 9052 21974
E-mail: peter.mccallion@niassembly.gov.uk

Miss Michelle McIlveen
Chairperson, Committee for Education
Mr Mike Nesbitt MLA
Room 346
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

20 February 2015
Our Ref: PMcC/KM/1988

Dear Mr Nesbitt

The Children's Services Co-operation Bill - Committee Stage

At its meeting on 18 February 2015, the Committee for Education considered your correspondence regarding the Committee Stage of the Children's Services Co-operation Bill.

As you may be aware, the Committee for Education together with the Committee for Health, Social Services and Public Safety has been reviewing reported varying levels of provision of health services for those school children who require help to access the school curriculum. As part of this review, the Committee for Education has received briefings from the Public Health Agency; the Health and Social Care Board; and the Department of Education. The Committee has noted the on-going reviews of the Multi-Disciplinary Support Teams and the Allied Health Professionals. The Committee has also noted the work of the Children and Young People's Strategic Partnership and the Health and Education Strategic Liaison Group.

As the Committee's deliberations on this subject are ongoing, it will not be possible to make a submission to COFMDFM in respect of the Bill by the timescale specified. However the Committee agreed that I should write to you offering to share our relevant interim findings following a joint Health and Education Committee stakeholder event on 18 March 2015.

If you require further information or clarification, please do not hesitate to contact the Clerk to the Committee for Education.

Yours sincerely

Michelle McIlveen
Chairperson
Committee for Education

Committee for Enterprise Trade and Investment

Committee for Enterprise Trade and Investment

Room 375

Parliament Buildings

Tel: +44 (0)28 9052 1574

To: Kathy O'Hanlon
Clerk to the Committee for the Office of the First Minister and deputy First Minister

From: Jim McManus
Clerk to the Committee for Enterprise, Trade and Investment

Date: 04 March 2015

Subject: Children's Services Co-Operation Bill

At its meeting on 03 March 2015, the CETI considered a written briefing paper from Steven Agnew MLA and a memo from the OFMDFM Committee dated the 12 February 2015 seeking the ETI Committees views.

Members agreed to forward the CETI response to the OFMDFM Committee.

I would be grateful if you could bring this to the attention of your Committee.

Jim McManus

Clerk

Committee for Enterprise, Trade and Investment

Children's Services Co-operation Bill – Committee Stage

Response from the Committee for Enterprise, Trade & Investment

Background

1. The Committee for Enterprise, Trade & Investment welcomes the opportunity to respond to the Committee for OFMdfM's request for views on the Children's Services Co-operation Bill.
2. The definition of children and young people encompasses those under the age of 25 years. This definition widens the responsibility attached to DETI and brings more areas of the Department's work within the scope of the Bill.
3. The Bill consists of six clauses. Although most clauses in the Bill have relevance to the work of DETI, the areas of relevance to the Committee and the Department can best be covered under six specified outcomes referred to under Clause 1.
4. Clause 1 creates a new two-fold duty on departments:
 - To work towards six specified outcomes relating to the well-being of children and young people; and
 - To co-operate with one another in order to further the achievement of those objectives.
5. The six specified outcomes are:
 - a. Being healthy
 - b. Enjoying learning and achieving
 - c. Living in safety and with stability
 - d. Experiencing economic and environmental well-being
 - e. Contributing positively to community and society
 - f. Living in a society which respects their rights
6. There are a number of policy areas within the Department where co-operation with other Departments would contribute to the provisions of the Bill. These are outlined below.

Areas for Co-operation by DETI with other Government Departments

Being Healthy

7. Departmental policies relating to petroleum licencing impact on environmental considerations. There may be scope for wider co-operation with the Department of the Environment on this area to protect the health of all people including children.

Enjoying Learning and Achieving

8. DETI's economic policies focussing on economic development and job creation link to the work of the Department of Employment & Learning through the development of skills in a growing and developing economy. There is scope for further and continuing co-operation between the two departments in the development of training and apprenticeships for young people.
9. DETI's telecoms policies including the roll out of high speed broadband should take into account the growing trend towards the routine use of electronic communications in the classroom and for homework. Increase co-operation may help ensure that no child is disadvantaged through inadequate access to on-line learning resources.

Living in Safety and with Stability

10. The Department will cease farm safety campaign activity from April 2015. There is concern that any reduction in this activity may impact on the safety of those living and working on farms. Compared to other workplaces, farms are unique in that children are regularly exposed to farm work and machinery. Greater co-operation between DETI and the Department of Agriculture and rural Development may help ensure that specific policies are put in place to protect children and young people on farms.

Experiencing economic and environmental Wellbeing

11. DETI's energy policies contribute to both energy prices and security of supply which, in turn, contribute to energy costs for consumers. Co-operation between DETI, OFMdFM and DSD can help tackle the issue of fuel poverty which impacts on consumers of all ages but which also contributes to the safety, health and ability of children to learn and achieve.
12. Economic policies impact on wages and jobs for young people under 25. At a time when youth unemployment is high, co-operation between DETI and DEL can help increase opportunities for young people.

Contributing positively to community and society

13. Co-operation in areas to improve learning & achieving and economic & environmental wellbeing can contribute to increasing the positive contribution young people can make to community and society.
14. Co-operation between DETI and DCAL can help ensure that a sufficient proportion of child-centred and youth-centred, affordable tourism events and activities are provided.

Committee for the Environment

Committee for the Environment

Room 245

Parliament Buildings

Tel: +44 (0)28 9052 1720

Fax: +44 (0)28 9052 1795

To: Kathy O'Hanlon
Clerk to the Committee for the Office of the First and Deputy First Minister

From: Sheila Mawhinney
Clerk to the Committee for the Environment

Date: 26th February 2015

Subject: Response to Children's Services Co-operation Bill.

1. At its meeting on 26th February 2015 the Committee for the Environment considered correspondence from you regarding the Children's Services Cooperation Bill.
2. The Committee agreed that it had no comment to make on the Bill.

Sheila Mawhinney

Clerk

Committee for the Environment

Committee for Finance and Personnel



**Northern Ireland
Assembly**

Committee for Finance and Personnel

Room 419
Parliament Buildings
Tel: 028 9052 1843

From: Shane McAteer
Clerk to the Committee for Finance and Personnel

Date: 11 March 2015

To: Kathy O'Hanlon, Clerk to the Committee for the Office of the First Minister and deputy Minister (COFMDFM)

Children's Services Co-operation Bill

At its meeting today, the Committee for Finance and Personnel noted the attached correspondence from the Department of Finance and Personnel and agreed to forward it to the Committee for the Office of the First Minister and deputy First Minister for information.

I understand that the Department will be providing a fuller response in due course. On this basis, the Committee for Finance and Personnel is not in a position to make a substantive response to COFMDFM's invitation for written submissions as part of the Committee Stage of the Bill.

SHANE MCATEER

☎ 21843

Enc

Assembly Section

Clare House
303 Airport Road West
BT3 9ED
Tel No: 02890 816715
email: Gearoid.cassidy@dfpni.gov.uk



Mr Shane McAteer
Clerk
Committee for Finance and Personnel
Room 419
Parliament Buildings
Stormont

Our Ref CFP/422/11-15

2 March 2015

Dear Shane,

Thank you for your letter of 20 February 2015, enquiring if the Department had made any comments on The Children's Services Co-operation Bill, and if any of the provisions within the Bill relate to the Departments remit.

The terms of the Bill are being considered.

The Bill applies to all departments, i.e. it will require each department to discharge its functions so as to achieve specified outcomes.

Yours sincerely,

GEARÓID CASSIDY
Departmental Assembly Liaison Officer

Committee for Social Development

Committee for Social Development

Room 284
Parliament Buildings
Stormont
Belfast BT4 3XX

Tel: 028 9052 1864

To: Kathy O'Hanlon - Clerk to the Committee for the Office of the First Minister
and Deputy First Minister

From: Kevin Pelan, Clerk to the Committee for Social Development

Date: 24 February 2015

Subject: The Children's Services Co-operation Bill

At its meeting on the 19 February, the Committee for Social Development noted your memo of 12 February 2015 regarding the Children's Services Co-operation Bill.

The Committee provided no comment on the clauses of the Bill and I am therefore writing to advise you of a nil response.

Dr Kevin Pelan
Ext 21864

Department for Employment and Learning



Department for
**Employment
and Learning**

Clerk to the Committee
Committee for the Office of the First Minister
and deputy First Minister
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

Adelaide House
39/49 Adelaide Street
Belfast
BT2 8FD
Tel: 028 9025 7791
Fax: 028 9025 7919
email: private.office@delni.gov.uk

Our Ref: COR/035/15

13 February 2015

Dear *Kathy*

Private Member's Bill – Children Services Co-operation

Thank you for your correspondence of 5 February 2015 concerning a call for evidence on the above matter.

The Department for Employment and Learning (DEL) welcomes approaches that will lead to real and sustained improvements in services for children and young people and therefore it is essential that any new legislative requirements support such change.

In recent years, the Executive has made some progress in moving towards more effective working across government, including with other public sector providers, in seeking to achieve more successful outcomes. In considering the proposed Bill, it should be borne in mind that the Executive's Delivering Social Change structures, which are supported by the Department for Employment and Learning, remain the key strategic focus of Executive efforts to undertake more successful cross Departmental working in order to deliver more effective public services.

Also, against a background of the very significant forthcoming public sector reform and restructuring, it is critical that the Bill complements efforts in taking forward and bedding-in the new reforms so that more effective and efficient services are delivered.

The Bill covers services to children and young people, which may include all young people up to age 25, and is therefore potentially relevant across all of this Department's provision. Whilst further clarity around the intent behind the Bill may be needed, it appears to have the potential to create new public sector structures and financial arrangements which could place additional demands on Departments' resources, as well as those of other affected public sector bodies. If the Bill is enacted, its immediate impact on the Department for Employment and Learning is likely to be in key areas of policy development and service provision. This would



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include further education, youth training/apprenticeships, careers advice/support and provision under the Pathways to Success Strategy, as well as the European Social Fund.

The Minister for Employment and Learning has agreed that DEL officials will support and inform their OFMDFM colleagues' consideration of the Bill with regard to its potential impact on the Department for Employment and Learning. This will help in developing the Executive's understanding of and position on the content of the Bill.

Yours sincerely,

FIONA STANLEY
Departmental Assembly Liaison Officer

cc Committee Clerk, Committee for Employment and Learning

Department of Education

Kathy O'Hanlon
Clerk to the Committee for OFMdfM
Room 285
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

Tel No: (028) 9127 9746
Fax No: (028) 9127 9100
Email: russell.welsh@deni.gov.uk

6 March 2015

Dear Kathy

The Children's Services Co-Operation Bill – Committee Stage

I refer to your letter dated 5 February 2015 inviting written submissions on the Children's Services Co-operation Bill.

Please see attached submission from the Department of Education.

Yours sincerely

Russell

Russell Welsh
Departmental Assembly Liaison Officer

Department of Education Submission to OFMDFM Committee The Children's Services Co-Operation Bill – Committee Stage

Introduction

1. The Department of Education (DE) works in partnership and co-operates with a range of bodies within and outside the department to ensure the delivery of various services to children and young people. The proposals detailed in the Children's Services Co-operation Bill are of direct interest and relevance to DE and could have significant implications for both DE and its ALBs. Whilst DE broadly supports the general principles of the Bill, there would be some concerns regarding the proposals.
2. Clause 2 will clearly place a greater administrative burden on Departments in reporting to OFMDFM on how they have fulfilled the duty to co-operate and the impact which this has had. The added value of the reporting is not clear and might also not be appropriate in the context of Departmental restructuring..
3. Clause 3 has budgetary and resource implications for Departments and it is not clear which Department or organisation would have lead responsibility for the pooled fund. In the current difficult budgetary situation, this is something that we need to consider carefully.
4. The Department would have particular concerns about Clause 4 and the proposal to enable the Health and Social Care Board (HSCB) to have a direct influence on a range of public bodies, including agencies and departments, and ultimately the Executive. While it is recognised that there is potential to streamline the existing Children and Young People's Strategic Partnership (CYPSP) implementation structures, there is concern that the potential future role of the Children's and Young People's Service's Plans is not what was originally envisaged and that the enhanced role of the HSCB may cut across the remit of Ministers/ Departments.
5. There would need to be further clarity about the added value the legislation would bring.
6. There would also need to be clarification about the impact on the Bill of the proposed restructuring of government departments and planned changes to their functions.
7. This submission is structured to reflect the clauses and structure of the Bill.

Clause 1: Duty to co-operate to further six high-level outcomes for children

8. The Department recognises that co-operation and collaboration between Departments and other key public bodies is of vital importance in ensuring that children's services are delivered in a co-ordinated, efficient and effective manner.
9. There are well-embedded mechanisms and partnership arrangements already in place in this regard which have helped to ensure that children and young people here benefit from high quality services which reflect and seek to meet their educational, physical, emotional and wider welfare needs.
10. The Department will continue to collaborate with other Departments, public bodies and the voluntary and community sector. In this context, it is unclear whether there is a genuine need for the Bill and it is uncertain whether the Bill will effect greater co-operation or collaboration beyond that which is already taking place.
11. The Department notes the six outcomes listed in the Bill and that these outcomes are consistent with those listed in the Children and Young People's Strategy. However, the link between the six outcomes and the Children and Young People's Strategy is not stated in the Bill and the Department is concerned that the wide ranging nature of the outcomes may

generate confusion and unrealistic expectations around the public services which will be delivered. This could potentially ultimately lead to judicial reviews by those alleging that a Department failed to discharge its duty under Clause 1.

Clause 2: Report on co-operation

12. Clause 2 requires OFMDFM to publish periodically a report on the progress of the Departments towards achieving the specified outcomes. This will clearly place a greater administrative burden on Departments in reporting to OFMDFM on how they have fulfilled the duty to co-operate and the impact which this has had.
13. The Department would also note that similar reporting structures are already in place in relation to the Child Poverty Strategy and the Department provides an annual update to OFMDFM on the actions taken to implement the Strategy/fulfil its duties.

Clause 3: Sharing resources and pooling funds

14. This enabling clause permits Departments to establish pooled budgets and share resources to achieve the six outcomes outlined in Clause 1, however it is not clear which Department or organisation would have lead responsibility for the pooled fund. It will clearly be necessary to ensure that appropriate governance and accountability arrangements are established in order to monitor and manage any such fund and this should perhaps be reflected in the Bill.

Clause 4: Children's services planning

15. Clause 4 would enable the Health and Social Care Board (HSCB) to have direct influence on a range of public authorities, including agencies and Departments and ultimately the Executive.
16. Schedule 2 of the Children (NI) Order 1995 already gives powers to the HSCB in this regard and implementation structures are well embedded. The existing arrangements to fulfil the duties under the 1995 Order are delivered through the Children and Young People's Strategic Partnership (CYPSP). The Children and Young People's Plan, which is produced via the CYPSP currently sets out how the services will be delivered. The Education and Library Boards (ELBs) are a core member of the CYPSP at both strategic and operational levels and they participate in CYPSP sub groups and outcomes groups.
17. If the CYPSP was to remain the mechanism for drawing up and consulting upon the new plans, then the extent of (and limit to) the remit of the CYPSP would need to be clearly understood and adhered to by its members.
18. While the Department recognises that there is potential to streamline the existing CYPSP implementation structures to enhance efficiency, there is a particular concern that the enhanced role of the HSCB may cut across the remit of Ministers/Departments. This could potentially lead to a scenario where the Department may not be in a position to agree to or progress all actions identified by the HSCB due to other more pressing priorities or budgetary constraints. Such a scenario could place undue pressure on Ministers and their Departments/public bodies and may well be counterproductive to the Bill's overall objective to ensure collaboration in the delivery of children's services.
19. The Department would also note that the focus of Clause 4 appears to be on how public bodies are to co-operate with the HSCB/the Regional Board whilst failing to appropriately recognise that this should be a reciprocal process, i.e. that the Regional Board should ensure that it also co-operates with the ELBs. It would be useful if this could be reflected in the Bill.
20. Furthermore, the amendments under Clause 4 will create additional reporting and monitoring requirements (as already noted in relation to Clause 2) and place further demands on already stretched public bodies.

Department of the Environment



Department of the
Environment
www.doeni.gov.uk

DOE Private Office
8th Floor
Goodwood House
44-58 May Street
Town Parks
Belfast
BT1 4NN

Kathy O'Hanlon
Clerk to the Committee for the Office of the First
Minister and deputy First Minister
Northern Ireland Assembly
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

Telephone: 028 9025 6022

Email: Private.office@doeni.gov.uk

Your reference:

Our reference: COR/1005/2015

Date: 19 February 2015

Dear Kathy

The Children's Services Co-operation Bill – Committee Stage

I am replying to your letter of 5 February 2015 to the Department regarding the Committee Stage of this Bill.

As you will be aware, OFMDFM has a coordinating role across Executive Departments in this area and the Department is content that OFMDFM includes in its submission to the Committee, issues that are common to Departments.

The one specific area of concern to the Department in the Bill is in Clause 4, in particular the quite extensive additional powers for the Health & Social Care Board to prepare a children's and young people's service plan, which will place requirements on a wide range of public bodies. The bodies listed in Clause 4 include district councils. The Committee will be aware that the Local Government Act places, from 1 April 2015, a statutory duty on a council to initiate, maintain, facilitate and participate in community planning for its district. A key element of such plans will be considering the needs of children and young people, both in terms of active participation in the preparation of the plan and in the broader identification of issues that will impact on the lives of children and young people – indeed, the draft guidance on community planning includes specific reference to these requirements, and references NICCY guidance material.

Given the new duties around community planning, the Department is concerned to ensure that any additional statutory regimes such as those set out in Clause 4 of the Bill do not cut across community planning in unintended ways; I would therefore ask that this specific issue is taken into account during the Committee's consideration of the Bill.

I trust this information is of assistance, should you require anything further please contact me directly.

Yours sincerely,

Helen Richmond
DALO
[by e-mail]

Department of Health, Social Services and Public Safety

FROM THE MINISTER FOR HEALTH,
SOCIAL SERVICES AND PUBLIC SAFETY
Jim Wells MLA



Department of
**Health, Social Services
and Public Safety**
www.dhsspsni.gov.uk

Castle Buildings
Stormont Estate
BELFAST BT4 3SQ
Tel: 028 90 520642
Fax: 028 90 520557
Email: private.office@dhsspsni.gov.uk

Mr Mike Nesbitt MLA
Chair
Committee for the Office of the First Minister and Deputy
First Minister
Room 285
Parliament Buildings
Ballymiscaw
Stormont Estate
BELFAST
BT4 3XX

Our Ref: AGY/223/2015

Date: 21 April 2015

Dear Mike

The Children's Services Co-operation Bill - Committee Stage

Thank you for your letter of 26 March seeking views on the Children's Services Co-Operation Bill.

Clauses 1 - 3

I am generally supportive of the intention and desire to see greater co-operation and collaboration across Government in connection with our individual and collective responsibilities to children and young people. This is consistent with the approach in other jurisdictions, where a statutory duty to co-operate has been placed on Ministers/Departments. However, in Northern Ireland we already have examples of good co-operation and established mechanisms for the delivery of joined up services. This raises the question as to whether introducing a statutory duty is actually necessary and whether doing so is simply adding a further layer of bureaucracy.

Similarly, Departments may already pool funds, and have done so, to deliver shared outcomes. One such example is the Early Intervention Transformation Programme which is managed by my Department. I would therefore question what added value the enabling power included in clause 3 of the Bill will provide.

Clause 4

Clause 4 of Mr Agnew's Bill amends the Children (Northern Ireland) Order 1995 (the Children Order) and relates to the development of a "*Children's and Young People's Services Plan*" by the Health and Social Care Board (HSCB).

In general, this clause has an impact on both the HSCB and also the relevant public bodies that will contribute to the plan and will be expected to deliver against set targets. The public bodies (including some Government Departments) must co-operate with the HSCB and with each other in the preparation, review, implementation and reporting of the plan providing information to the HSCB as requested.

Working for a Healthier People



The HSCB must implement the elements of the plan that fall within its responsibilities and monitor the implementation of the plan. The public bodies will also be consulted when the plan is being reviewed, updated or replaced. Within 2 years of the publication of the plan (or revision of the plan), the HSCB must prepare a report on implementation and send the report to my Department, which is required to lay the report before the Assembly as soon as practicably possible.

Mr Agnew has confirmed that the policy intention behind clause 4 is to place the Children and Young People's Strategic Partnership (CYPSP) on a statutory basis. However, I consider that clause 4, as currently drafted, does not achieve that policy aim. I also have concerns, in terms of the powers clause 4 confers on the HSCB. My Department's view is that the proposed amendment to the Children Order could empower the HSCB to have direct influence on a range of public authorities, including agencies and Departments. There could be instances where, for example, the Board cuts across the responsibilities of individual Departments and Ministers, raising issues of democratic accountability.

The powers and duties set out in Schedule 2 to the Children Order are those which are to be placed on "an authority", that is the Health and Social Care Board and, in circumstances of authorisation, a Health and Social Care Trust. In order to place the CYPSP on a statutory basis, powers and duties would have to be placed on more bodies than just the Board to make the provisions effective. For example, in clause 4, new paragraph 2A(8) of Schedule 2 places duties on the "relevant public bodies" in respect of co-operation. There are also various obligations placed on my Department in terms of, for example, laying the HSCB's report on implementation of the Children's and Young People's Plan before the Assembly. These provisions extend beyond the current power to amend Schedule 2, and legal advice is that the current power would be insufficient to place the CYPSP on a statutory basis when the detail of the duties on the HSCB and the relevant bodies are laid down.

I have met with Mr Agnew to discuss his Bill and have indicated that I will be seeking substantial amendments to clause 4, to create standalone provision in the Bill in place of the amendment to Schedule 2 to the Children Order.

My officials have also sought initial views from the HSCB and will undertake more detailed discussions with the HSCB and representatives of the CYPSP at a meeting scheduled for 28 April. My officials are also working closely with OFMDFM officials with a view to addressing any drafting issues.

Jim Wells MLA
Minister for Health Social Services and Public Safety

Disability Action



OFMDFM DELIVERING SOCIAL CHANGE FOR CHILDREN AND YOUNG PEOPLE

Disability Action's Response

February 2014

Any enquiry concerning this document should be made to

Kevin Doherty
Chief Executive
Disability Action
Portside Business Park
189 Airport Road West
Belfast
BT3 9ED

Tel: 028 90 297880 Fax 028 90 297881

Textphone: 028 90 297882

Website: www.disabilityaction.org

Email: hq@disabilityaction.org

INTRODUCTION

- 1 Disability Action is a pioneering Northern Ireland charity working with and for people with disabilities. We work with our members to provide information, training, transport awareness programmes and representation for people regardless of their disability; whether that is physical, mental, sensory, hidden or learning disability.
- 2 21% of adults and 6% of children in Northern Ireland have a disability and the incidence is higher here than in the rest of the United Kingdom. Over one quarter of all families here are affected
- 3 As a campaigning body, we work to bring about positive change to the social, economic and cultural life of people with disabilities and consequently our entire community. In pursuit of our aims we serve 45,000 people each year.
- 4 Our network of services is provided via our Headquarters in Belfast and in three regional offices in Carrickfergus, Derry and Dungannon.
- 5 Disability Action welcomes the opportunity to respond to this draft and to aid our response has put the relevant page/paragraph of the draft in brackets at the end of our comments.

SPECIFIC COMMENTARY

- 6 **Disability Action fully endorses Children in Northern Ireland response to the Children's Services Co-operation Bill. As such in the Bill Response pro forma Disability Action would advise that any additional comments are written in bold for ease of reference.**

Committee for the Office of the First Minister and Deputy First Minister

Children's Services Co-operation Bill Response pro forma

For your convenience the Committee has prepared the attached pro forma to assist in responding to the main clauses of the Bill. The Bill can be found at <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/current-non-executive-bill-proposals/childrens-services-co-operation-bill/>

Please respond by Friday 27 February 2015 to committee.ofmdfm@niassembly.gov.uk.

Organisation Name	Disability Action
Main contact	Patricia Bray
Email address/phone number	patricia-bray@disabilityaction.org – 02871 360811

I wish for my organisation to be considered for oral evidence sessions in relation to the Committee's scrutiny of the Bill: Yes/No

Clause	Comments (200 words)
<p>1. General Duty</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The six specified outcomes relating to the well-being of children and young people as listed in the 10 Year Strategy for Children and Young People 2006 - 2016 • The duty on Northern Ireland Departments to co-operate with each other in order to further the achievement 	<p>Children in Northern Ireland fully support the Children's Bill.</p> <p>The proposed statutory duty to cooperate as a mechanism to ensure better outcomes for children and young people has emerged from a considerable body of evidence and analysis, which finds that current levels of cooperation among departments are based largely on informal relationships between officials, and that this is unlikely to change without a purposeful shift in the manner in which services affecting children and young people are planned and commissioned.¹ The research in particular noted that while there was some evidence of good practice on collaboration at intra-agency level through the work of Children's Services Planning and the establishment of the Children and Young People's Strategic Partnership, this was not always replicated at central government level.</p> <p>The Ten Year Children's Strategy and the six high level outcomes are both robust and well-researched which the Children's Sector were consulted on these in 2006 and fully supported then and continue to do so. The Ten Year Children and Young People's Strategy is, without exception, based on improving the lives of all children and young people. While setting out actions for all children, the strategy also contains actions based on targeted services for those children with specific needs.</p> <p>Disability Action would advise that the 10 Year Strategy for Children and Young People 2006-2016 does not provide a clear definition of "all" children and young people. Disability Action believes until "all" includes children with and young</p>

<p>people with disabilities as a mainstream concept departments must ensure that the current barriers faced by children and young people with disabilities and their families and/or carers are separately identified and addressed.</p>	<p>of these objectives</p> <ul style="list-style-type: none"> • The mechanism in place for amending the specified outcomes
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¹ Byrne, B. and Lundy, L. (2011) Barriers to Effective Government Delivery for Children in Northern Ireland 2011, NICCY.

Clause	Comments (200 words)
<p>2. Co-operation Report</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The requirement for OFMDFM to publish periodically a report on the progress of departments towards achieving the specified outcomes • The requirement for other Northern Ireland Departments to co-operate in the preparation and publication of the report 	<p>There appears to be some confusion from MLAs regarding the reporting process recommended within the Children's Bill in relation to the Co-operation Report. Some have concerns over this being 'bureaucratic' and 'onerous'.</p> <p>We disagree with this conclusion. There are reporting mechanisms already in place which, if amended slightly, would ensure streamline reporting and avoid duplication when reporting on co-operation to achieve the specified outcomes detailed within the Children's Strategy.</p> <p>The following are just two examples of current reporting mechanisms: Progress reports are required from each Government Department on a quarterly basis to report on how they are progressing to achieve the priorities outlined within the Programme for Government.²</p> <p>The Child Poverty Act 2010 requires an annual report to detail the progress which has been made towards fulfilling the statutory duty of eradicating child poverty by 2020. Each Government Department is required to submit reports to OFMDFM.</p> <p>Our opinion is that the reporting mechanisms outlined within the Children's Bill should be kept as stated and that those tasked with obtaining progress reports for the Programme for Government and Child Poverty Report are provided with guidance to, at the same time, obtain information on co-operation that has taken place to achieve the 6 high level outcomes within the Children's Strategy.</p>

Disability Action would recommend that reporting mechanisms include disaggregated information on Section 75 groups in particular detailing whether the specific outcomes for children with disabilities have been achieved.

² <http://www.northernireland.gov.uk/index/work-of-the-executive/pfg-budget-economic-strategy/pfg/strategic-online-report-2011-2015.htm>

Clause	Comments (200 words)
<p>3. Sharing resources and pooling funds</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The enabling power which will permit Northern Ireland departments to establish pooled budgets and shared resources to achieve the six outcomes in clause 1 	<p>CiNI fully supports legislation to create an enabling power to permit government departments and agencies to pool budgets and jointly commission services. The manner in which government departments are currently funded creates a number of inhibitors to collaboration and cooperation. The majority of funding is provided and allocated for the delivery of services specific to each department and to meet statutory responsibilities, rather than for achieving outcomes. There are internal administrative and cultural challenges to sharing funds as well, as departments can be territorial about financing, particularly in a time of shrinking budgets.</p> <p>Creating a mechanism for pooling budgets would make it easier for departments to share staff and resources, jointly commissioning services, and work collectively towards shared outcomes. Ultimately, a more collaborative approach to resource management should deliver savings through lower levels of duplication, greater investment in prevention rather than in the consequences of problems, and better levels of information sharing among relevant bodies.</p> <p>There is evidence of good practice in relation to pooling budgets/resources. For example the Delivering Social Change Signature projects have a total value of £58.45 million, which incorporates pooled resources of Executive Departments such as DHSSPS, DE, DEL, DSD and DoJ. The Sharing Resources and Pooling Funds under the Children's Bill will enhance the work underway and will help achieve better outcomes. In the current economic situation of limited resources a preventative approach and pooling of budgets is important to ensure that limited resources are targeted in a cost effective manner. It is our view that the pooling of budgets and resources to achieve the 6 High Level</p>

Outcomes from the Children's Strategy will, as the then Finance Minister noted, 'Reduce future costs in the context of a tightening budget environment, even beyond the current budget period.'³

Regarding pulled budgets cognisance must be taken of the additional supports and services required for each individual disabled child otherwise (same service to all delivery will result in adverse impact on children with disabilities and their families and carers.)

³ NI Executive Press Release (2012) available online at <http://www.northernireland.gov.uk/index/media-centre/news-departments/news-dfp/news-releases-dfp-june-2012/news-dfp-260612-executive-agree-allocation.htm>

Clause	Comments (200 words)
<p>4. Children's Services Planning</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The requirement for the Health and Social Care Board to review and publish a children and young people's plan, including: <ul style="list-style-type: none"> ○ Content ○ Review mechanism ○ Co-operation between public bodies • The public bodies listed at Clause 4 (7) 	<p>The requirements contained within the bill are not new. The Health and Social Care Board set up the regional Children and Young People's Strategic Partnership (CYPSP) which is responsible for the statutory process of Children's Services Planning and which operates as a cross-sectoral strategic partnership consisting of the leadership of all key agencies who have responsibility for improving outcomes for all children and young people. The agencies represented include health, social services, education, local government, policing and housing, including representatives from the voluntary and community sector. The purpose of the Partnership is to put in place integrated planning and commissioning across agencies and sectors, which is recorded through the Children and Young People's Plan, aimed at improving wellbeing and the realisation of the rights of children in Northern Ireland. The Bill will ensure this work continues.</p> <p>In respect of specifying public bodies listed at Clause 4, these are bodies that deliver public services. It is important that those bodies are specified to ensure the coordination of the delivery of services to achieve the 6 High Level Outcomes. To ensure greater flexibility if other bodies are identified in future, they can be specified in subordinate legislation without having to introduce new primary legislation. Moreover, we can see no reason for concern regarding the duties placed upon the Health and Social Care Board (HSCB). The HSCB, which was established on 1st April 2009, is directly accountable to the Health Minister for translating his vision for health and social care into a range of services. The HSCB is also required to establish arrangements at a regional and local level that ensures close strategic and operational partnership with key stakeholders both within the HSC sector and wider public sector in meeting the objectives of the Minister as well as overseeing the agreed publication of performance information. The very idea that the Health and Social Care Board could 'usurp ministerial autonomy to set policy direction' is totally unfounded.</p>

<ul style="list-style-type: none">• The duties placed on the Health and Social Care Board particularly with regard to monitoring and reporting	
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Do you have any suggested amendments to the Bill? (200 words)	
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Do you have any other comments? (200 words)

Policy Intent, outcomes and operation

The policy intent of this Bill is clear – co-operation to achieve the 6 High Level Outcomes within the Children's Strategy for all children. The Children's Bill sets out the high-level framework to allow flexibility for Departments to decide upon how they will co-operate with each other. The Bill cannot be a rigid framework. Perhaps guidance in relation to operation would satisfy any issues there may be surrounding operation; draft guidance would give Departments the chance to feed in to how they see the Children's Bill operating.

Disability Action supports the guidance in relation to co-operation, however believes that content must be widely consulted on.

Good Policy Making

As outlined within the OFMDFM Guide to Policy Making⁴ it states that, 'Good policy-making will be based on evidence setting out what the need is and potentially evidence surrounding how best to intervene to meet the need also.' The evidence is overwhelming that shows Departments do not work in co-operation when it comes to the needs of children and young people. We are concerned therefore that one MLA suggested that 'we need to consider whether some poor experiences legitimise the need for legislation.' This goes against the very idea behind the origins of policy making which can come from various sources including evidence, public opinion, as well as from a review of review of existing policies and mechanisms which do not meet the needs of service users.

What is it like for parents when government departments fail to co-operate?

A Mother with three sons all with special needs comments: *"I knew that the statementing process existed, and was difficult to access, but nothing could have prepared me for the colossal battle I have had to endure to get the right support for my sons' special needs. Parents are the ones coping daily with the special needs of our children. Why should we have to also strategically manage the coordinated sharing of information between all the professionals involved with our child? Many parents that I know in similar circumstances gave up their battle*

simply because they felt they were in a no win situation from the beginning, and couldn't find the emotional stamina required to get through the system. Indeed, if I had not had the support, advice and expertise of the Children's Law Centre, I too would have given up the fight, and my child who is gifted, would have been sitting at home wasting his life."

Another parent, talks about the strain placed upon her daughter and the family when education and health did not co-operate, stating:

"It took two years and eight months, a Tribunal, threat of Judicial Review, suffering on my daughter and unbelievable strain placed on us as a family, before she was provided with Physiotherapy in school, which she now receives twice a week. I believe this Bill could have a huge impact in cases like my daughter's. Sadly it is too late for her, she is now in sixth form. Hopefully it will benefit others and her experience of Government departments not working together in the best interests of the child will become a thing of the past."

⁴ <http://www.ofmdfmi.gov.uk/practical-guide-policy-making.pdf>

Employers for Childcare

Mr Mike Nesbitt MLA
Chair, Committee for the Office of the
First Minister and deputy First Minister
Room 346, Parliament Buildings
Ballymiscaw, Stormont
Belfast
BT4 3XX

23 February 2015

Dear Mike,

Children's Services Co-operation Bill

I am writing in response to your call for submissions as part of the Committee's consideration of the Children's Services Co-operation Bill.

At Employers For Childcare Charitable Group, which encompasses two social enterprises and a charity, we work towards the aim of helping parents with dependent children get into work and stay in work. Our charitable services include the Family Benefits Advice Service, which provides advice and information to parents about their financial entitlements, childcare and work related issues. We also carry out research and lobby government on behalf of local parents.

We welcome the opportunity to respond to the Committee's call for submissions on the Children's Services Co-operation Bill, which is intended to improve outcomes for children across Northern Ireland. As well as endorsing the consultation response made by Children in Northern Ireland, we are raising the following points to focus particularly on the social and economic value of childcare in enhancing children's outcomes.

We fully support the Children's Services Co-operation Bill and agree that the six outcomes relating to the well-being of children and young people, as listed in the 10 Year Strategy for Children and Young People 2006-2016, should form the basis of the duty to co-operate. Delivery of these six outcomes, through better co-operation across departments and public bodies, will benefit all children and young people living in Northern Ireland. Without doubt, there is much to be done to improve the quality of that co-operation, as research and statistics continue to show that rates of child poverty are growing and that many local families are coming under increased financial pressure. There is an urgent need for intervention through the development of cross-cutting strategies to support families, to ensure that the efforts of all departments and agencies are co-ordinated effectively.

The six outcomes focus on providing the best possible results for children and young people, and it is important to remember that this requires a holistic approach involving both parents and children. Parents must, therefore, be supported in practical ways to enable them to support their children to experience these outcomes. Research shows time and time again that when parents are actively involved in the lives of their children and are committed to providing the best start in life for them that children's outcomes are improved.

The Child Poverty Alliance's recent *Beneath the Surface: Child Poverty in Northern Ireland* report pointed to the need to support the parents who are struggling to give their children better and safer lives. This is particularly important for those families who are affected by poverty. The rate of in-work poverty is a growing problem in Northern Ireland, and in those families where parents are struggling to make ends meet, the whole family suffers as a result. We know that the lack of affordable and suitable childcare is a contributory factor to the rate of poverty, and in particular in-work poverty, in Northern Ireland. The lack of progress on the development of a Childcare Strategy to date is just one area which could be improved

by the measures contained within the Children's Bill. Childcare is a policy area which impacts on several government departments, yet little progress has been made in improving the childcare infrastructure despite the clear need that has been demonstrated through various pieces of research, including our own Childcare Cost Survey series. Childcare has proven benefits for both children and parents, and is a key tool for early intervention. This is just one area where better co-operation, involving parents, could improve outcomes for children.

We call for further consideration to be given to how the out-workings of this legislation will ensure that parents are supported to help their children achieve these outcomes.

If you would like to discuss the points we have raised in more detail, please do not hesitate to contact me by email at mairaid.mcmahon@employersforchildcare.org.uk.

Yours sincerely,

Mairaid McMahon

Director of Charity Services

Equality Commission for Northern Ireland

Committee for the Office of the First Minister and Deputy First Minister

Children's Services Co-operation Bill Response pro forma

For your convenience the Committee has prepared the attached pro forma to assist in responding to the main clauses of the Bill. The Bill can be found at <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/current-non-executive-bill-proposals/childrens-services-co-operation-bill/childrens-services-co-operation-bill-as-introduced/>

Please respond by Friday 27 February 2015 to committee.ofmdfm@niassembly.gov.uk.

Organisation Name	Equality Commission for Northern Ireland
Main contact	Deborah Howe
Email address/phone number	dhowe@equalityni.org, 02890 500599

I wish for my organisation to be considered for oral evidence sessions in relation to the Committee's scrutiny of the Bill: No

Clause	Comments (200 words)
1. General Duty Please provide comment on:	The Commission emphasises the importance of public authorities consulting with, engaging with and fostering the active participation of children and young people in the policy development process. For further information, please see 'Let's Talk, Let's Listen – Guidance for Public Authorities on consulting and involving children and young people'. Available at: http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/LetsTalkLetsListen_GuideforPAsconsultingchildren2008.pdf?ext=.pdf
The six specified outcomes relating to the well-being of children and young people as listed in the 10 Year Strategy for Children and Young People 2006 - 2016	In our response the Consultation on a Draft Strategy for Children and Young People in Northern Ireland 2005 the Commission made clear that we supported the outcomes therein. We consider these outcomes to be an amalgam of those outcomes and as such are in support of same. We note the legislative process by which the six specified outcomes may be amended, and ask that consideration is given to whether this provides sufficient flexibility to allow for new strategic outcomes to be identified, agreed, progressed and implemented when the current strategy completes (2016) and a new strategy is developed thereafter.
The duty on Northern Ireland Departments to co-operate with each other in order to further the achievement of these objectives	In our response to the Childcare Strategy in March 2013, we advocated greater integration and cross departmental working as a means of increasing efficiency and effectiveness in achieving policy goals. (www.equalityni.org/ECNI/media/ECNI/Consultation%20Responses/2013/Toward_Childcare_Strategy-OFMDFM.pdf?ext=.pdf) We have recommended measures be taken, including in the Programme for Government to ensure the development of clear and explicit coherence and co-ordination in delivery across all departments. (http://www.equalityni.org/ECNI/media/ECNI/Consultation%20Responses/2012/Programme_for_Governemnt-2012.pdf?ext=.pdf)

The mechanism in place for amending the specified outcomes	We reiterate our point made above in relation to the flexibility of the process to amend of the six strategic outcomes. The Commission expects that, should OFMDFM wish to modify the specified outcomes, it would consult fully and effectively with stakeholders.
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Clause	Comments (200 words)
2. Co-operation Report Please provide comment on:	
The requirement for OFMDFM to publish periodically a report on the progress of departments towards achieving the specified outcomes	The Commission welcomes the publication of a report on progress by Departments in achieving the specified outcomes. However, it is suggested that the stipulated period of not more than three years is too long. This does not allow for timely scrutiny of whether the processes in place are working effectively. We suggest an annual progress report is made with a formal review every three years.
The requirement for other Northern Ireland Departments to cooperate in the preparation and publication of the report	

Clause	Comments (200 words)
<p>3. Sharing resources and pooling funds</p> <p>Please provide comment on:</p>	
<p>The enabling power which will permit Northern Ireland departments to establish pooled budgets and shared resources to achieve the six outcomes in clause 1</p>	<p>In our response to the Childcare Strategy in March 2013, we advocated greater integration and cross departmental working as a means of increasing efficiency and effectiveness in achieving policy goals. (www.equalityni.org/ECNI/media/ECNI/Consultation%20Responses/2013/Toward_Childcare_Strategy-OFMDFM.pdf?ext=.pdf) The proposed power may further maximise the possible responses in public policy including flexibility, innovation, synergy, and comprehensive and coherent responses.</p> <p>The explanatory notes set out that costs will be associated with the process. The Commission suggests that costings are drafted in a transparent manner that will allow an outside assessment of the equality and good relations impact and the interplay between measures in different Departments.</p> <p>We recommend that screening is carried out in relation to the budgeting process to ensure the impact on children and young people across all relevant S75 grounds are factored in. Our guidance (A short guide to Section 75 of the NI Act 1998 and budgets, December 2014) states: 'In preparation of budget proposals, departments and other authorities should ensure they can fulfil their statutory equality and good relations duties. The Commission recommends that early options are presented with screening or that options appraisal has incorporated screening.' Departments will find further guidance in this document and will be aware of other</p> <p>Commission guidance including Equality of Opportunity and Sustainable Development in Public Sector Procurement, (ECNI / DFP) 2008 http://www.dfpni.gov.uk/index/procurement-2/cpd/cpd-policy-and-legislation/cpd-sustainability/content_-_cpd_equality_of_opportunity_and_sustainable_development_gateway_page/equality_of_opportunity_and_sustainable_development_full_guidance.pdf and there is more information in Equality Responsive Budgeting An Expert Paper, March 2013</p> <p>http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/Equalityresponsivebudgeting2013.pdf?ext=.pdf.</p>

Clause	Comments (200 words)
<p>4. Children's Services Planning</p> <p>Please provide comment on:</p>	
<ul style="list-style-type: none"> • The requirement for the Health and Social Care Board to review and publish a children and young people's plan, including: <p>Content</p> <p>Review mechanism</p> <p>Co-operation between public bodies</p>	<p>We welcome the publication of the report as suggested.</p>
<ul style="list-style-type: none"> • The public bodies listed at Clause 4 (7) 	<p>We expect the Department will consult fully and effectively with all relevant stakeholders.</p>
<ul style="list-style-type: none"> • The duties placed on the Health and Social Care Board particularly with regard to monitoring and reporting 	<p>Monitoring should be cognisant of departmental duties under Section 75 of the Northern Ireland Act 1998 and the Disability Discrimination Act, and reporting should include a review of the monitoring findings.</p>

Godfrey Ann

Committee for the Office of the First Minister and Deputy First Minister

Children's Services Co-operation Bill Response pro forma

For your convenience the Committee has prepared the attached pro forma to assist in responding to the main clauses of the Bill. The Bill can be found at <http://www.niassembly.gov.uk/assembly-business/legislation/current-non-executive-bill-proposals/childrens-services-co-operation-bill-as-introduced/>

Please respond by Friday 27 February 2015 to committee.ofndfm@niassembly.gov.uk.

Organisation Name	Personal Response
Main contact	Ann Godfrey. Retired. Up until November 2012 Children's Services Planning Professional Advisor, employed by the Health and Social Care Board to support the Children and Young People's Strategic Partnership.
Email address/phone number	Anngodfrey52@gmail.com 0780 143 2029

I wish to be considered for oral evidence sessions in relation to the Committee's scrutiny of the Bill: Yes

Clause	Comments (200 words)
<p data-bbox="427 472 451 1892">1. General Duty</p> <p data-bbox="475 472 499 1892">Please provide comment on:</p> <ul data-bbox="531 472 1026 1892" style="list-style-type: none"> <li data-bbox="531 472 722 1892">• The six specified outcomes relating to the well-being of children and young people as listed in the 10 Year Strategy for Children and Young People 2006 - 2016 <li data-bbox="754 472 914 1892">• The duty on Northern Ireland Departments to co-operate with each other in order to further the achievement of these objectives <li data-bbox="946 472 1026 1892">• The mechanism in place for amending the specified outcomes 	<ul data-bbox="531 472 946 1704" style="list-style-type: none"> <li data-bbox="531 472 722 1704">• There is extensive international evidence of the necessity of agreed outcomes for integrated delivering of improved lives for children. The six NI outcomes were developed through long and extensive Government led consultation. The outcomes, taken together, encapsulate the whole of children's lives and provide a coherent framework for work across all sectors towards improvement. The Children and Young People's Strategic Partnership (CYPSP) uses the outcomes and associated indicators to drive all its planning work. They greatly help the process of putting the child's life at the centre of the joint work, rather than the focus being on the current responsibilities of individual agencies. The Child Poverty outcomes can be used together with the 6, as indicators of success can be linked. <li data-bbox="754 472 882 1704">• The duty is essential. As stated by the Bill's proposer, there is evidence of co-operation across Departments to improve provision, but this relies on goodwill, and, I have observed, massive efforts are required for any joint work, as the normal procedures of all Departments are focused on internal priorities. The duty takes cooperation into the core business of each Department, thus saving resources across departments by sharing effort and driving up the chances of real, lasting improvement. <li data-bbox="914 472 946 1704">• Appropriate.

Clause	Comments (200 words)
<p>2. Co-operation Report</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The requirement for OFMDFM to publish periodically a report on the progress of departments towards achieving the specified outcomes • The requirement for other Northern Ireland Departments to co-operate in the preparation and publication of the report 	<ul style="list-style-type: none"> • This is essential as it supports prioritising, and such reports are an intrinsic part of outcomes based planning internationally. This requirement helps to frame joint efforts across Departments and to measure effectiveness. The danger of such reporting becoming an end in itself is offset, in outcomes reporting, by the focus being on indicators of change, rather than on measuring the delivery of particular services, which may or may not be effective in improving children's lives. In relation to the Department on which the requirement sits being OFMDFM, it is clear that children's lives cut across all Departments, which points to OFMDFM. This is not to say that the whole responsibility for the work on which the report relies for its content should be that of OFMDFM, which is why the second requirement is so important. • The actions required for the outcomes to be improved sit right across Government, so the Bill must require other Departments to cooperate – importantly in the preparation of the report – this does not mean an onerous increase in the amount of reporting, as most of the issues will already be being reported on, but this means that the work that goes into the report is joint.

Clause	Comments (200 words)
<p>3. Sharing resources and pooling funds</p> <p>Please provide comment on:</p> <ul style="list-style-type: none">• The enabling power which will permit Northern Ireland departments to establish pooled budgets and shared resources to achieve the six outcomes in clause 1	<p>This is essential. The lack of the ability to pool budgets has severely limited current attempts to provide an integrated approach to improving children's lives. Sharing resources in this way will allow changes to flow from decisions in various Departments' areas of responsibilities, and will greatly improve the efficiency and effectiveness of the totality of resources across Departments. The recent example of early intervention developments across Departments is an example of what could be achieved – but this should not require the instigation of a special project for each development – there should be an established and approved route for any pooling which is demonstrably required for improvement in the outcomes.</p> <p>Pooling of resources to improve outcomes has accompanied successful outcomes based planning processes in other parts of the UK and internationally.</p>

Clause	Comments (200 words)
<p>4. Children's Services Planning</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The requirement for the Health and Social Care Board to review and publish a children and young people's plan, including: <ul style="list-style-type: none"> ○ Content ○ Review mechanism ○ Co-operation between public bodies • The public bodies listed at Clause 4 (7) • The duties placed on the Health and Social Care Board particularly with regard to monitoring and reporting 	<p>The debate indicated misunderstanding of the role of the Health and Social Care Board. Clearly, the HSCB, alongside all statutory agencies, operates under statutes, and discharges responsibilities accordingly. This cuts across neither the lead roles of Government Departments nor MLAs. There is already a statutory requirement on the HSCB, contained within the Children (NI) Order 1995, to carry out Children's Services Planning. This Bill is suggesting an amendment to an existing statutory requirement, which would make such joint planning core business for each agency, and such core business status, for statutory agencies, is only achieved if the business is made statutory – required rather than desirable.</p> <p>Similarly to the requirements at Department level, this needs to involve joint reporting on progress – based on improvements in the <u>outcomes</u>. Amendment is therefore required. The Bill currently refers to 'children's services' meaning services under Part IV of the Children Order. In order for this work to include early intervention, which clearly the proposer of the Bill intends, this wording should be amended as per next section.</p> <p>These require amendment, to include all relevant bodies, accurate names, to distinguish between statutory and voluntary agencies and to add the voice of children.</p> <p>See next section.</p>

Do you have any suggested amendments to the Bill? (200 words)

The debate called for greater clarity. The Bill requires cooperation at 2 levels – across Departments and across agencies. This should be noted at the start and the titles of two main sections. The other amendment I suggest is to the definition of ‘children’ so that the Bill can include cooperation on early intervention at agency level.

- ‘Require Northern Ireland departments to discharge their functions and co-operate with one another in order to contribute to the achievement of certain specified outcomes relating to the well-being of children and young people, and to require agencies to discharge their functions and co-operate with each other in order to contribute to the achievement of the same outcomes, through an amendment to the Children (Northern Ireland) Order 1995.’
- General Duty at Department Level
- Corresponding Duty at Agency Level: Amendment of the Children (Northern Ireland) Order 1995

1. In Schedule 2 to the Children (Northern Ireland) Order 1995 (provision of services for families: specific powers and duties) for paragraph 2A substitute—

‘Children and Young People’s Plans’

2A.—(1) The Board shall, within one year of this paragraph coming into effect—

- (a) make arrangements to promote co-operation between the Board and specified statutory bodies as well as any other appropriate persons or bodies, with a view to improving specified outcomes in relation to the well-being of children and young people.
- (b) review services provided within its area which are relevant to improvement in relation to the specified outcomes
- (c) having regard to that review and the most recent reviews under Article 20, prepare and publish a plan, to be known as the Children and Young People’s Plan, for the planning and commissioning of services to secure improvement in the specified outcomes in relation to the well-being of children and young people.

Do you have any other comments? (200 words)

My previous comments in the last section went beyond 200 words as I included suggested amendments to wording. I have also attached to this document my suggested amendments to the Bill throughout – for greater clarity. I hope both can be considered.

I feel that I can comment in detail in this way as I worked in the field of integrated planning for 15 years, and saw the limitations of the current arrangements at close quarters as well as the sincere efforts of many, across Departments and Agencies, to make co-operation work without the support of a duty as set out in the Bill. My suggested amendments also draw on extensive research on arrangements elsewhere.

Please see attached document for the detail of the suggested amendments (amendments are underlined).

Children's Services Co-operation

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Require Northern Ireland departments to discharge their functions and co-operate with one another in order to contribute to the achievement of certain specified outcomes relating to the well-being of children and young people, and to require agencies to discharge their functions and co-operate with each other in order to contribute to the achievement of the same outcomes, through an amendment to the Children (Northern Ireland) Order 1995.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

General Duty at Department Level

1.—(1) The Northern Ireland departments must ensure that, so far as is consistent with the proper exercise of their functions—

- (a) those functions are discharged, and
- (b) any person discharging those functions on their behalf does so,

in such a way as to further the achievement of specified outcomes listed in subsection (3) in relation to the well-being of children and young people.

(2) Each Northern Ireland department must co-operate with the other Northern Ireland departments so as to further the achievement of specified outcomes in relation to the well-being of children and young people.

(3) The specified outcomes are—

- (a) being healthy;
- (b) enjoying learning and achieving
- (c) living in safety and with stability;
- (d) experiencing economic and environmental well-being;
- (e) contributing positively to community and society; and
- (f) living in a society which respects their rights.

Children's Services Co-operation Bill (Northern Ireland)

(4) The Office may by order make such modifications to the specified outcomes listed in subsection (3) as it thinks appropriate.

(5) An order which does so must not be made unless a draft of the order has been laid before and approved by a resolution of the Assembly.

Co-operation Report

2.—(1) Not more than three years after the passing of this Act and thereafter at intervals of not more than three years, the Office must prepare and publish a report on—

- (a) how each Northern Ireland department has—
 - (i) discharged its functions; and
 - (ii) co-operated with the other Northern Ireland departments;
so as to further the achievement of the specified outcomes listed in section 1(3);
- (b) any increased efficiency or effectiveness which has resulted from the co-operation described in paragraph (a)(ii);
- (c) any further opportunities for co-operation between the Northern Ireland departments which could help to achieve the specified outcomes; and
- (d) any other ways in which the specified outcomes could be better achieved.

(2) The Northern Ireland departments must co-operate with the Office in relation to the preparation and publication of the report referred to in subsection (1).

(3) The Office shall lay the report referred to in subsection (1) before the Assembly as soon as is practicable after its publication.

Sharing resources and pooling funds

3.—(1) For the purposes of fulfilling their duty under section 1 the Northern Ireland departments may—

- (a) provide staff, goods, services, accommodation or other resources; and
 - (b) establish and maintain a pooled fund.
- (2) For the purposes of subsection (1) a pooled fund is a fund—
- (a) which is made up of contributions by the Northern Ireland departments; and
 - (b) out of which payments may be made towards expenditure incurred, or to be incurred, in the discharge of their functions under this Act.

Corresponding Duty at Agency Level: Amendment of the Children (Northern Ireland) Order 1995

4. In Schedule 2 to the Children (Northern Ireland) Order 1995 (provision of services for families: specific powers and duties) for paragraph 2A substitute—

‘Children and Young People’s Plans’

2A.—(1) The Board shall, within one year of this paragraph coming into effect—

- (a) make arrangements to promote co-operation between the Board and specified statutory bodies as well as any other appropriate persons or bodies, with a view to improving specified outcomes in relation to the well-being of children and young people.
- (b) review services provided within its area which are relevant to improvement in relation to the specified outcomes
- (c) having regard to that review and the most recent reviews under Article 20, prepare and publish a plan, to be known as the Children and Young People’s Plan, for the planning

Children's Services Co-operation Bill (Northern Ireland)

and commissioning of services to secure improvement in the specified outcomes in relation to the well-being of children and young people.

(2) The Children and Young People's Plan shall include a description and explanation as to—

- (a) how children's services in its area will be planned, commissioned and delivered by the relevant public bodies,
- (b) how the relevant public bodies are to co-operate with the Board and one another in planning, commissioning and delivering children's services and when they must do so,
- (c) any key actions, programmes and services which the Board considers are to be taken or commissioned by the relevant public bodies on a shared basis, and
- (d) the targets to be used by the Board in assessing the effectiveness of the actions taken under heads (a), (b) and (c),

in order to achieve the specified outcomes.

(3) The Board—

- (a) shall keep under review the plan prepared by it under sub-paragraph (1)(c) (as modified or last substituted under this sub-paragraph); and
- (b) shall, having regard to that review and to the most recent reviews under Article 20, at intervals of not more than 3 years, prepare and publish—
 - (i) modifications (or, as the case may be, further modifications) to the plan reviewed; or
 - (ii) a plan in substitution for that plan.

(4) In carrying out any review under this paragraph and in preparing any plan or modification to a plan, the Board shall consult the relevant public bodies and take account of any views they express.

(5) If as a result of consultation under sub-paragraph (4) it appears to a Board appropriate to change the whole or any part of the Children and Young People's Plan it must carry out such further consultation with respect to the changes it considers appropriate.

(6) It is immaterial for the purposes of this paragraph whether the consultation is carried out before or after the commencement of this paragraph.

(7) The relevant public bodies are—

- (a) every Health and Social Care Trusts;
- (b) every Education and Library Boards;
- (c) every District Councils
- (d) the Northern Ireland Housing Executive;
- (e) the Police Service of Northern Ireland;
- (f) the Probation Board for Northern Ireland;
- (g) the Youth Justice Agency
- (h) the Council for Catholic Maintained Schools;
- (i) the Department for Social Development;
- (j) the Department of Justice; and
- (k) the Public Health Agency

(8) The arrangements for co-operation must include representation from such voluntary and community sector organisations as appear to the Board to provide services in the

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Board's area which contribute to the specified outcomes in relation to the well-being of children.

(9) The arrangements for co-operation must include a mechanism for the inclusion of children and young people in the process of drawing up and implementing the Children and Young People's Plan.

(10) So far as is consistent with the proper exercise of their functions, the relevant public bodies must co-operate with the Board in relation to the preparation, review and implementation of, and reporting on, the Children and Young People's Plan including by providing to the Board such information as it may request.

(11) The Board shall monitor the implementation of the Children and Young People's Plan by the relevant public bodies.

(12) The Board shall, within 28 days of receiving a written request from the Department, submit to it a copy of—

- (a) such information it has in its possession regarding the implementation of the Children and Young People's Plan by the relevant public bodies;
- (b) the plan prepared by the Board under sub-paragraph (1)(c); or
- (c) where that plan has been modified or substituted, the plan as modified or last substituted.

(13) Not more than three years after the publication of the Children and Young People's Plan and thereafter at intervals of no more than three years, the Board must prepare a report on its implementation.

(14) The report referred to in sub-paragraph (12) must—

- (a) set out the extent to which the relevant public bodies have—
 - (i) discharged their functions in the manner described in the plan pursuant to sub-paragraphs (2)(a) and (c);
 - (ii) co-operated with the Board and one another as described in the plan pursuant to sub-paragraph (2)(b); and
 - (iii) met the targets described in sub-paragraph (2)(d); and
- (b) identify—
 - (i) any increased efficiency or effectiveness in achieving the specified outcomes which has resulted from the co-operation described in head (a)(ii);
 - (ii) any further opportunities for co-operation as described in head (a)(ii) which could help to achieve the specified outcomes; and
 - (iii) any other ways in which the specified outcomes could be better met.

(15) (a) The Minister may by order make such modifications to the persons or bodies listed in sub-paragraph (7) as he thinks appropriate.

(b) An order which does so is subject to negative resolution.

(16) The Department shall lay any report prepared by the Board under sub-paragraph (12) before the Assembly as soon as is practicable after its preparation.

(17) In this paragraph—

“the specified outcomes” means those for the well-being of children and young people set out in section 1 of the Children's Services Co-operation Act (Northern Ireland) 2011[.]”.

Interpretation

5. In this Act—

Children's Services Co-operation Bill (Northern Ireland)

"children" or "young people" shall have the same meaning as in the Commissioner for Children and Young People (Northern Ireland) Order 2003;

"the Office" means the Office of the First Minister and Deputy First Minister.

Short title and commencement

- 6.** This Act may be cited as the Children's Services Co-operation Act (Northern Ireland) 2015.

Godfrey Ann – additional briefing paper

Committee for the Office of the First Minister and Deputy First Minister.

Children's Services Co-operation Bill: Oral Evidence, 15th April, 2015.

Ann Godfrey: Retired. Previously employed by the Health and Social Care Board to support the Children and Young People's Strategic Partnership.

1. Outcomes to support co-operation.

- Extensive international evidence of the need for agreed outcomes to improve children's lives.
- The six NI outcomes developed through extensive consultation.
- The outcomes, taken together, cover the whole of children's lives and provide a coherent framework for work across all sectors towards improvement.
- They greatly help to put the child's life at the centre of joint work, rather than the focus being on the current responsibilities of individual agencies. The Child Poverty outcomes can be used together with the 6, as indicators of success can be linked.
- The duty is essential as it makes co-operation core business.

2. Suggested Amendments

2.1 The Bill requires co-operation at two levels;

- Government department level
- Agency level.

Greater clarity would be achieved if this were noted at the start and in the titles of sections, as suggested below.

- 'Require Northern Ireland departments to discharge their functions and co-operate with one another in order to contribute to the achievement of certain specified outcomes relating to the well-being of children and young people, and to require agencies to discharge their functions and co-operate with each other in order to contribute to the achievement of the same outcomes, through an amendment to the Children (Northern Ireland) Order 1995.'
- General Duty at Department Level
- Corresponding Duty at Agency Level: Amendment of the Children (Northern Ireland) Order 1995

2.2 The other amendment I suggest is to the wording of the amendment to Schedule 2 of the Children Order, in order to allow the Bill to include cooperation on early intervention at agency level.

In Schedule 2 to the Children (Northern Ireland) Order 1995 (provision of services for families: specific powers and duties) for paragraph 2A substitute—
‘Children and Young People’s Plans’

- 2A. —(1) The Board shall, within one year of this paragraph coming into effect—
- a) make arrangements to promote co-operation between the Board and specified statutory bodies as well as any other appropriate persons or bodies, with a view to improving specified outcomes in relation to the well-being of children and young people.
 - b) review services provided within its area which are relevant to improvement in relation to the specified outcomes
 - c) having regard to that review and the most recent reviews under Article 20, prepare and publish a plan, to be known as the Children and Young People’s Plan, for the planning and commissioning of services to secure improvement in the specified outcomes in relation to the well-being of children and young people.

3. Children’s Services Planning.

The HSCB, alongside all statutory agencies, operates under statutes, and discharges responsibilities accordingly. This cuts across neither the lead roles of Government Departments nor MLAs. There is already a statutory requirement on the HSCB, contained within the Children (NI) Order 1995, to carry out Children’s Services Planning. This Bill is suggesting an amendment to an existing statutory requirement, which would make such joint planning core business for each agency, and such core business status, for statutory agencies, is only achieved if the business is made statutory.

4. Sharing Resources and Pooling Funds.

This is essential. The lack of the ability to pool budgets has severely limited current attempts to provide an integrated approach to improving children’s lives. Sharing resources in this way will allow changes to flow from decisions in various Departments’ areas of responsibilities, and will greatly improve the efficiency and effectiveness of the totality of resources across Departments to improve children’s lives.

Health and Social Care Board



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

Proposals in the draft bill	Current position	What's in the current CSP Plan relevant to this theme
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

Proposals in the draft bill	Current position	What's in the current CSP Plan relevant to this theme
		approach to children and young people' and 'in longer term seeking coordinated children's budgets' (p.29)
<p>Children and young people's plan</p> <p>-collaboration in planning, commissioning and delivering</p> <p>-development of shared actions and joint commissioning</p> <p>-duty to cooperate in preparation, review, implementation and reporting on the plan.</p>	<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> <p>-integrated planning and commissioning (p.10)</p> <p>-integrated delivery (p.30)</p> <p>-integrating the use of existing resources to improve outcomes for children (p.30)</p> <p>-integration of separate planning processes (p.30)</p> <p>-established a strategic action to 'activate integrated commissioning to improve</p>

Proposals in the draft bill	Current position	What's in the current CSP Plan relevant to this theme
		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)

Children's Services Planning Guidance



July 1998



Children's Services Planning: Guidance

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Foreword

The Department of Health and Social Services, the Department of Education and the Northern Ireland Office recognise that there is a wide range of organisations and individuals who have an important contribution to make in improving the wellbeing and development of vulnerable children and young people. They also recognise that joint planning, coordination and liaison between the various child care organisations concerned are of vital importance. The three Departments are committed to ensuring that the plans of government departments, their agencies, the voluntary sector and others are developed in a planned and co-ordinated way.

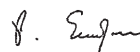
By working together, the public, private and voluntary sectors can achieve a stronger, more coherent response as well as making more efficient use of available resources. At central government level, an Inter-Departmental Group on Children and Young People in Need has been established with the primary aim of securing implementation of departmental policies. The Inter-Departmental Group has agreed that a similar coordinated approach should operate at services delivery level and believes that the development of Children's Services Plans represent the most effective way of identifying the needs of vulnerable children and young people and of developing an appropriate range of services to meet those needs.

This guidance provides a general framework within which children's services planning can be developed on an inter-agency basis. It encourages Health and Social Services Boards, who will have legal responsibility for producing the plans, to reflect local circumstances and engage a wide range of organisations and individuals in the planning process. It strives to be helpful without being prescriptive or over-bureaucratic and is intended to encourage innovation and lay the basis for the future development of children's services.

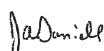
J J M HARBISON
DHSS



P SIMPSON
HSS EXECUTIVE



J A DANIELL
NIO



R D HILL
DENI



1. Introduction

- 1.1 This guidance deals with the planning of services for children who are vulnerable within the community. It is designed to promote collaboration and coordination between agencies in the planning and delivery of services for vulnerable children and in so doing builds upon the Children (Northern Ireland) Order 1995 which came into operation on 4 November 1996.
- 1.2 A major component of the Children Order is the requirement in Part IV for Health and Social Services Boards and Trusts to assess the extent of need for services in their areas and to provide an appropriate range and level of personal social services to meet that assessed need. On 23 July 1998 the Department of Health and Social Services (DHSS) exercised its powers under Article 18(4) of the Children Order to add to the duties of Health and Social Services Boards (HSS Boards). The result was the Children (1995 Order) (Amendment) (Children's Services Planning) Order (Northern Ireland) 1998 - referred to hereafter as the "CSP Order" (see Annex A). In broad terms the latter requires each HSS Board to:
 - review the services provided in its area under Part IV of the Children Order, taking into account the most recent reviews of child minding and day care required by Article 20 of the Children Order;
 - prepare a plan in light of the review of services;
 - consult with various bodies when carrying out any review of services and in preparing a plan or any modifications to a plan;
 - publish the resulting plan, including any modifications to an existing plan;

- keep the plan under review; and
- provide, on request, a copy of any plan or revision of a plan to DHSS.

- 1.3 The CSP Order has been deliberately framed to send a clear message that it is the process of planning to deliver better services to children which is the fundamental requirement. While HSS Boards will have legal responsibility for producing Children's Services Plans (CSPs), they will be expected to collaborate with the other key agencies to establish the most effective range of services within available resources. Planning children's services in a way which embraces a wide range of agencies is an opportunity to view children and families in a broader context.
- 1.4 CSPs should cover three financial years, with the first being completed by 31 March 1999 to cover the period 1999-2002. They should be rolled forward and reviewed each year, with a full review of plans every three years.

2. Background

- 2.1 The need for greater coordination in relation to children's services has long been recognised. The immediate impetus for the development of CSPs stems from the commencement of the Children Order and the creation of an Inter-Departmental Group on Children and Young People in Need.

The Children (Northern Ireland) Order 1995

- 2.2 The Children Order recognises that the needs of children cannot be met by any single agency and contains a number of specific provisions which recognise the importance of collaboration between the social services and other key agencies. For example:
- Article 18(5) requires Health and Social Services Trusts (HSS Trusts) to facilitate the provision of services by others including, in particular, voluntary organisations;
 - Article 20 requires HSS Trusts to carry out reviews of child minding and day care services in collaboration with education and library boards and district councils;
 - Article 46 provides that where it appears to a HSS Trust that another specified body (including education and library boards, district councils, the Northern Ireland Housing Executive, HSS Boards and other HSS Trusts) could help in the exercise of any of the Trust's functions in relation to the provision of services under Part IV of the Children Order, it may request the assistance of that body. The body whose help is requested must provide assistance if the request is compatible with its statutory or other duties and obligations and does not unduly prejudice the discharge of any of its functions;

- Schedule 2 (paragraph 2) places a duty on HSS Trusts to publish information about services provided by others, including in particular voluntary organisations, which Trusts have power to provide under Part IV of the Children Order;
- Schedule 2 (paragraph 4) permits assessments of needs by HSS Trusts to be carried out in liaison with education and library boards in relation to children with special educational needs.

2.3 Furthermore, the Children Order requires HSS Trusts to take reasonable steps to reduce the need for criminal proceedings to be taken against children and to encourage children not to commit criminal offences (Schedule 2, paragraph 8(a)(ii) and (b)). As with the provisions listed above, collaboration with other agencies, particularly in the planning of services, is essential if the Children Order is to reach its full potential and promote the welfare of all vulnerable children.

Developments to secure greater coordination at inter-departmental level

2.4 The three government Departments most involved with vulnerable children and young people (DHSS, Department of Education (DENI) and the Northern Ireland Office (NIO)) are concerned to ensure that future developments are coordinated to the maximum extent so that the needs of these children and young people are met as effectively as possible. An Inter-Departmental Group (IDG) chaired by the Permanent Secretary of DHSS and involving lead officials in DHSS, DENI and NIO has been established with the overall aim of securing the coordinated implementation of departmental policies in relation to children and young people in need. The IDG has agreed that a similar coordinated approach should operate at planning and service delivery level and that the development of CSPs represent the most effective way of identifying the needs of vulnerable children and young people and of developing an appropriate range of services.

2.5 The IDG is a sub-group of the Social Steering Group (SSG). SSG involves senior representatives of all Northern Ireland Departments and the NIO and its primary aim is to ensure coordination and consistency between social policies and programmes across Departments. Many major areas of social policy encompass the responsibilities of two or more government Departments. By working together Departments and their associated agencies can achieve a stronger, more coherent response to these issues as well as making more efficient use of available resources.

SSG is responsible for identifying issues of cross-departmental concern and determines the most effective means of tackling them by developing new approaches to policy where appropriate. In addition to focusing on children and young people in need, SSG has also promoted coordination and collaboration in the areas of early years provision, disability and domestic violence.

3. Status of Guidance

- 3.1 This guidance is not designed to be prescriptive as to the detailed approach to be adopted by HSS Boards, but does provide a general framework for planning which may assist HSS Boards and ensure consistency and equity of approach across Boards. It is intended that CSPs should reflect the circumstances of each HSS Board area and it is recognised that they can only be effective if they do so. HSS Boards may also wish to build on activities already underway in relation to inter-agency work in planning children's services.
- 3.2 Both the CSP Order and this guidance are intended to create a degree of flexibility and to encourage innovation. However, DHSS, DENI and NIO wish to establish a framework within which planning should take place and to ensure that CSPs are developed in a manner which involves the providers and users of services for children and which engages those organisations in the voluntary sector which aim to promote the welfare of children. HSS Boards' planning processes must comply with the terms of the CSP Order. HSS Boards should also note that CSPs must demonstrate effective consultation and involvement of other agencies, providers, the local community and users. In addition, each HSS Board must establish an Area Children and Young People's Committee. The composition of these committees is discussed at paragraph 7.4.
- 3.3 Whilst this guidance is addressed to HSS Boards it is fully endorsed by DENI and the NIO as members of the IDG and is made available to a wide range of statutory and voluntary organisations so that they may participate in the development of CSPs.

4. Purpose of Plans

4.1 The development of CSPs should serve seven main aims. These are to:

- 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 coordination 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; and
- facilitate joint commissioning by agencies when this is seen as appropriate to meet the needs of children.

4.2 The fundamental purpose of a CSP is to ensure the delivery of services which will promote and safeguard the welfare of children. CSPs require the strategic planning of children's services and the actual document should be regarded as a vehicle to facilitate and record the planning process, decisions and outcomes rather than as an end in itself. Planning

represents an important part of the commissioning task of HSS Boards. The plans for children's services should be the basis for securing the provision of services to meet the systematically assessed needs of children and their families in the area. Plans are also a means of making better use of available resources. The exercise of planning should result in a strategic and authoritative view of priorities for provision of children's services and the objectives for meeting these priorities.

- 4.3 As noted at paragraph 1.4, the time-span for each plan should be three financial years with the first being in place by 31 March 1999 covering the period 1999-2002. Thereafter the plan should be reviewed and rolled forward each year; and every three years it should be fully reviewed. Priorities and objectives must be related to a realistic view of the resources likely to be available for the year ahead and an informed assessment of resources for the two years beyond that.
- 4.4 A CSP should contain statements of where a HSS Board is now and where it wants to be at a particular time, together with statements as to how it will get there and how it will measure whether the objectives have been realised. HSS Boards should avoid the potential for the plan to become a "wish list", but clearly a balance should be struck between legitimate aspirations over a period of time and a pragmatic statement of what is achievable in the present and the near future. The plan should indicate the nature and level of unmet need as this will be of value in determining priorities in future allocations of resources.

5. Basic Requirements

- 5.1 The CSP Order is intended to provide a framework on which HSS Boards can establish a planning cycle which relates to the plans of other agencies and organisations. The emphasis is on joint working. Whilst HSS Boards will have the lead responsibility for producing CSPs, their effectiveness in addressing the needs of vulnerable children will be heavily dependent upon the contributions of the other key players (for example, HSS Trusts, education and library boards, the voluntary sector, the Northern Ireland Housing Executive, the RUC and the Probation Board for Northern Ireland). Education and library boards in particular have an essential role in providing services for vulnerable children and should do this in partnership with social services.
- 5.2 In order to provide the foundations for a strategic approach which accounts for these other agencies and organisations, each HSS Board, in collaboration with the other agencies and organisations, will need to:
- carry out a thorough analysis of need, demand and supply;
 - develop a reliable, up to date and comprehensive knowledge base;
 - ascertain the views of service users and the local community;
 - consult with all appropriate agencies;
 - agree priorities for action with other agencies and service providers; and
 - develop arrangements for monitoring, evaluation and feedback.

- 5.3 The intention is to produce a document which includes the contributions, commitments and agreements with other collaborating agencies and voluntary organisations as working partners. Such contributions, commitments and agreements should be agreed with relevant agencies but this is not to say that a HSS Board is obliged to agree every aspect of the CSP with every agency. However, the process of producing a CSP should promote joint policies and practice in the delivery of services to children and their families and the plan should give an indication how the HSS Board has addressed this. The preparation of plans will, therefore, require cooperation.
- 5.4 It is also important that the development of CSPs is integrated with other planning cycles within the HSS Board (eg the HSS Board's Purchasing Plan, Strategy for Child Health Services etc) and other agencies and that the CSP makes clear its relationship to such other plans.

6. Scope

6.1 Other contributors to the CSP will have their own understanding as to what is meant by vulnerable children who may be in need of services. Some will be operating under different legislative provisions and other procedures in which both services to children and those to whom they are provided are classified in a variety of ways. This makes it essential that HSS Boards, in addressing the requirements at paragraph 5.2, secure a common understanding with other agencies and organisations as to:

- the children covered by the CSP; and
- the way in which existing and planned services are to be defined for the purposes of the CSP.

Children to whom CSPs should apply

6.2 CSPs must adopt a needs led approach. It is important that need is not simply viewed in terms of existing services. The CSP Order requires every HSS Board to review the services provided within its area under Articles 18, 21, 23, 27, 35 and 36 of the Children Order. In general, these services are those which are provided to children whom the Children Order defines as being in “need”. The Children Order states that a child is in need if:

- he or she is unlikely to achieve or maintain, or to have an opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for the child of services;
- his or her health or development is likely to be significantly impaired or further impaired, without the provision of such services; or

- the child has a disability.

6.3 The legal definition of "need" is widely drawn so that the focus remains on the effect on the child rather than predisposing factors. CSPs may well include children who are not "in need" in statutory terms. For the purpose of defining the children included in the CSP a broad interpretation which encompasses all vulnerable children may be useful, particularly as the legislative concept of need in the Children Order will not directly correspond with the priorities of non-social services agencies.

6.4 As noted above, all children with a disability are recognised to be in "need" under the Children Order. Such children are entitled to the full range of services available to all children in need. However, the general duty placed on HSS Trusts to provide services for children assessed to be in need is supplemented in the case of children with a disability by a number of other requirements eg:

- to ensure, so far as is reasonably practicable, that any accommodation provided is not unsuited to the child's particular needs;
- to maintain a register of children with a disability;
- to provide services which are designed to minimise the effects of a child's disability and which will enable the child to reach his or her full potential.

6.5 The planning of services for children with a disability will be one of the key areas for joint planning, particularly with education and library boards and the voluntary sector. DHSS has already issued "Guidelines on Criteria for Children with a Disability" for use in connection with the development of registers. The work to be undertaken by HSS Boards in relation to CSPs will need to include securing an agreed working definition of disability with other agencies, the development of integrated assessment systems, the development of registers as a source of planning information and communication to other agencies and users as to the purpose of registers.

6.6 Assessment of needs will include needs not presently met, gaps in service provision and opportunities for developing partnerships. As an aid to HSS Boards in assessing needs in collaboration with other agencies and organisations the HDG has accepted the following illustrative categories for those with predisposing factors which are likely to correlate with need:

- children who are living in poverty and are socially disadvantaged and whose health or development is likely to be significantly affected were services not to be provided;
- children subject to a child protection assessment;
- children with a disability who require services;
- children for whom no one is exercising parental responsibility;
- children whose parents or carers are unable, for whatever reason, to provide reasonable standards of care for them;
- children at risk of family breakdown likely to lead to significant harm;
- children experiencing psychiatric, psychological, emotional or behavioral difficulties who are suffering or likely to suffer significant harm;
- children for whom offending and its consequences are a significant feature of their lives and those judged to be at serious risk of offending;
- children whose welfare is or is likely to be significantly prejudiced as a result of homelessness;
- children ceasing to be “looked after” by HSS Trusts;
- children who are carers;
- children who have been suspended or expelled from school.

- 6.7 This list is intended as a starting point in identifying children who are in need. It should not be regarded as exhaustive but as a means of categorising a wide variety of need within a manageable list. In the spirit of the Children Order, the list should not be used to exclude children who might come within the broad definition of the Order. It is inevitable that some children's needs will span more than one of the categories listed above.

Mapping need and supply

- 6.8 From the assessment of needs, HSS Boards will wish to define, redefine and develop the services which will figure in action programmes. The range of services to be taken into account in the CSP will include those:
- provided by HSS Trusts;
 - purchased by HSS Boards and HSS Trusts;
 - provided directly by the voluntary and private sectors;
 - provided by education and library boards, the Northern Ireland Housing Executive, district councils, and other statutory bodies, including the RUC and the Probation Board.
- 6.9 In determining what services to include in the review under the CSP Order it should be noted that CSPs must take into account the most recent reviews of day care and child minding carried out under Article 20 of the Children Order. The latter requires HSS Trusts to carry out reviews in liaison with education and library boards and district councils with the first review being completed within twelve months of the Children Order coming into operation (ie 4 November 1997). It would be appropriate to incorporate into CSPs a summary of the main conclusions of the statutory review of services for young children. These reviews are concerned with the full range of services available and are not limited to those provided for children in need. Although CSPs are concerned with vulnerable children, it is important to consider how universal services may also contribute to the care of children.
- 6.10 In relation to residential care, HSS Boards will wish to draw upon work carried out on foot of "Children Matter": A regional review of residential child care services in Northern Ireland (Social Services Inspectorate - 1998).

7. Collaboration and Consultation

7.1 A range of agencies and organisations provide services for the welfare of children and their families. It follows that CSPs require contributions from them. This is recognised by the CSP Order. In carrying out any review of services for the purpose of preparing a CSP and in the preparation of the plan (including modifications) the CSP Order requires a HSS Board to consult:

- every HSS Trust the whole or any part of whose area lies within the HSS Board's area;
- every education and library board, the whole or any part of whose area lies within the HSS Board's area;
- every district council, the whole or any part of whose district lies within the HSS Board's area;
- those voluntary organisations which appear to the HSS Board to represent the interests of those who use or are likely to use services provided under Part IV of the Children Order;
- those voluntary organisations which appear to the HSS Board to provide services in the HSS Board's area which are of the same type as those which might be provided by the HSS Trust under Part IV of the Children Order;
- the Northern Ireland Housing Executive;

- the RUC;
- the Probation Board for Northern Ireland;
- the Northern Ireland Guardian Ad Litem Agency;
- such other persons as the HSS Board considers appropriate; and
- such other persons as DHSS may direct.

7.2 It should be noted that some of the above comprise a number of organisations and agencies. For example, the CSP Order requires consultation with voluntary organisations in terms of those which may operate regionally to promote the welfare of children and those which operate as suppliers of services at local level. In addition, all HSS Board areas will embrace several district council areas.

7.3 The requirement to consult is complemented 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 persons as DHSS may direct" to cooperate with a HSS Board in the discharge of its child care functions under Part IV of the Children Order. This also extends to cooperation "between" HSS Boards. A body whose cooperation is requested shall comply with the request provided it is compatible with the body's own statutory or other duties and does not unduly prejudice the discharge of any of its functions. The child care functions under Part IV of the Children Order include the duty to produce the CSP. References to any action by other agencies and organisations should be agreed with the bodies concerned before inclusion in the CSP.

Area Children and Young People's Committees

- 7.4 As part of the process of consultation, each HSS Board should establish an Area Children and Young People's Committee chaired by the Director of Social Services who will have overall responsibility for producing the CSP. In view of the wide range of agencies which HSS Boards are required to consult it would not be practicable for all of them to participate directly on Area Children and Young People's Committees (ACYPCs). Also, as the areas of HSS Boards are not coterminous with those of other agencies, it is suggested that the ACYPC should comprise a core group of representatives from:
- Health and Social Services;
 - education and library boards;
 - the voluntary sector;
 - the Probation Board for Northern Ireland; and
 - the RUC.
- 7.5 In order to accommodate the wider consultation it may be necessary for HSS Boards to establish sub-groups. The number and composition of these groups will be a matter for HSS Boards to decide. Whatever structures are created to support the work of the ACYPC it is clearly important to avoid an excessively bureaucratic approach and consideration may be given to drawing upon the work of other inter-agency structures. For example, existing departmental guidance suggests that the reviews of child minding and day care by HSS Trusts are coordinated through the local Area Early Years Committee whilst the Area Child Protection Committee might be developed as a forum which can contribute to the planning of child protection services.
- 7.6 In addition, each education and library board has established a Pre-School Education Advisory Group to draw up a Pre-School Education Development Plan for its area. These plans will provide for an expansion of pre-school education places and they should be taken into account in the preparation of the CSP, as should the Department of Education's Code of Practice for Special Educational Needs and each education and library board's plan for children with behavioural difficulties. In relation to young offenders, the NIO has established a network of multi-agency

Juvenile Liaison Bureaux throughout the Province which aim to divert young offenders from further offending.

- 7.7 It is for each HSS Board to determine how it makes use of other inter-agency structures. It is important therefore that in developing CSPs, HSS Boards should clearly indicate how inter-agency organisations have contributed to the process of producing the written plan.
- 7.8 There should be a recognition of the limitations of joint working. Individual agencies will have different priorities and different agendas and HSS Boards should be sensitive to this fact. So far as is possible all agencies should feel that they own the CSP and every effort should be made to ensure that it is not perceived as a HSS Board plan to which other agencies are simply asked to agree relevant sections. There should be an emphasis on identifying where interests and priorities overlap and where maximum effect can be achieved by working in partnership.
- 7.9 The CSP Order refers to consultation with agencies and organisations and includes a specific provision for consultation with those voluntary organisations which represent the interests of those who use or are likely to use services provided under Part IV of the Children Order. HSS Boards should ensure that in developing plans the views of children and families as users of services are obtained and taken into account. The collection of users' views, and consultation on needs, should form a normal part of service delivery. In addition, HSS Boards may wish to develop part of their consultation process for the CSP around meetings and surveys involving users and suppliers of services. In so doing they will need to ensure that the purpose of CSPs is made widely known.

8. Format of Plans

- 8.1 As important strategic documents CSPs should be clear and comprehensive, not only to providers of, and contributors to, services but also to users and others within the area. They should represent a comprehensive and coherent view of services, not an inventory for consultation by users. It follows that they should not be over-detailed, bulky or cumbersome. Plans should represent an overview; the lengthier the document the more difficult it becomes to present a clear overview.
- 8.2 In some aspects, the plan may need to be backed by short descriptions, definitions, explanations or tables, as necessary to the understanding of its main text. These would be prepared by the appropriate agencies and organisations. Wherever possible they should be consigned to supporting annexes.
- 8.3 There is no ideal form of plan suited to every HSS Board and, indeed, experience may lead to modifications to the form of the first plan. However, all CSPs should contain sections which address the following questions:
- Where are we? This part should include summaries of local needs; of the services currently provided for children directly or indirectly by social services and other agencies; and of the current policy and service priorities of the HSS Board and other agencies.
 - Where do we want to be? This should forecast needs for the three year period of the plan; the services to be changed or developed to meet this forecast; and any revisions of policy and service priorities.

- What do we need to get there? The plan should set out proposed action for each year of the planning period; the resources needed to be devoted to that action; and the objectives or targets which the HSS Board and other agencies are to meet. This part should also deal with the work force, personnel development and training, IT and other resource requirements in which the HSS Board and other agencies will need to invest in order to implement their action programmes successfully.
- How will the CSP be monitored? This should set out the databases from which management information is drawn to monitor and review progress in action programmes and to define the performance indicators by which past and future progress to achievement of objectives can be measured.

8.4 Annex B is intended as a checklist which HSS Boards may find useful in structuring their plans. It is intended that CSPs should contain clear, targeted and timed objectives related to outcomes. They may include statements about longer term aspirations and objectives but, as indicated at paragraph 4.4, a balance will need to be struck to ensure that CSPs represent realistic statements as to what is achievable in the present and near future. In particular, CSPs should incorporate a statement as to the steps taken by HSS Boards to comply with the recommendations set out in "Children Matter" regarding the planning, provision, structure and development of children's residential services.

8.5 In preparing its plan, each HSS Board should constantly view children and their families as the focus of provision. In doing so, the HSS Board should ensure that the plan both influences and incorporates the strategies which have been, or are being, adopted by other agencies and organisations. To underpin the development of plans, HSS Boards should ensure that they have in place sound management information systems which relate, wherever possible, to systems maintained, for example, by education and library boards. These systems should embrace effective data collection, processing capacity and analysis. The key information which HSS Boards and DHSS require with the introduction of the Children Order has been agreed, but HSS Boards are free to collect additional information which seems necessary to meet their particular needs and circumstances.

9. Publication and Submission of Plans to DHSS

9.1 The CSP order requires HSS Boards to publish their plans, together with any modifications to existing plans. It also provides that DHSS may request a copy of any CSP produced by a HSS Board and any modification to an existing plan. The purpose of this is twofold:

- to provide DHSS with information as to progress on the delivery of services for children; and
- to inform the development of policy at Departmental level and the work of the IDG.

9.2 It is not intended that DHSS will approve individual CSPs. However, it is hoped that this guidance will enable HSS Boards to develop plans which are responsive to local needs, which make the best use of available resources and which help promote, at a regional level, a greater degree of integration and shared objectives in the delivery of services to children. The IDG will have a key role to play in ensuring that the policies of central government Departments are coordinated to the maximum extent so that the needs of vulnerable children and young people are met as effectively as possible.

Annex A

STATUTORY RULES OF NORTHERN IRELAND

1998 No.261

CHILDREN

The Children (1995 Order) (Amendment)
(Children's Services Planning) Order (Northern Ireland) 1998

Made 23rd July 1998

Coming into operation 14th September 1998

*To be laid before Parliament under paragraph 3(3) of
Schedule 1 to the Northern Ireland Act 1974*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 18(4) of the Children (Northern Ireland) Order 1995 (a), and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Children (1995 Order) (Amendment) (Children's Services Planning) Order (Northern Ireland) 1998 and shall come into operation on 14th September 1998.

(a) S.I. 1995/755 (N.I.2)

Amendment of the Children (Northern Ireland) Order 1995

2. After paragraph 2 of Schedule 2 to the Children (Northern Ireland) Order 1995 (provision of services for families: specific powers and duties) there shall be inserted the following paragraph -

"Children's services plans

2A.-(1) Every Board shall, on or before 31st March 1999 -

- (a) review the services provided within its area under Articles 18, 21, 23, 27, 35 and 36; and
- (b) having regard to that review and the most recent reviews under Article 20, prepare and publish a plan for the provision of services under Part IV.

(2) Every Board

- (a) shall review at least once on or before 31st March 2000 and then at least once in each financial year thereafter, the plan prepared by it under sub-paragraph (1)(b) (as modified or last substituted under this sub-paragraph); and

(b) may, having regard to that review and to the most recent reviews under Article 20, prepare and publish -

- (i) modifications (or, as the case may be, further modifications) to the plan reviewed; or
- (ii) a plan in substitution for that plan.

(3) In carrying out any review under this paragraph and in preparing any plan or modification to a plan, a Board shall consult -

- (a) every Health and Social Services trust the whole or any part of whose area lies within the Board's area;
- (b) every education and library board the whole or any part of whose area lies within the Board's area;
- (c) every district council the whole or any part of whose district lies within the Board's area;
- (d) such voluntary organisations as appear to the Board -
 - (i) to represent the interests of persons who use or are likely to

use services provided by the Board under Part IV; or

(ii) to provide services in the Board's area which, were they to be provided by the Board, might be categorised as services provided under that Part;

(c) the Northern Ireland Housing Executive;

(f) the Chief Constable;

(g) the Probation Board for Northern Ireland;

(h) such other persons as appear to the Board to be appropriate; and

(i) such other persons as the Department may direct.

(4) Every Board shall, within 28 days of receiving a written request from the Department, submit to it a copy of -

(a) the plan prepared by the Board under sub-paragraph (1); or

(b) where that plan has been modified or substituted, the plan as modified or last substituted.”.

Scaled with the Official Seal of the Department of Health and Social Services on 23rd July 1998.

(L.S.)

P.A. Conliffe

Assistant Secretary

Explanatory Note

(This note is not part of the Order.)

This Order inserts a new paragraph in Schedule 2 to the Children (Northern Ireland) Order 1995, which requires every Health and Social Services Board 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.

Annex B

Key elements of a Children's Services Plan

-
- Make it clear to whom the plan is addressed.
 - Define the purpose of the plan in terms of :
 - strategic management of services;
 - business planning;
 - commissioning strategy;
 - quality standard-setting;
 - HSS Trusts' duties to facilitate the provision of services by others, including voluntary organisations;
 - providing information to users and providers of services.
 - Explain linkages with other plans and reviews (eg purchasing plans, reviews of child minding and day care under Article 20 of the Children Order).
 - Describe how the plan has been produced and who has been involved in the process of consultation, collaboration and, where appropriate, joint production of the plan.
 - Make clear the sources of information used in reviews.
 - State the intended strategic timescale for the plan.

- Ensure that the plan is easy to read with a clear structure and contents list.
- Ensure that the language and terminology is such that it is understood in the same way by all agencies.
- Indicate how copies of the plan are being distributed and the various media through which it is made available, bearing in mind that the plan should be publicised.
- Be clear as to the scope of the plan:
 - clear understanding of which vulnerable children are included including references to the register of children with a disability;
 - what services are included in the review.
- Relate the principles and values of participating agencies in the plan to its purpose and scope.

Suggested sections for inclusion in a CSP

- Reviews of need and services - "Where are we now?":
 - mapping of current needs;
 - mapping the current services to meet these needs;
 - identifying current policies, objectives and strategies for each of the categories of children covered by the plan.
- Set out "Where do we want to be?" in relation to various categories of children covered by the plan.

- Detail “How are we going to get there?” by reference to:
 - policies and objectives;
 - strategies and targets;
 - priority developments.
- “What do we need to get there?”
 - action plans;
 - resource implications;
 - staffing;
 - training;
 - equal opportunities policies.
- Monitoring:
 - define performance indicators by which to evaluate progress;
 - demonstrate how the outcome from monitoring relates to the annual roll forward of plans and the full review after three years.



Northern Ireland Children and Young People's Plan 2011-2014

FOREWORD

The Children and Young People's Strategic Partnership (CYPSP) has come together, as the first Chief Executive led partnership in Northern Ireland (NI) with the aim of improving the lives of all our children and young people. We drew up a consultation document which set out our approach and our key themes which outline the most important issues that must be taken forward if outcomes for children and young people are to improve.

The consultation response was overwhelmingly positive. Every aspect of our general approach was supported, as well as all of our key themes. Consultees added important issues into the mix, and the draft Plan has been improved by the inclusion of key issues, particularly the importance of child poverty in relation to outcomes for children and young people in Northern Ireland.

There were also a number of consultation responses which concentrated on specific actions and issues relating to particular groups of children and young people such as children and young people with disabilities. These detailed suggestions have been captured and will be brought to the attention of our planning groups which are focusing on either;

- Children and Young People in geographical areas across Northern Ireland or;
- Particularly vulnerable groups of children and young people.

The Action Plans of our CYPSP groups are being made available for consultation and the final versions of these will then be published and also available on our website at www.cypsp.org.

The Northern Ireland Children and Young People's Plan itself is made up of the high level statements of how we will oversee the whole process, and all the Action Plans of all our planning groups, as well as a series of statistical information reports which we are using to inform our planning.

The Plan is therefore a live document, at any one time the latest version of the overall Plan and the Action Plans of each of our planning groups will be available on our website at www.cypsp.org.



Northern Ireland Children and Young People's Plan 2011-2014

There are also three documents on our website flowing from our consultation on the draft Children and Young People's Plan. The first sets out who responded and what they said. The second sets out what we will do with each of the responses. The third sets out the key changes to this Plan that we agreed as a result of the consultation. I hope that those of you who responded to our consultation will be able to see how your helpful comments and suggestions have shaped this Plan and will inform our more detailed Action Plans.

Finally, in relation to the context of this Plan, I would add this. This planning process is not new – it has been in place since 1998, but in a different form. We have now come together to drive it forward as leaders across Northern Ireland who have senior responsibility for provision for children and young people – this is new and started at our first meeting in January 2011. So we have access to a great deal of experience of joint planning for children and young people, and at the same time, we are bedding in as a new partnership overseeing a complex process across Northern Ireland. We view our first planning period, therefore, as an important opportunity to use resources better now, to make a difference now, but also to put into place a strong foundation for integrated planning and use of resources for better outcomes for children and young people for many years to come.

John Compton,

Chair, Children and Young People's Strategic Partnership

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EXECUTIVE SUMMARY



Northern Ireland Children and Young People's Plan 2011-2014

‘We want the best for our children’.

This simple statement expresses what most parents feel.

It is the motivation for much of what any parent does in life.

The Children and Young People's Strategic Partnership (CYPSP) want the best for all the children and young people in Northern Ireland (NI).

The Partnership is aware that this statement is much less simple than the one above.

However, as anyone who thinks for a second about children and their families know being a parent is not at all straightforward, it is demanding and complicated. It is affected by what each parent brings themselves, the make-up of the family, what kind of a society surrounds the family and the position of the family in that society.

The CYPSP brings together the state agencies that have responsibility for providing good conditions in which children and young people can flourish, and representatives of the large number of children's voluntary agencies and community organisations which constantly find ways to improve children's lives. It also ensures that children and young people and parents participate in this process.

The Partnership is determined to improve the lives of children and young people in NI to improve their outcomes, and to ensure that each child achieves their potential. However, as we are all aware, there is a long way to go before each and every child achieves their potential, as is their right. We are also aware that we are writing and delivering this Plan at a time of great financial difficulty for our whole society. This is our first NI Children and Young People's Plan, and you will see that a large proportion of our work so far has been to work out what is needed. This will ensure that over the years ahead we can work together to put the pieces in place, with the aim of better outcomes for all our children and young people. The timeframe of this Plan ends in 2014, so specific actions can only be detailed up to this point. However, the CYPSP is working to a much longer timeframe, as the Partnership is a permanent one, and intends to put in place changes that make long term improvement in outcomes for children and young people.



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We are concentrating on putting in place building blocks which will be there to improve children's lives in the decades ahead.

What are the building blocks?

Our partnership - the CYPSP

The first building block is our partnership. There are many partnerships in NI – many different kinds of groups of people who come together for particular purposes. Some are very local and others bring people together across the whole of NI. Some are concerned with the whole population; children and adults, and some concentrate on particular parts of the lives of children and young people. Some exist to use particular funding.

This is the first and only partnership which brings together the leaders of agencies across the whole of NI to focus on every aspect of the lives of all our children and young people. So we have high hopes that we can make a difference.

One of the reasons for our optimism is that we are not just a 'top down' partnership. We are also 'bottom up'. We have set up planning groups which start local, bringing together children and young people, families and staff from across the different agencies – so that all these people can think together about what needs to change to improve the lives of children and young people locally. The CYPSP is also very aware that only taking a geographical view of all the children and young people in a neighbourhood could mean that important issues for some groups of children and young people would get lost. These are groups including: children and young people with disabilities; minority ethnic children and young people; and children and young people who may be in trouble with the police. So the Partnership has also set up planning groups to focus on these children and young people.

What are these groups doing? - Outcomes Based Planning

How can we know if children's lives are improving and more children are achieving their potential? A great deal of thinking on this was undertaken a number of years ago by Government consulting hundreds of people,

which resulted in the Strategy for Children: Our Children and Young People: Our Pledge. This document sets down six outcome statements which say that children and young people in NI should be:



This diagram shows the statement that children should be 'Living in a society which respects their rights' underpins all the other outcomes and that they are all connected. It is easy to see how this works: if the right to education is properly upheld for every child, including those who need extra support in school, then more children are going to be 'Enjoying, Learning and Achieving'.

Each of the CYPSP planning groups is finding out how well children and young people in their area or group are doing against these outcomes. The planning groups are looking at statistical information as well as the experience of children and young people and families and what research tells us. Planning Groups are using this information to work out priorities for change. They are also looking at what supports and services exist at the moment, including services for all children and young people – the universal services made available by statutory agencies such as universal health care and schools as well as all others, so that they can work out what needs to be changed, especially how such supports and services should be coordinated, to improve children's outcomes.



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The Partnership has adopted the principles of mainstreaming, which means that it will ensure that the rights and needs of children and young people at particular disadvantage, for example children and young people with disabilities, those affected by domestic violence and black and minority ethnic children and young people, will be addressed in all the planning processes.

What kind of support works best for children and young people and families? - Early Intervention

The Partnership has agreed that the best way for children and young people to achieve the six high level outcomes is for them to get the support they need at the right time and as early as possible. This means in their early years but also at an early stage of any difficulty at any age. This is common sense, known to parents, and is underlined by more and more research. Some research is about the better use of funding, showing, for example, that giving children extra support with emotional and educational development at an early age is a better use of funding than prison and psychiatric hospitals.

However, this is not just about increasing the number of services or changing the type of service. It is very much about co-ordination. If the school or early years service that the child attends does not know about other supports and services in the area that the child might need, and if therefore the child does not reach that other service, there is effectively no advantage to that child of the service existing.

Therefore we intend to map all early intervention services and how they currently connect to each other, with the aim of putting in place, in every area of NI, a joined up network of early intervention supports and services, which build on and link to universal services and are culturally appropriate for NI, the local area and all groups of children and young people in that area.

How can children and families find early intervention? - Family Support Hubs

All the well coordinated supports in the world will not help a child or family who does not find their way to them. There has been much research in recent years, in NI and internationally, which tells us that



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much energy is currently used by making children and families go through complicated assessments before receiving a simple early intervention type support.

In NI, the CYPSP has decided to address this by bringing supports and services to the attention of children and families who need them at the earliest possible stage. One way we have done this is to develop a website that lists all services, which can be searched geographically as well as on type of service, at www.familysupportni.gov.uk.

The Partnership is also putting in place Family Support Hubs in every area of NI. A Family Support Hub is a multi-agency network of statutory, voluntary and community organisations that either provide early intervention services or work with families who need early intervention services. The network accepts referrals of families who need early intervention family support and uses its collective knowledge of local service providers to signpost families with specific needs to appropriate services.

The aim of this is that each child or family who needs support or a service should find out about it and find their way to it – easily and quickly and without having to go through elaborate or complicated assessments before getting a service.



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How can we collaborate for children? - Integrated Commissioning

The CYPSP is a NI wide partnership which is providing for the first time, a way for all agencies and all sectors to come together to collaborate planning and commissioning processes to improve outcomes for all children and young people. Separately, member organisations of the CYPSP are delivering their own individual services; health, social care, education; in fact all kinds of supports for children and young people in a wide variety of ways. However, we know that the lives of children and families do not split neatly to fit into what we provide. This is why the Partnership endorses the NI Executive's framework of six outcomes for children – it helps us step out of our boxes and think about how we can use our resources better together, than we can do apart.

So the Partnership has decided to collaborate in the use of funds that come to the individual statutory agencies on the CYPSP. This makes sense as the CYPSP can make pounds go further if they join them up. This is not a simple process because each of the CYPSP agencies are responsible for the funding that comes to it and each must account for it individually. However, there are many examples of how funding from more than one source has been used together. The Partnership intend to learn from these examples, from NI and from international best practice, to put in place agreements between the Partnership so that we can use our funding and resources better together than apart.

For example, at present a number of Departments of the NI Executive have strategies which support early intervention, including the Department of Health, Social Services and Public Safety, the Department of Education, the Department of Social Development, the Department of Justice and the Department of Agriculture and Rural Affairs. All have funding attached to the strategies. The CYPSP would like to find a way of enabling this funding to be used in a joined up way to improve outcomes for children and young people.

As it becomes clear what resources Partnership agencies will use for integrated commissioning, this will be inserted into future reviews of the Plan.

Whether the CYPSP will achieve this will depend on trust amongst members of the Partnership, technical support so that funding can be tracked into and out of the joint processes for using it, and permission and mandate from Government to do so.



Northern Ireland Children and Young People's Plan 2011-2014

Integrated Delivery

The need for better coordination is accepted by all who are concerned with the lives of children and young people in NI - they tell us this themselves and all agencies echo this. The current lack of coordination means that much time and energy is wasted, so we aim to improve coordination, both locally and for particular groups of children and young people. The CYPSP will do this throughout the work of all their planning groups, and through the development of Family Support Hubs.

Connection with Government

The CYPSP is putting in place the building blocks that we have described above. We think that these building blocks will improve the lives of children and young people by improving their outcomes. We think that the way in which we will improve their outcomes will promote their rights and address their needs. We will do what we can at our level i.e. the level of agencies. However, we believe that there should be a joined up approach to children and young people at Government level if we are to achieve our aim. The Partnership wishes to use their resources, funding, and existing services together. If the Departments of Government that provide those funding streams do not have a joined up process for developing policies and allocating funding in relation to children and young people, our tasks will be more difficult.

So the CYPSP will continue to seek a joined up approach to children's lives from Government, as well as a connection between the CYPSP and Government as a whole.



Northern Ireland Children and Young People's Plan 2011-2014

HOW TO USE THIS DOCUMENT

This is the first NI Children and Young People's Plan of the CYPSP.

This Children and Young People's Plan sets out the thinking of the CYPSP at a high level – without detail in relation to particular groups of children and young people or particular geographical areas. This detail will be contained in further Action Plans which will also be circulated widely for consultation. The Equality Screening document attached sets out that this Plan is built upon children's rights. The CYPSP views its responsibility with respect to Equality, Human Rights and Disability legislation very seriously, and asks that readers bear in mind that the specific ways in which the work will address equality and human rights requirements will be more evident in the Action Plans for specific geographical areas and for groups of children and young people at particular disadvantage.

Throughout the document web links provide the opportunity to find more detailed information about the process, work in progress and how to become involved and have your say.

The NI Children and Young People's Plan itself is made up of this document – the high level statements of how we will oversee the whole process, and all the Action Plans of all our planning groups, as well as a whole series of information reports, which we are using to carry out our planning.

The Plan is therefore a live document – at any one time the latest version of the overall Plan and the Action Plans of each of our planning groups will be available on our website, at www.cypsp.org.

If you require this document in an alternative format (such as large print, Braille, disk, audio file, cassette, Easy Reader or in minority languages to meet the needs of those not fluent in English) please contact the Children's Services Professional Planning Advisor. The contact details are attached at the end of this document.

Include Youth

Committee for the Office of the First Minister and Deputy First Minister

Children's Services Co-operation Bill Response pro forma

For your convenience the Committee has prepared the attached pro forma to assist in responding to the main clauses of the Bill. The Bill can be found at

<http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/current-non-executive-bill-proposals/childrens-services-co-operation-bill/>

Please respond by Friday 27 February 2015 to committee.ofmdfm@niassembly.gov.uk.

Organisation Name	Include Youth
Main contact	Stewart Finn
Email address/phone number	stewart@includeyouth.org

I wish for my organisation to be considered for oral evidence sessions in relation to the Committee's scrutiny of the Bill: No

Clause	Clause Comments (200 words)
1. General Duty Please provide comment on:	
<ul style="list-style-type: none"> The six specified outcomes relating to the well-being of children and young people as listed in the 10 Year Strategy for Children and Young People 2006 - 2016 The duty on Northern Ireland Departments to co-operate with each other in order to further the achievement of these objectives The mechanism in place for amending the specified outcomes 	<p>The 10 Year Strategy for Children and Young People and associated six outcomes were developed through a collaborative and consultative process in which Include Youth participated fully. At the time we said it "has the potential to be one of the most crucial and significant advancements within our society for many years. The impact of the final Strategy will be farreaching and long lasting. It is therefore crucial to get it right. This is an opportunity to create a framework across government which has children at its centre...". There has been undoubted progress, while the strategy may not have achieved everything it set out to do, alongside the provisions laid out in the Children's Bill we can continue to improve how our government and society legislate, provide for and work with children and young people.</p>
	<p>Include Youth are extremely supportive of the Children's Bill and pleased to see proposals related to a statutory duty to cooperate brought before the Northern Ireland Assembly. While there are pockets of good practice in cooperation across government this shows no sign of becoming wide spread and this is unlikely to change without a legislative and cultural shift. A statutory duty to cooperate will improve planning, provision and cohesion for children and young people. Include Youth fully supports the proposed statutory duty to cooperate; such a duty makes good policy and good financial sense.</p>

Clause	Clause Comments (200 words)
2. Co-operation Report Please provide comment on:	
<ul style="list-style-type: none"> • The requirement for OFMDFM to publish periodically a report on the progress of departments towards achieving the specified outcomes • The requirement for other Northern Ireland Departments to cooperate in the preparation and publication of the report 	<p>Include Youth believe that effective and efficient reporting mechanisms are essential in continuing to push forward progress and in ensuring outcomes are achieved. While there have been some concerns raised around an increase in bureaucracy, Include Youth believe that greater collaboration, planning and cooperation across departments can not only mitigate against that perception but improve on the status quo making for more effective and streamlined reporting.</p>

Clause	Clause Comments (200 words)
3. Sharing resources and pooling funds Please provide comment on:	
<ul style="list-style-type: none"> • The enabling power which will permit Northern Ireland departments to establish pooled budgets and shared resources to achieve the six outcomes in clause 1 	<p>Include Youth fully supports the enabling power which will permit Northern Ireland departments to establish pooled budgets and share resources. Whether with foundation or not some of the biggest criticisms of government include: a lack of joined up thinking, duplication and a silo or protectionism mentality around departmental budgets. This is further exasperated when considering children and young people who span multiple departments and stretch the current limitations of government structures.</p> <p>A provision for pooled resources is a more effective use of limited budgets and provides the opportunity for departments to share staff, resources and jointly commission relevant services which will help them achieve their goals and improve outcomes for children and young people. An enabling power on pooled budgets and resources can reduce costs and target limited resources, improve efficiency and most importantly have a positive impact on the lives of children and young people.</p>

Clause	Clause Comments (200 words)
4. Children's Services Planning Please provide comment on:	
<ul style="list-style-type: none"> The requirement for the Health and Social Care Board to review and publish a children and young people's plan, including: <p>Content</p> <p>Review mechanism</p> <p>Co-operation between public bodies</p> <ul style="list-style-type: none"> The public bodies listed at Clause 4 (7) The duties placed on the Health and Social Care Board particularly with regard to monitoring and reporting 	<p>The Children and Young People's Strategic Partnership already exists as a cross sectoral strategic partnership working on integrated planning and commissioning across departments, agencies and sectors. The Children's Bill can assist with and ensure this work continues.</p> <p>Specifically listing the public bodies at Clause 4 is important in coordinating the work towards achieving the six high level outcomes and is consistent with the focus on collaboration running throughout the Bill. Given the central role DEL plays in the lives of many young people, they should be included alongside the current bodies listed. The definition of children and young people includes those from a care background up to the age of 21, making the inclusion of DEL even more significant.</p> <p>Include Youth would echo calls made by Children in Northern Ireland (CiNI) that to ensure flexibility, any other bodies identified in the future can and should be specified in subordinate legislation.</p>

Do you have any suggested amendments to the Bill? (200 words)

That the Department of Employment and Learning be added to the public bodies listed at Clause 4 (7).

Do you have any other comments? (200 words)

Policy making and the resulting services should be evidence based, collaborative, consultative and efficient. The Children's Bill provides a unique opportunity to improve policy as well as service creation and delivery for children and young people. More generally the Bill provides a new way of working across departments and has the potential to change the culture of how government works and in so doing improve outcomes for people. These opportunities should be grasped.

National Society for Prevention of Cruelty to Children Northern Ireland (NSPCC)

Lanyon Building
Jennymount Business Park
North Derby St
Belfast BT15 3HN

028 9035 1135

nspcc.org.uk

Submission by the NSPCC in Northern Ireland to the OFMDFM Committee on the Children's Services Co-operation Bill March 2015

Introduction

NSPCC is grateful for the opportunity to respond to the Children's Services Co-operation Bill; we welcome the proposed legislation and commend the Steven Agnew and OFMDFM Committee's interest in this particular area. We have noted a number of general and specific suggestions to the committee highlighted in bold.

The NSPCC is a leading child protection NGO in Northern Ireland providing a range of local evidence-based therapeutic and protection services for children and young people. The NSPCC has legal child protection powers under the Children (NI) Order 1995; and in addition to our statutory membership of the Safeguarding Board for Northern Ireland (SBNI), we are also a member of Public Protection Arrangements Northern Ireland (PPANI).

NSPCC delivers a range of pioneering evidence-based therapeutic and protection services directly to children and young people and their families who have experienced sexual abuse; or have domestic violence and mental illness in families. Our services include the 24/7 NSPCC Helpline for anyone concerned about the welfare of a child, and we provide support for all children and young people through ChildLine via telephone; e-mail or online, 24 hours a day/365days a year. NSPCC also provides advocacy and support for vulnerable victims and witnesses who have to go through the trauma of giving evidence in criminal trials.

General and specific comments on the Bill

We are particularly interested in the matter of cross-departmental co-operation in relation to children and we view Clause 1 of the Bill (the General Duty) as part of a mechanism for strengthening cross-departmental collaboration. Our experience is that where a policy issue crosses several government departments and their remits, it becomes increasingly difficult to progress in terms of determining leadership and priority.

By way of example, internet safety is one such cross-cutting policy issue with no clear government lead, with responsibility falling across a range of stakeholders. Progress in taking forward a crossgovernment strategy has been limited, even in terms of joining up what government activity has occurred and providing an analysis of where policy gaps exist.

Additionally, it has been increasingly difficult to establish a government department to lead on the issue of Female Genital Mutilation (FGM). This is an emerging issue across the UK, it is a severe form of child abuse which deserves adequate priority.

While each jurisdiction in Great Britain has developed an action plan, progress in NI has been slow. The policy area falls between the Departments of Health, Education, Justice, OFMDFM

and the Department of Finance and Personnel. It is also a multi-professional issue and it has been difficult to identify a strategic lead in this area.

The NSPCC supports the 6 high level outcomes for both the basis of co-operation and the interface with operational planning. **We strongly suggest the need for the development of statutory guidance to underpin the creation of actions plans and outcome measures and suggest a provision for this in the Clause.** This would help with the detail of the action plan and creation of clear outcome measures.

The Clause is silent on penalties for non co-operation and has no sanctions regarding limited compliance. **We suggest that the Committee looks at this issue considering the development of further provision to avoid a simple tick box exercise or a situation where departments continue to operate as prior to the enactment of the proposed legislation.**

In terms of mechanisms and structures we strongly support the creation of a structure to facilitate dialogue on children's policy development between the NGO sector and the government on the development of children's policy. **We suggest the development of a statutory forum such as the NGO forum, hosted by OFMDFM which has worked well in the past. It would be helpful to consider a requirement placed on government departments to meet formally with the NGO sector annually to look at children's policy development.**

Clause 3

We are supportive of pooled funding arrangements reflecting current arrangements on a number of cross-departmental projects.

Clause 4

The Provision is silent on The Children Order (1995 Order) (Amendment) (Children Services Planning) Order (Northern Ireland) 1998 on which it is based. If agreed the 1998 Order would need to be repealed.

In relation to Clause 4 7 (d) we strongly suggest the amendment of this provision. NSPCC provides a range of services which are not commissioned by the (spell out HSC in full) Health and Social Care Board operate independently. Examples include ChildLine and Helpline and a range of regional NSPCC services around therapeutic interventions; which do not feature in current Children's Services Planning. We also provide a range of services commissioned or funded by departments other than DHSSPS and the Regional Health and Social Care Board; such as the Young Witness Service and the Child Protection in Sport Unit. We recommend removing the words 'were **they to be provided by the Regional Board**'. This rewording would leave for a more flexible approach to the inclusion of key services such as ChildLine in Children's Services Plans.

References to the Department in this provision would **need to include a provision in the interpretation section to make clear it is the Department of Health, Social Services and Public Safety.**

NSPCC would be happy to give oral evidence on our submission in relation to the Committee's scrutiny of the Bill.

Colin Reid, Policy and Public Affairs Manager colin.reid@nspcc.org.uk

Orla O Hagan, Policy Officer orla.ohagan@nspcc.org.uk

Caroline Cunningham, Senior Policy Researcher caroline.cunningham@nspcc.org.uk

Northern Ireland Commissioner for Children and Young People (NICCY)

Committee for the Office of the First Minister and Deputy First Minister

Children's Services Co-operation Bill Response pro forma

For your convenience the Committee has prepared the attached pro forma to assist in responding to the main clauses of the Bill. The Bill can be found at <http://www.niassembly.gov.uk/assembly-business/legislation/current-non-executive-bill-proposals/childrens-services-co-operation-bill-as-introduced/>

Please respond by Friday 27 February 2015 to committee.ofndfm@niassembly.gov.uk.

Organisation Name	Northern Ireland Commissioner for Children and Young People
Main contact	Ms Alex Tennant/Dr. Alison Montgomery
Email address/phone number	alex@niccy.org or alison@niccy.org

I wish for my organisation to be considered for oral evidence sessions in relation to the Committee's scrutiny of the Bill: Yes

Clause	Comments (200 words)
1. General Duty Please provide comment on: <ul style="list-style-type: none"> The six specified outcomes relating to the well-being of children and young people as listed in the 10 Year Strategy for Children and Young People 2006 - 2016 The duty on Northern Ireland Departments to co-operate with each other in order to further the achievement of these objectives The mechanism in place for amending the specified outcomes 	<p>The detrimental effects of a lack of effective joined-up working across government departments in NI, has been widely documented therefore NICCY welcomes this Bill and fully supports the provisions it seeks to introduce.</p> <p>In monitoring provision for children and young people in NI, NICCY has consistently highlighted the absence of effective inter-departmental/agency working in its advice to Government. This advice has been substantiated through research commissioned by NICCY¹ and evidence collected through the Office's work and work of other agencies. While NICCY recognises the existence of good practice, collaborative working arrangements between departments can be 'dependent upon goodwill' and positive working relationships, thereby 'resulting in inconsistency of practice. 'A failure to co-ordinate strategies can also result in a fragmented approach to policy development and implementation' ².</p> <p>The six specified outcomes in the Ten Year Strategy were widely consulted upon and agreed by key stakeholders in 2005/6. However in the absence of effective collaboration between departments, effective delivery of the Strategy's objectives to meet the rights and needs of children and young people has been seriously impeded. The introduction of duties outlined in this Bill would contribute significantly to successfully achieving the specified outcomes.</p> <p>The mechanism for amending the Outcomes appears appropriate and NICCY would suggest that while the <i>detail</i> of these may be amended, the six specified outcomes effectively encapsulate the key elements necessary for children and young people's wellbeing.</p> <p>237</p>

¹<http://www.niccy.org/Publications/policyandresearchreportsandpapers/PolicyandresearchReportsbytheme/government/BarrierstoEffectiveGovernmentDeliveryforChildreninNorthernIreland>

² Ibid.

Clause	Comments (200 words)
<p>2. Co-operation Report</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> The requirement for OFMDFM to publish periodically a report on the progress of the department towards achieving the specified outcomes The requirement for other Northern Ireland Departments to co-operate in the preparation and publication of the report 	<p>NICCY strongly concurs with the proposed requirement for effective, regular reporting on the implementation of co-operative working. This is vitally important in order to demonstrate the efficiency and effectiveness of collaborative working arrangements and to identify challenges or obstacles to the achievement of the six high level outcomes.</p> <p>NICCY is aware of MLAs' concerns regarding reporting requirements being 'onerous' and 'bureaucratic', however we would challenge these perspectives. Currently, each Department is required (under the Child Poverty Act 2010) to provide reports to OFMDFM detailing the progress made towards eradicating child poverty on an annual basis and OFMDFM reports on the high level outcomes against a series of strategic indicators which are updated annually. Furthermore, the Children and Young People (Scotland) Act 2014 requires local authorities and relevant health boards to report on delivery of children's services plans on an annual basis.</p> <p>The proposal in the Bill to implement a 3-yearly reporting cycle is therefore comparatively less onerous than current requirements and indeed may prove to be an under-estimation of the level of reporting required. Mr Agnew has indicated that 3 years was proposed to enable systems and processes time to 'bed in'.</p> <p>NICCY would suggest that current reporting mechanisms relevant to the Bill's proposals, are examined and amended appropriately to streamline reporting and avoid duplication. The involvement of other departments is critical towards ensuring accurate monitoring of progress in achieving outcomes for children and young people.</p> <p>236</p>

Clause	Comments (200 words)
<p>3. Sharing resources and pooling funds</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The enabling power which will permit Northern Ireland departments to establish pooled budgets and shared resources to achieve the six outcomes in clause 1 	<p>NICCY agrees that the proposal to create an enabling power for Departments to share resources and pool funds is positive and sensible, particularly given the significant budgetary constraints confronting government departments. In this context, it is critical that scarce resources are targeted in a cost effective manners/as efficiently as possible.</p> <p>Currently, budgets are allocated to individual departments with limited scope for these to be reallocated across departments or jointly shared. Departments are also reluctant to incur expenditure addressing an issue, where another department may reap the benefits or savings. Reshaping resource allocation through pooling budgets, and sharing staff, services and other resources will provide opportunities for a greater focus on prevention and early intervention spending and strategies, avoid duplication of provision, thereby achieving more efficiencies, promote more integrated working practices and more effective information sharing between departments and agencies.</p> <p>Current good practice examples of shared funding and other resources could be analysed to inform future collaborative practice. The Delivering Social Change projects which involve pooled resources from five departments will provide useful evidence in this regard.</p> <p>Ultimately, a realisation of this objective would reflect a more child-focused, holistic approach and support, much more effectively the achievement of the six high level outcomes.</p> <p>202</p>

Clause	Comments (200 words)
<p>4. Children's Services Planning</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The requirement for the Health and Social Care Board to review and publish a children and young people's plan, including: <ul style="list-style-type: none"> ○ Content ○ Review mechanism ○ Co-operation between public bodies • The public bodies listed at Clause 4 (7) • The duties placed on the Health and Social Care Board particularly with regard to monitoring and reporting 	<p>These proposals reflect some of the current arrangements in place. The Children and Young People's Strategic Partnership (CYPSP), established by the Health and Social Care Board (HSCB), involves a wide range of key statutory, voluntary and community agencies which have responsibility for delivering services to improve outcomes for children and young people. Many are included under Clause 4 (7) of the Bill. The CYPSP seeks to implement integrated planning and commissioning across agencies and sectors, through a CYP Plan, aimed at improving the wellbeing and realisation of rights of children and young people. Whilst demonstrating positive collaborative working, the CYPSP is dependent on the goodwill of agencies and good working relationships.</p> <p>NICCY noted concerns of MLAs during the recent NIA debate on the Bill about the 'transfer of control' to the HSCB and potential 'usurping of ministerial autonomy to set policy direction'. However the Office does not believe there is any evidence to support these. The HSCB was established by the Health Minister (2009) and 'remains directly accountable to the Minister for <u>translating his vision for health and social care into a range of services</u>',³ and furthermore, the Board's functions are delivered 'in line with Ministerial objectives'. Therefore, there are clear governance and accountability structures in place which require the HSCB to regularly report to the Minister and to work closely with him and his officials in carrying out its functions.</p> <p>In scrutinising the Bill, it is important to note that during the recent NIA debate, Mr Agnew indicated that the HSCB is content with the role which the Bill would place upon it.</p> <p>263</p>

³ <http://www.hscboard.hscni.net/about%20us/20%20The%20Role%20of%20the%20Health%20and%20Social%20Care%20Board.html#TopOfPage>

Do you have any suggested amendments to the Bill? (200 words)

NICCY does not have any proposals for significant amendments to the Bill.

As highlighted above in relation to Clause 2; Co-operation Report, the rationale underpinning the requirement for a 3-yearly reporting cycle is acknowledged, in terms of allowing departments time to accommodate and embed new mechanisms, approaches and working practices. However NICCY would suggest that if the Bill is passed, consideration should be given to the introduction of more regular reporting requirements, so that evidence of the impact of a statutory duty on departments to co-operate in the delivery of services for children and young people, can be disseminated effectively and efficiently. Identifying potential challenges, gaps and barriers at an early stage will evidently enable solutions to be found and implemented more expediently and effectively.

NICCY would suggest that key stakeholders in the departments and agencies who will be most directly impacted by the Bill, and responsible for delivering services through joined up working practices, will be best placed to suggest amendments to refine the practical outworking of the legislation.

Do you have any other comments? (200 words)

The United Nations Convention on the Rights of the Child (UNCRC)

NICCY bases all of its work on the UNCRC. General Comment 5 issued by the Committee on the Rights of the Child highlights the importance of visible, cross-sectoral co-ordination across Government towards the recognition and realisation of children's rights.⁴

NICCY Research into joined up working practices

Reference is made in this submission to research commissioned by NICCY in 2011, into barriers to effective government delivery for children. The project analysed key structural barriers to effective delivery, including the effectiveness of joined up working practices across government. NICCY would recommend the full Report to the Committee in their consideration of the Bill, however would draw their attention, particularly to Section 3.5, pp.42-46; Co-ordination and Joined-Up Government. This explores various mechanisms utilised to improve joined-up working and includes the views and experiences of key stakeholders. It draws attention to the 'silo mentality' existing among some departments, evidence of ineffective strategy development and fragmented approaches to policy development and implementation⁵.

NICCY recently commissioned further research into best practice in inter-departmental working for children and young people. Building on the previous research, this project is examining characteristics of effective collaborative working practices across government and public bodies, drawing on examples and case studies from other jurisdictions. The project is due for completion mid May 2015.

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⁴ <http://daccess-dds-nv.un.org/doc/UNDOC/GEN/G03/455/L4/PDF/G0345514.pdf?OpenElement>, VI, 27.

⁵ [http://www.niccy.org/uploaded_docs/2011/Publications/QUB%20Barriers%20Report%20-%203%20Nov%2011%20body%20pages\).pdf](http://www.niccy.org/uploaded_docs/2011/Publications/QUB%20Barriers%20Report%20-%203%20Nov%2011%20body%20pages).pdf)

NICCY – additional briefing paper



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.

Northern Ireland Council for Voluntary Action (NICVA)

NICVA comments on Children's Services Co-operation Bill

Background to NICVA

NICVA (the Northern Ireland Council for Voluntary Action) is the umbrella body for the voluntary and community sector in Northern Ireland. It provides over 1,000 members with information, advice, training and support services on a wide range of issues, together with representation for the sector as a whole.

NICVA works to achieve progressive social change, based on equality and equity, working through a community development approach, to empower local communities to pursue their own needs and agendas.

General comments

NICVA welcomes the opportunity to inform the Committee on our thoughts on the on Children's Services Co-operation Bill.

NICVA are supportive of the Bill and the principles behind it and would like to congratulate Steven Agnew MLA on getting the Bill to this stage.

We believe this statutory duty is a mechanism which will ensure better outcomes for children and young people by focusing attentions on sharing and removing duplication. Currently co-operation on children's issues is mainly carried out through informal networks and entirely dependent on relationships developed between relevant officials, therefore the level of sharing varies across responsibilities. Placing sharing on a statutory footing will ensure that these relationships actually are developed and maintained in the interests of children and young people. NICVA believes that the sharing of resources and the ability to jointly commission services can only be described as a good thing, and is happening already through the Delivering Social Change signature projects which have a total budget for delivery which has come from relevant departments. This Bill is a natural extension of this practice. Indeed, NICVA would be keen to see the roll out of this approach to other areas, such as job creation, as we believe it ensures the outcome is kept in the forefront of each involved departments mind when making decisions. Therefore one department will not make a decision that would have a detrimental impact on the end goal.

We believe this shift to shared funding will maximise the outcomes from an ever diminishing pool of resources. Currently funding allocated to individual departments is for the delivery of services specific to that department to meet responsibilities rather than being outcomes focused, the method championed by this Bill should tackle this issue. NICVA hopes it will also tackle the silo mentality of departments by placing children and young people's services at the core of decision making, not protection of individual departmental budgets.

A statutory duty makes it easier for departments to come together to share resources and work collectively towards identified shared outcomes. Collaborative approaches will remove duplication and ideally allow of investment in prevention, both ultimately saving budgets in the long term.

NICVA would like to thank the Committee for the opportunity to comment on the Bill, should you have any further questions on this response we would be happy to answer them.

For more information contact

Jenna Maghie

Policy Development Officer

NICVA

61 Duncairn Gardens

Belfast

BT15 2GB

Jenna.maghie@nicva.org

Tel: (028) 9087 7777

Northern Ireland Local Government Association (NILGA)

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

Pre-ambble

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 Cooperation 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 statutebased 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 cooperated 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 farreaching 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.

Parents caring for children with Acquired Brain Injury

Committee for the Office of the First Minister and Deputy First Minister

Children's Services Co-operation Bill Response pro forma

For your convenience the Committee has prepared the attached pro forma to assist in responding to the main clauses of the Bill. The Bill can be found at

<http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/current-non-executive-bill-proposals/childrens-services-co-operation-bill/>

Please respond by Friday 27 February 2015 to committee.ofmdfm@niassembly.gov.uk.

Organisation Name	In 2013 Mrs Jane-Louise Kelly and I were members of Northern Ireland's first parent support group (Talking Heads) for carers of children with Acquired Brain Injury (ABI). As representatives of parents caring for children with Acquired Brain Injury in Northern Ireland we collectively support and welcome this Children's Services Co-operation Bill.
Main contact	Mrs Maria Treacy
Email address/phone number	adraintreacy@hotmail.com / 028 38344730 or 07780786677

I wish for my organisation to be considered for oral evidence sessions in relation to the Committee's scrutiny of the Bill: Yes please

Clause	Comments (200 words
<p>1. General Duty</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> The six specified outcomes relating to the well-being of children and young people as listed in the 10 Year Strategy for Children and Young People 2006 - 2016 The duty on Northern Ireland Departments to co-operate with each other in order to further the achievement of these objectives The mechanism in place for amending the specified outcomes 	<p>We recognise how children with Acquired Brain Injury (ABI) are ignored. The aim of this 10 Year strategy was to create a better world for all children. Yet today children with ABI are living in a society which fails to respect their rights due to the incompetence of Northern Ireland Departments to deliver services for children with ABI. This strategy was to improve the health and well-being of those with a physical or sensory disability, yet it did not produce significant improvements in the provisions to Children's ABI Services thus far.</p> <p>In 2008, the Minister for Health, Social Services and Public Safety commissioned a review of Services for People with Acquired Traumatic Brain Injury in Northern Ireland, from which an Acquired Brain Injury Plan was developed. Since the release of the Acquired Brain Injury Plan, the Regional Acquired Brain Injury Implementation Group (RABIIG) has been working to progress the recommendations.</p> <p>In 2015 the RQIA undertook a review of the implementation of the Brain Injury Action Plan across HSC trusts and progress in developing services to meet the needs of children who have suffered a brain injury. The pending results of this review will highlight how the Department of Health failed to deliver a satisfactory level of Neurological Paediatric Provisions. Therefore if prior strategies, plans, implementation groups have failed in the past to secure improvements it will take a much more robust mechanism to amend and deliver the necessary outcomes so desperately required for these children. We believe this bill has the potential to achieve this.</p>

Clause	Comments (200 words)
<p>2. Co-operation Report</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The requirement for OFMDFM to publish periodically a report on the progress of departments towards achieving the specified outcomes • The requirement for other Northern Ireland Departments to cooperate in the preparation and publication of the report 	<p>It is impossible to compartmentalise children's needs into one Department. It is crossdepartmental, and co-operation between Departments is vital for the well-being of all children. Children with ABI are the perfect example of a population of children that demand high standard of co-operation between all government Departments (DE, DHSSPS, DoJ, DCAL, DEL, DSD).</p> <p>But it is possible and logical that one department continues to report on progress of executive departments' commitment to co-operation, as OFMDFM holds the policy lead they should be tasked with overseeing co-operation across all departments and agencies to achieve the specified outcomes periodically.</p> <p>Realistically there has been challenges in delivering the 10-year strategy for children and young people but investing further in Delivering Social Change (DSC) should better support children with ABI. The journey has started in challenging the difficulties that many families find themselves in. In comparison, the speed at which Paediatric Neurological Services have been modernised is at a snail's pace.</p> <p>Presently brain injury is incurable but treatable by employment of an extensive competent Inter-disciplinary team which in turn commands cross-department co-operation for all children's services. (This could be done by adding / expanding to the Children's Acquired Brain Injury Consultation Service Team (CABCS) and transforming it from a health multidisciplinary team to an Inter-disciplinary team.</p> <p>It will come apparent to government how children with ABI have been disadvantaged historically as the definition of brain injury and implementation of care was exclusively derived from a medical model yet to responsibly meet the needs of children with ABI requires adaption of the social model which is complementary and beneficial to all children with a disability not just those with ABI. Medical advances mean more children survive brain injury with better prognosis. Public perception of childhood brain injury is typically of children with severe disabilities but increasing these children have complex hidden disabilities (including lack of inclusion) attend mainstream/ grammar schools, few require home schooling or transfer to a special needs school. This myth needs dismissed by awareness training, delivered cross all departments.</p>

Clause	Comments (200 words)
<p>3. Sharing resources and pooling funds Please provide comment on:</p> <ul style="list-style-type: none"> • The enabling power which will permit Northern Ireland departments to establish pooled budgets and shared resources to achieve the six outcomes in clause 1 	<p>In England and beyond where there has been examples of cooperative working, particularly by pooling of budgets, costs have reduced, efficiencies gained and the delivery of services for children has improved.</p> <p>For the benefit of all children in Northern Ireland we support the sharing of resources and pooling of funds. Faced with a severe lack in funding in the provision of children's ABI services accompanied by the lack of public awareness of ABI and scarce existence across children's services of trained professionals or experts with ABI knowledge and availability of skill framework calls for uniting all resources.</p> <p>Currently the pathway or transitions for children on their life journey evolves around provisions provided between a number of departments (DE, DHSSPS, DoJ, DCAL, DEL, DSD) however for children with disability and particularly ABI this ad-hoc approach is damaging. Children with ABI sadly not been supported to reach their full potential. The current government structure encourages silo mentality by enabling powers to pool and share valuable resources will break down that silo mentality.</p> <p>From a parent-lead perspective it would make common sense that all necessary professionals working in children's services share in the process, combine resources, pool budgets to strive for a better achievable outcomes for children services.</p> <p>Allied-health professionals should be allocated to schools, teaching staff would gain from the permanent timetabled presence of these professionals onsite along with shared resources for the benefit of pupils. For example, Speech Therapist (SLT) could continually liaise/advise teachers not just for pupils with SEN but concerns for any pupil. Both could share resources;</p> <p>e.g. communication flash cards could be used by the pupils and their teaching staff as part of their IEP's in classrooms and not kept by the SLT for use only in clinics.</p>

Clause	Comments (200 words)
<p>4. Children's Services Planning, Please provide comment on:</p> <ul style="list-style-type: none"> The requirement for the Health and Social Care Board to review and publish a children and young people's plan, including: <p>Content, Review mechanism, Cooperation between public bodies</p> <ul style="list-style-type: none"> The public bodies listed at Clause 4 (7) The duties placed on the HSCB particularly with regard to monitoring and reporting 	<p>The current planning of children's services is falling short. A systemic example of failure will be highlighted by the RQIA later this summer when their findings will be published on the outcomes of RABIIG and it's Brain Injury Service Standards and Quality Indicators report which proposed in 2010 targets like;</p> <p><i>"Improved linkages with the Education Sector and a better understanding of the effects of ABI will lead to improved outcomes for children of school age."</i> [page,2]</p> <p><i>"Links will be made as appropriate between Community Brain Injury Services, other statutory bodies and voluntary organisations (e.g. Education, DEL, Cedar, Headway & the Children's Brain Injury Trust)."</i> [Page 6]</p> <p>It is likely that the RQIA will conclude what parents of children with ABI have uncovered that the brain injury action plan was not delivered to plan. The RQIA may serve an improvement notice on the HSC Board but will this resolve future planning for ABI Children's by the HSBC?</p> <p>This Bill would promote cooperation at policy and operation levels. Departments, agencies and relevant partners should work together to plan, implement and monitor the appropriate policies. Children and Young People's Strategic Partnership (CYPSP) is an example of where agencies have cooperated well but based simply on goodwill. Agencies within HSBC had a responsibility to engage with others but those agencies did not have the reciprocal duty to cooperate in return. Clause 4 seeks to strengthen the principles of the CYPSP; indeed, the agencies outlined in clause 4 are already members of the CYPSP</p>

Do you have any suggested amendments to the Bill? (200 words)

Listen to children with ABI and their parents, as children have rights and parents are in the best position to advocate for children with ABI.

Do you have any other comments? (200 words)

Policy Intent, outcomes and operation

Childhood Acquired brain injuries are sustained from birth up to age 25, since the developing brain does not finish maturing until that time. Policy intent of this Bill should cater for young people up to age of 23 years old which goes much further to meeting the needs of children and young people with ABI than the current transitions to adult services at age 18.

Currently;

- Educators (teachers, Educational Psychologists, SENCO's, school Nurse, class assistants) do not receive ABI training.
- Those involved in Youth Justice and Restorative Youth Justice are ill-equipped to identify alleged young offenders with undiagnosed or diagnosed ABI, hence a large number of youth offenders gain criminal records and custodial sentences instead of receiving support and diagnosis of brain injury in appropriate cases.
- Hospitals, Emergency Departments and GP's do not record/ code incidences of paediatric; concussion, head injury, primary and secondary brain injuries, meningitis, swine flu, stroke, hypoxia or receives radiotherapy, chemotherapy and neurosurgery. Health or education staff don't instantly identified these incidences as potential risks of resulting as acquired a brain injury later in the child's life (up to age 25) as deficits become apparent later with brain maturity.

- Incidents and statistics of childhood ABI incidents and prevalence is not readily available to Executive Departments. Hence funding does not match demand as the extent of the problem is unknown.
- Undiagnosed and diagnosed cases of Childhood ABI don't have a specialised assessment unit, pathway or transition plans between or within departments.
- The Education and Library Boards also fail to record ABI in school aged children, as there is no ABI category in the SEN Code of Practice to record these children. The ELB's advised the Minister of Education (2013/14) that there was a total of 24 children with ABI in the whole of Northern Ireland, a gross under-estimation.
- Special Education don't recognise or categorise pupils with ABI as they don't know the actual definition of ABI. Awareness building and rollout of training is required.

Basically with inter-department cooperation this bill will provide an array of professionals working with children with a better understanding of ABI which will raise public awareness of the condition help identify, support and manage suspected cases of ABI.

What is it like for parents when government departments fail to co-operate?

As one mother said;

" I have become a project manager instead of caring for my child or resuming employment I spend my day safeguarding my child from an accidental medical error in hospital appointments, as the oncologist, neurologist, ophthalmologist, haematologist and so on don't effectively share notes, the left hand does not know what the right hand is doing. As for Education Statements, no-one took the responsibility to initiated that process or even explain it to us before my son returned to school".

Parents are lost, with no pathway from hospital to home/community and finally a return to school. It is simply not signposted and is dependent on, how the brain injury was acquired, which clinician, which trust, which ELB you reside in. Some children leave hospital without discharge meetings, SEN for children with ABI are not correctly assessed as the expertise is not available, and a multi-disciplinary approach is not forthcoming. Educators don't receive training in ABI. Some confess they don't even know what the ABI term stands for and are nervous when talking about the brain as they are uncomfortable due to their professional incompetence.

Agencies like CAMHS/ACE/CDC have refused to offer psychology support to children with ABI as they don't have the training or expertise. Physiotherapists, Occupational Therapists, Speech Therapist, Clinical Psychologist cannot offer the necessary support due to lack of training and therapy is time-limited although the child requires ongoing support.

The Children's Acquired Brain Injury Consultation Service Team is a starting point to offering inter-department support across health and education, but it's thinly spread and under resourced, not jointly funded.

The fact there is no Children's Brain Injury Rehabilitation Unit in Northern Ireland leaves our children and parents at a huge disadvantaged compared to adult brain injury provisions.

PlayBoard NI

Committee for the Office of the First Minister and Deputy First Minister

Children's Services Co-operation Bill Response pro forma

For your convenience the Committee has prepared the attached pro forma to assist in responding to the main clauses of the Bill. The Bill can be found at <http://www.niassembly.gov.uk/assembly-business/legislation/current-non-executive-bill-proposals/childrens-services-co-operation-bill-as-introduced/>

Please respond by Friday 27 February 2015 to committee.ofndfm@niassembly.gov.uk.

Organisation Name	PlayBoard NI
Main contact	Susan Kehoe
Email address/phone number	susan.kehoe@playboard.co.uk / 02890803380

I wish for my organisation to be considered for oral evidence sessions in relation to the Committee's scrutiny of the Bill: Yes

Clause	Comments (200 words)
<p>1. General Duty</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The six specified outcomes relating to the well-being of children and young people as listed in the 10 Year Strategy for Children and Young People 2006 - 2016 • The duty on Northern Ireland Departments to co-operate with each other in order to further the achievement of these objectives • The mechanism in place for amending the specified outcomes 	<p>PlayBoard fully supports the Children's Bill.</p> <ul style="list-style-type: none"> • The outcomes listed in the Strategy for Children and Young People were arrived at following extensive engagement with the children's sector in the run-up to 2006. As we near the end of the current strategy we maintain the position that the sixth outcome 'living in a society which respects their rights' is an overarching outcome that <i>should</i> underpin the other five. • As the lead organisation for play, PlayBoard grapple with the difficulties presented by a lack of co-operation and lack of awareness between departments of each other's strategic and operational activity. Through our 'Let us PLAY' campaign we have engaged across departments, encouraging greater co-operation to enhance play opportunities. This has led to cross-departmental action, for example DoE co-operating with OFMDFM to develop natural play within Crawfordsburn Country Park under the Play and Leisure Policy meeting dual objectives. A duty to co-operate would enhance delivery potential and maximise achievement of objectives. • As we approach 2016 it is important that the specified outcomes are subject to focused review in order to establish whether they should remain as the key outcomes for the post-2016 strategy. This should be carried out through robust engagement with the children's sector.

Clause	Comments (200 words)
<p>2. Co-operation Report</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The requirement for OFMDFM to publish periodically a report on the progress of departments towards achieving the specified outcomes • The requirement for other Northern Ireland Departments to co-operate in the preparation and publication of the report 	<ul style="list-style-type: none"> • We agree with the need for periodic reporting on progress towards achieving specified outcomes in order to ensure the duty is implemented. With regards to reporting, there are a number of current mechanisms which could lend themselves to supporting this without the need to develop additional reporting. One primary example is the commitment of the Executive to report on progress towards delivery of the UN Convention on the Rights of the Child (UNCRC). <p>Approximately every 7 years OFMDFM collate and report on a cross-departmental basis to the UK Government on the progress of the Executive towards achieving the articles contained within the UNCRC. A similar annual report would go some way to reporting on the duty to co-operate and would meet both reporting requirements for the duty to co-operate and enhance the evidence base supporting the wider UNCRC State Party report.</p> <ul style="list-style-type: none"> • Requiring other Departments to co-operate in preparing and publishing a Co-operation Report is essential and, as outlined above should be possible through the enhancement of existing cross-departmental reporting processes into the UNCRC. A Co-operation Report should be viewed as a positive undertaking, capable of measuring progress and changing mind-sets and organisational cultures regarding the delivery of children's services.

Clause	Comments (200 words)
<p>3. Sharing resources and pooling funds</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The enabling power which will permit Northern Ireland departments to establish pooled budgets and shared resources to achieve the six outcomes in clause 1 	<ul style="list-style-type: none"> • PlayBoard fully support an enabling power permitting departments to establish pooled budgets and shared resources to achieve the six outcomes. This is particularly pertinent at a time of significant pressure on public finance and we believe that only by pooling budgets and resources across departments can we achieve real, lasting progress against outcomes. We agree with CINI that this power should be extended to include agencies and adopt an approach to the joint commissioning of services. <p>There are examples of good practice in the pooling of budgets or sharing of resources, for example through Delivering Social Change £58 million has been allocated to support 7 signature projects through pooled resources from a number of departments.</p> <p>In the January Monitoring round DoE received £0.02m to deliver enhanced natural play at Crawfordsburn as part of the DSC Play and Leisure Signature Programme. As the Agency with responsibility for Country Parks, in this instance it is in a better position to deliver enhanced play than the lead department, OFMDFM. This is an example of where resources can help achieve against a number of the six outcomes – being healthy; enjoying learning and achieving; environmental well-being; and living in a society which respects their rights.</p>

Clause	Comments (200 words)
<p>4. Children's Services Planning</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The requirement for the Health and Social Care Board to review and publish a children and young people's plan, including: <ul style="list-style-type: none"> ○ Content ○ Review mechanism ○ Co-operation between public bodies • The public bodies listed at Clause 4 (7) • The duties placed on the Health and Social Care Board particularly with regard to monitoring and reporting 	<p>PlayBoard welcome the intention of the Children's Bill to amend 2A of Schedule 2 of the Children's Order (Northern Ireland) 1995 but we would highlight that as it stands the Children's Order, the only legislation enacted in Northern Ireland pertaining to children, is outdated. We would urge that the relevant steps are taken to update and bring the Children's Order (Northern Ireland) 1995 into line with similar legislation in England. To reiterate we agree with the development of Children's services plans which are fit for purpose however this requires that the legislation be updated and extended beyond 2A of Schedule 2.</p> <p>As noted elsewhere, the adoption by the third sector of an outcomes focus has allowed the children's sector to lead the way on the delivery of children and young people's services. Likewise the Children and Young People's Strategic Partnership (CYPSP), which was set up by the Health and Social Care Board to put in place integrated planning and commissioning across agencies and sectors, is well positioned to record through the Children and Young People's Plan, the state of wellbeing and the realisation of the rights of children in Northern Ireland.</p>

<p>Do you have any suggested amendments to the Bill? (200 words)</p>	<p>No</p>
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Do you have any other comments? (200 words)

We believe the children and young people's sector is leading the way in the implementation of services for children and young people. The sector's focus on outcomes, evidence-informed approaches and the use of child rights perspective is, in our view ahead of Departments, who regrettably all too often lack the imagination, creativity and resourcefulness to make the best possible and most significant difference to children's lives.

Therefore, we believe it is paramount that Departments are required to consider not only how they co-operate together but how a culture, based around the concept of no-regressive measures in children's services can be promoted and in doing so complement each other's strategic and operational activity.

We would urge the government to take a similar perspective to the voluntary sector. Rather than focusing on statutory remits and 'ticking boxes' we would suggest that departments should focus on the outcomes they are seeking to achieve and then work backwards to determine which departments and which cross-departmental connections will best position them to deliver the desired outcomes.

Public Health Agency

Committee for the Office of the First Minister and Deputy First Minister

Children’s Services Co-operation Bill Response pro forma

For your convenience the Committee has prepared the attached pro forma to assist in responding to the main clauses of the Bill. The Bill can be found at <http://www.niassembly.gov.uk/assembly-business/legislation/current-non-executive-bill-proposals/childrens-services-co-operation-bill-as-introduced/>

Please respond by Friday 27 February 2015 to committee.ofmdfm@niassembly.gov.uk.

Organisation Name	Public Health Agency
Main contact	Eddie Rooney
Email address/phone number	02895363447

I wish for my organisation to be considered for oral evidence sessions in relation to the Committee’s scrutiny of the Bill: No

Clause	Comments (200 words)
<p>1. General Duty</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The six specified outcomes relating to the well-being of children and young people as listed in the 10 Year Strategy for Children and Young People 2006 - 2016 • The duty on Northern Ireland Departments to co-operate with each other in order to further the achievement of these objectives • The mechanism in place for amending the specified outcomes 	<p>The Public Health Agency endorses the general duty of the Bill and the further achievement of the high level outcomes: being healthy; enjoy learning and achieving; living in safety and with stability; experiencing economic and environmental wellbeing; contributing positively to community and society; and living in a society which respects their rights.</p> <p>The Public Health Agency welcomes the duty on Northern Ireland Departments to cooperate with each other in order to further the achievement of these objectives.</p> <p>The mechanism for amending specified outcomes remains with the Office. The PHA is content with this mechanism.</p>

Clause	Comments (200 words)
<p>2. Co-operation Report</p> <p>Please provide comment on:</p> <ul style="list-style-type: none">• The requirement for OFMDFM to publish periodically a report on the progress of the departments towards achieving the specified outcomes• The requirement for other Northern Ireland Departments to co-operate in the preparation and publication of the report	<p>The PHA endorses the proposal for OFMDFM to publish a report on progress of departments toward achieving the outcomes. The mechanism for ensuring that such cooperation happens in practice is not clear in the draft Bill. The publication of a report will not of itself ensure effective or efficient cooperation. It is suggested that some clear milestones and indicators are set for Government Departments against which progress can be measured with clear accountability agreed for such cooperation.</p>

Clause	Comments (200 words)
<p>3. Sharing resources and pooling funds</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The enabling power which will permit Northern Ireland departments to establish pooled budgets and shared resources to achieve the six outcomes in clause 1 	<p>However, the Agency is concerned that there needs to be clarity to ensure that pooling arrangements do not confuse lines of accountability among existing bodies or inhibit the PHA from fulfilling its statutory responsibilities.</p> <p>The PHA agrees with the suggestion of sharing resources between Government departments which would seek to enhance the alignment of policy goals and practical implementation. The Agency would suggest that Government Departments' planning and resource allocation is centred around the agreed goals of the Bill.</p>

Clause	Comments (200 words)
<p>4. Children's Services Planning</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The requirement for the Health and Social Care Board to review and publish a children and young people's plan, including: <ul style="list-style-type: none"> ○ Content ○ Review mechanism ○ Co-operation between public bodies • The public bodies listed at Clause 4 (7) • The duties placed on the Health and Social Care Board particularly with regard to monitoring and reporting 	<p>The PHA agrees with the need for the Health and Social Care Boards (HSCB) to renew and publish a children and young people's plan which is developed in consultation with a wide range of partners, including children and young people. The PHA would highlight the need for the plan to set clear goals, mechanisms for achieving such goals and clear measures of progress which are evaluated and measured over time to assess impact on the agreed outcomes. This aspect of measurement requires strengthened in the next phase of Children's Services development and the duties placed on the HSCB with regard to the monitoring, reporting, and evaluation of impact. The PHA agrees with the list of public bodies included in the draft Bill.</p> <p>However, the PHA believes it is essential that commissioning through the Regional Board of actions under children's and young people's plans which apply to HSC bodies must be subject to section 8 (4) of the Health and Social Care (Reform) Act (Northern Ireland) 2009.</p>

Do you have any suggested amendments to the Bill? (200 words)

The PHA has no amendments, other than the points raised in response to specific sections of this consultation. In particular, the PHA would emphasise the need for greater rigour in the evaluation and performance reporting of the implementation of the Plan. Such evaluation should extend to the efficiency and effectiveness of existing and new mechanisms for delivery as well as impact on the agreed outcomes.

<p>Do you have any other comments? (200 words)</p>	<p>No further comment.</p>
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Public Prosecution Service for Northern Ireland

Dear Sir/Madam,

Many thanks for affording the Public Prosecution Service the opportunity to make submissions on the draft clauses of the Children's Services Co-operation Bill.

We have considered the draft clauses and have no submissions to make.

Yours faithfully,

Stephen Donaldson

Senior Public Prosecutor

Policy & Information Section

Public Prosecution Service for Northern Ireland

Tel: 02890897037

Royal National Institute of Blind People Northern Ireland (RNIB)

RNIB Northern Ireland – supporting people with sight loss

RNIB Northern Ireland
Victoria House
15–17 Gloucester Street
Belfast BT1 4LS
028 9032 9373

rnibni@rnib.org.uk
rnib.org.uk/northernireland, facebook.com/rnibnorthernireland

Royal National Institute of Blind People

Patron Her Majesty The Queen. President Dame Gail Ronson DBE.
Chairman David Mann. Director David Galloway.

Principal address: 105–121 Judd Street, London WC1H 9NE. Registered charity
number 226227 (England and Wales), SC039316 (Scotland) and 1109 (Isle of Man).
Incorporated by Royal Charter. Registered in England no. RC000500.

RNIB NI's response to the Children's Services Co-operation Bill

RNIB Northern Ireland welcomes the opportunity to comment on the clauses as outlined in the Children's Services Co-operation Bill.

RNIB NI works to support children and adults with sight loss and enable them to live full and independent lives in an inclusive and fair society. We provide a range of services for people living with sight loss including a benefits advice service and practical support to people who have recently been diagnosed with sight loss, specialised IT support and activity programmes. In addition to our services we campaign for the promotion and improvement of the rights of blind and partially sighted people. We have 72 staff working for blind and partially sighted people across Northern Ireland and 272 volunteers engaged in supporting our work.

The estimated total of blind and partially sighted children aged 0-18 in Northern Ireland is 1708 (NI Census 2011). RNIB NI currently supports 800 blind and partially sighted children and young people and their families across Northern Ireland through Family Support, Transition & Youth Services. Our vision is that children and young people with sight loss will have the same rights and opportunities to fulfil their potential as their sighted peers (please see Appendix for more detail on RNIB NI's Children and Families Services and our Youth Service).

- RNIB NI concurs that integrated working in relation to the development and implementation of children's services in Northern Ireland is paramount to ensure effectiveness in practice and better outcomes.
- We support Clause 1 of the Bill which makes it a statutory duty for Government departments to co-operate and work together effectively in devising and implementing cross cutting strategies.
- While it is fundamental that Government Departments work together to further achieve the six high level outcomes from its children's strategy (A ten year strategy for children and young people in Northern Ireland 2006-2016), we would also stress the importance of such departments working with voluntary organisations, such as RNIB particularly in light of the children services we deliver (see Appendix). It is important to note that RNIB

NI is represented on the Disability and Transition subgroup within the Children and Young People's Strategic Partnership.

- Clause 2: RNIB NI supports the need for the production and publishing of a co-operation report.
- Clause 3: Considering the current economic climate and the severe cuts a number of Government departments are facing over the next number of years, RNIB NI support the enabling power to pool budgets and share resources. Such an approach will create opportunities for early intervention and preventative spending.
- Clause 4: RNIB NI supports the need to amend the Children (Northern Ireland) Order 1995 to reflect the clauses within the Bill.
- Clause 5: RNIB NI agree that the Bill should align its definition of children and young people in accordance with the meaning as prescribed in The Commissioner for Children and Young People (Northern Ireland) Order 2003.
- In conclusion, RNIB NI would welcome the opportunity to present our views and potential involvement in the outworking of this legislation as well as to discuss in more detail the children services we deliver in Northern Ireland.

Appendix

Children and Families Service: supports children and young people from birth to adulthood. They receive the majority of referrals from the Eye Care Liaison Officers based in all eye clinics across Northern Ireland. They also take self referrals and referrals from other agencies such as Social Workers, Qualified Teachers of the Visually Impaired and other voluntary organisations.

When a family is referred they make contact with the parents/carers and carry out a full assessment of need. They provide advice and onward referral to both statutory and voluntary agencies. They also provide the family with a range of events from parents and tots groups, family fun days, family weekends, confidence and skills building activities for children including one to one tuition or music therapy for children with sight loss and complex needs/ additional disabilities. These are regular events across Northern Ireland and are organised in partnership with a range of organisations including Angel Eyes NI, SureStart, Mencap and the National Deaf Children's Society.

In 2014 RNIB NI updated the "Looking Ahead: A Parent's Guide" booklet. The booklet is a roadmap of services for children and young people with sight loss and their families across Northern Ireland and both statutory and voluntary organisations provided their input. Topics covered include; registration, the eye clinic, statutory services and voluntary organisations.

As children reach school age they provide events focusing on education. They hold parent advice workshops with speakers from the Special Educational Needs Advice Centre (SENAC) and the Children's Law Centre. These events are held in partnership with Angel Eyes NI. The Realise Project: supports children and young people aged 8-20 years old at key transition points in their lives; primary to post primary and post primary to further/higher education and employment. Through this project they provide swimming or music lessons for children as well as technology sessions, careers sessions and the IT Qualification, through workshops and on a one to one basis. The Realise Project residentials are comprised of activities designed to build skills and confidence in young people including an option to undertake the Bronze, Silver or Gold Duke of Edinburgh Award.

The Realise Project is funded by the Big Lottery Fund under their Empowering Young People Programme

Raising awareness of sight loss and eye health among children and young people is a key activity in the Children and Families Service. They provide this training in schools and youth clubs across Northern Ireland and currently reach 1500-2000 children per year.

The RNIB Youth Service: works with young blind and partially sighted people aged 16-25 to increase their independence, confidence and life skills through a range of programmes, activities and events. They run a series of residentials at the chalet based at the Share Holiday Village which include workshops on confidence, assertiveness and daily living skills.

Having good mobility is an important factor in assessing a person's level of employability. The role of teaching habilitation/rehabilitation for this age group is done by HSC Trust rehabilitation workers. If RNIB are supporting someone in employment or to get into employment and they require mobility training in their work environment or routes to and from work, then we refer to the appropriate rehabilitation worker in their Trust area.

RNIB Northern Ireland – additional briefing paper

RNIB NI's response to the Children's Service Co-operation Bill

RNIB Northern Ireland welcomes the opportunity to comment on the clauses as outlined in the Children's Services Co-operation Bill. We are very pleased to have been asked to submit evidence on the Bill.

RNIB NI works to support children and adults with sight loss and enable them to live full and independent lives in an inclusive and fair society. We provide a range of services for people living with sight loss including a benefits advice service and practical support to people who have recently been diagnosed with sight loss, specialised IT support and activity programmes. In addition to our services we campaign for the promotion and improvement of the rights of blind and partially sighted people. We have 72 staff working for blind and partially sighted people across Northern Ireland and 272 volunteers engaged in supporting our work.

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- RNIB NI concurs that integrated working in relation to the development and implementation of children's services in Northern Ireland is paramount to ensure effectiveness in practice and better outcomes.

"When our child was diagnosed with a life-long condition which would significantly affect her vision, our world suddenly changed. So many questions needed to be answered but it was difficult to know where to turn, who to turn to and what to ask." (Quote from parent, RNIB NI "Looking Ahead: A Parent's Guide" Booklet)

This quote is very typical of the reaction of a parent to her child's sight loss. Parents and families want to know about the services available and they want access to these services to be simple. Unfortunately, while many services exist and do great work with families, they are often not joined up. As one parent told me in the below case study (See Appendix 2)

"I feel that it is my job as a parent to keep each of these professions/services informed of what the other is doing as on the whole these services are not connected in a way in which they can freely pass information to each other on conditions as they have arisen or the progress of the child. A good example of this was in early January when the vision support teacher from the ELB couldn't understand why she wasn't included in our child's annual review in the Child Development Clinic. In her previous experience working in this field in the UK all agencies came together in a multi-disciplinary meeting to discuss a child on an annual basis."

It is clear that it should not be the role of the parent to fill in the blanks when services are not working in a joined up way.

Conversely, we see excellent results for children and parents when these services do work together.

The RNIB NI "Looking Ahead" booklet was funded by the Children and Young People's Strategic Partnership and the Northern Outcomes Group. It includes information from Health and Social care, Education and voluntary agencies. Our feedback from parents indicates that they are grateful to have it as it helps them to navigate services.

Similarly, we see good practice in the Paediatric Low Vision Clinics in Belfast and Derry/Londonderry where statutory and voluntary agencies share expertise for the benefit of the child and family.

- We support Clause 1 of the Bill which makes it a statutory duty for Government departments to co-operate and work together effectively in devising and implementing cross cutting strategies.

RNIB NI fully supports Clause 1 and we would add that strategies and processes within each department should be standardised so that they are easily understood and followed by children and

families who are accessing their services. There is currently a different referral system in each Health and Social Care Trust and in former Education and Library Board regions. This is very confusing for organisations such as RNIB NI who make referrals on behalf of families but even more confusion for families who self-refer. We would welcome a standard process in the Health and Social Care Trusts for referring a child with sight loss. We would also like to see a standard referral process for accessing the services of Qualified Teachers of the Visually Impaired in the new Education Authority.

While it is fundamental that Government Departments work together to further achieve the six high level outcomes from its children's strategy (A ten year strategy for children and young people in Northern Ireland 2006-2016), we would also stress the importance of such departments working with voluntary organisations, such as RNIB particularly in light of the children services we deliver (see Appendix). It is important to note that RNIB NI is represented on the Disability and Transition sub-group within the Children and Young People's Strategic Partnership.

The implementation of this Bill should enhance the good co-operation seen on the CYPSP and ensure that other relevant departments become involved e.g. The Department of Employment and Learning.

- Clause 2: RNIB NI supports the need for the production and publishing of a co-operation report.

RNIB NI and other voluntary agencies should be invited to share their evaluations of partnership working and any good practice experiences at this stage.

- Clause 3: Considering the current economic climate and the severe cuts a number of Government departments are facing over the next number of years, RNIB NI support the enabling power to pool budgets and share resources. Such an approach will create opportunities for early intervention and preventative spending.

RNIB NI expresses concern at the cuts to services in both the statutory and voluntary sector which can have an adverse impact on children with sight loss and other disabilities. We stress the

need to protect existing services and focus on early intervention and support for children and families.

Research evidences the pervasive relationship between disability and poverty. (Bryne 2014; Grace, Kett, Lang and Trani 2011). While poverty as often characterised by malnutrition, poor housing, lack of access to health care and poor working condition may increase the likeliness of acquiring a disability. Disability – characterised by social exclusion, marginalisation, discrimination and/or poor educational or labour market outcomes can increase the risk of poverty.

A recent study undertaken by the Joseph Rowntree Foundation notes that the extent of the impact of Welfare Reform in NI will be wider than in GB. For example, the proportion of claimants in NI potentially affected by the under-occupation penalty and/or the change to DLA will be double the level in GB.

It is also important to note that a recent academic paper by Dr Bronagh Bryne (QUB) notes that “Children with disabilities generally are significantly more likely to grow up in poverty than their non-disabled peers.” (2014)

RNIB NI feels that it is crucial that departments collect data on sight loss and other disabilities in order to plan services. We note that there is currently no data collected on premature babies and we feel that this would be useful information to have as many premature babies can experience sight loss.

We also note that registration as sight impaired or severely sight impaired is a voluntary process and parents are not always aware of its useful nature in securing support for them and access to vital services for their child. There is often a misconception that it will adversely affect their child in later life e.g. in getting a job.

Research carried out by RNIB on certification and registration in England in 2015 found that;

1. There is evidence that not all eligible children are being certified, and of those that are certified not all are subsequently registered. This means that children and families may be missing out on important financial and practical support.

2. There was wide variation across the hospitals and local authorities studied in the procedures for certification and registration and in the role played by various professionals. Interviews with parents – who came from across the whole of England – also found a wide variation in procedures and policies as well as the timing and nature of support for children and families.
3. It appears that children with complex needs are not always referred to ophthalmology departments for assessment by an appropriate professional. Those who have been identified as having vision impairment can often wait months or even years for the offer of certification.

While no specific research has been carried out on certification and registration on children with sight loss in Northern Ireland we know anecdotally that these findings are very similar to the experiences of families here. A clear and consistent process across all relevant departments, chiefly Health and Education is vital to ensure that we are planning for the future and children are not falling through the gaps.

- Clause 4: RNIB NI supports the need to amend the Children (Northern Ireland) Order 1995 to reflect the clauses within the Bill.
- Clause 5: RNIB NI agree that the Bill should align its definition of children and young people in accordance with the meaning as prescribed in The Commissioner for Children and Young People (Northern Ireland) Order 2003.

RNIB NI proposes that a working group is established for implementation of the Children's Co-operation Bill. RNIB NI would like to be a part of this group and we believe that the voluntary and community sector should be involved in the design phase. In the voluntary and community sector we are constantly evolving to cope with change and we are well versed in outcomes based accountability through various grants and statutory contracts. There is a wealth of skills and specific expertise that the voluntary sector could bring to the working group.

- In conclusion, RNIB NI would welcome the opportunity to present our views and potential involvement in the outworking of this legislation as well as to discuss in more detail the children services we deliver in Northern Ireland.

To conclude, RNIB NI once again thanks OFM/DFM for inviting us to give evidence today. We know the will exists to continually build on and improve existing services for children with sight loss/other disabilities and their families. We should bear in mind wider legislations such as the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities when we plan for better co-operation in future services. Our Children have a right to the best services that we can give them and this can only be done through multidisciplinary working. Children with sight loss and their families can face social exclusion and isolation leading to an adverse impact on their mental health and levels of confidence. If statutory and voluntary services work together to intervene at the earliest stages, we can support these children and families to avoid the economic and more importantly, the human costs of unmet potential.

Appendices

Appendix 1

Children and Families Service: supports children and young people from birth to adulthood. They receive the majority of referrals from the Eye Care Liaison Officers based in all eye clinics across Northern Ireland. They also take self referrals and referrals from other agencies such as Social Workers, Qualified Teachers of the Visually Impaired and other voluntary organisations.

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including an option to undertake the Bronze, Silver or Gold Duke of Edinburgh Award. The Realise Project is funded by the Big Lottery Fund under their Empowering Young People Programme

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Having good mobility is an important factor in assessing a person's level of employability. The role of teaching habilitation/rehabilitation for this age group is done by HSC Trust rehabilitation workers. If RNIB are supporting someone in employment or to get into employment and they require mobility training in their work environment or routes to and from work, then we refer to the appropriate rehabilitation worker in their Trust area.

Appendix 2

Case study from a parent of a child with sight loss and complex additional needs

I am a mother of a 28 month old child who has a number of medical conditions including severe hydrocephalus, cerebral vision impairment, astigmatism and epilepsy. Since discharge from hospital post first shunt operation our child has been in the care of our local CDC. The services there include a physiotherapist, speech therapist and occupational therapist. Our child also has a paediatrician locally as well as a neurosurgeon and a neuro paediatrician, a social worker from the sensory disability team and services from a sensory support worker in the education and library board. These are the main services provided by the health and education boards. They are all very much appreciated by us for the work they have done to help with our child's development but as you can see there are quite a large number of agencies/services for a parent to get their head round and keep on top of to get the best out of the services they provide for our child.

I feel that it is my job as a parent to keep each of these professions/services informed of what the other is doing as on the whole these services are not connected in a way in which they can freely pass information to each other on conditions as they have arisen or the progress of the child. A good example of this was in early January when sensory support teacher from the ELB couldn't understand why she wasn't included in our child's annual review in the CDC as in her previous experience working in this field in the UK all agencies came together in a multi disciplinary meeting to discuss a child on an annual basis.

In order to supplement the physio sessions the NHS could provide for our child my husband and I pay privately for weekly physiotherapy sessions. This was in no way to take from the work carried out in the local CDC but just to provide consistency in development in our child. Through the RNIB our child has also been privileged to be allowed three ten block sessions of music therapy. We have found these private services to be more open to working together for the development/progress of our child. Throughout their sessions they make regular contact to ensure that each are working together to promote the best possible outcome for our child. The sensory support teacher from the ELB even thought she has only been a designated worker for the past 7

months has recognised the potential of working with these private agencies for the greater good of our child. She also makes contact with afore mentioned to aide our child's development. I would go so far to say that without this working together of services we have sourced our child would not have made such good progress to date.

As parents we feel very strongly that a bill should be passed supporting co-operation between services. We would even go so far as to say this bill should put into legislation that in the interest of the well being of children there should be co-operation between all public services and between public and private services. This would ensure the best possible outcomes for a group of very vulnerable children.

Appendix 3

RNIB Research 2015

Ensuring Support: Certification and Registration in children and young people with Vision Impairment in England

1. Introduction

The Certificate of Vision Impairment (CVI) formally certifies a person as either sight impaired/partially sighted (SI) or severely sight impaired/blind (SSI). The eligibility criteria are the same for children as for adults. The purpose of the CVI is to provide a reliable route for someone with vision impairment to formally be brought to the attention of social care. In addition epidemiological analysis of CVI data provides information on the prevalence of vision impairment. Registration as blind or partially sighted is a voluntary choice. The registers are usually held by local authority Social Service Departments (SSD). The purpose of these registers is to help local authorities plan and provide services for people who are vision impaired.

The study reported here investigates the certification and registration (C&R) process for children and young people aged from 0–17. It follows on from a similar study with adults, which found a number of barriers and delays to C&R and as a result made specific recommendations for different stakeholder groups in order to improve the process (Boyce, 2012).

While we expected to find similarities between the child and adult process, we also anticipated some differences as the role of professionals may be different. For example, while some ophthalmologists who work with children also specialise in paediatrics, others may work mainly with adults. Pathways to support may differ too, as in addition to health and social care professionals, qualified teachers of children with vision impairment (QTVI) from the local authority education vision impairment (VI) advisory service provide support to blind and partially sighted children and their families.

2. Method

Telephone interviews were carried out with professionals involved in the C&R process, and with parents of children who were registered as SSI or SI. The health professionals came from hospitals in five areas in England and included: consultant ophthalmologists (some with and some without a specialist interest in paediatrics), orthoptists, optometrists, Eye Clinic Liaison Officers (ECLOs) and administrators. Eight local authorities (LAs) that were linked geographically to one or more of the five sites also took part. The local authority professionals interviewed were QTVIs working in VI services, and social services professionals working with children registered as SI or SSI. We also interviewed 26 parents from across the whole of England and not just the participating hospital and LA areas.

3. Key findings from the research

3.1 Finding 1: Not all CYP who are eligible are being certified and registered

There is evidence that not all eligible children are being certified, and of those that are certified not all are subsequently registered. This means that children and families may be missing out on important financial and practical support.

3.2 Finding 2: The C&R process for CYP is highly inconsistent across England

There was wide variation across the hospitals and local authorities studied in the procedures for certification and registration and in the role played by various professionals. Interviews with parents – who came from across the whole of England – also found a wide variation in procedures and policies as well as the timing and nature of support for children and families.

3.3 Finding 3: There is inconsistent practice for babies and children with vision impairment and additional complex needs

It appears that children with complex needs are not always referred to ophthalmology departments for assessment by an appropriate professional. Those who have been identified as

having vision impairment can often wait months or even years for the offer of certification.

3.4 Finding 4: Referral for specialist support was often delayed

Babies and young children with vision impairment require the intervention of a specialist – usually a QTVI – as early as possible to support their cognitive development, communication, social and independence skills. Referral to the local authority VI service should take place as soon as a baby or child is identified as having a problem with their vision. This should not be dependent upon certification. While some ophthalmologists and other health professionals understood the need to refer babies and young children for specialist support as soon as possible, according to both ophthalmologists themselves and to parents, referrals were often delayed and/or dependent upon certification. Ophthalmologists who had not had specialist training in paediatric ophthalmology were often unaware of referral pathways and of the needs of children and their families, which often caused unnecessary delays in the provision of support.

3.5 Finding 5: ECLOs and other intermediary roles are under-used

Intermediaries such as specialist nurses, Eye Clinic Liaison Officers (ECLOs) and Family Support Unit workers provided practical and emotional support and information for parents in the early stages of identification of their child's vision impairment, which parents very much valued. As they have a key role in ensuring that CYP are referred to local authority education and other services for specialist support their early involvement is important. They can also save clinicians time by answering parents' non-clinical questions, as well as dealing with administrative tasks in the certification process. However, hospitals did not always take full advantage of these intermediary roles and referring parents to them was not consistent as it was often a subjective decision made by individual ophthalmologists.

3.6 Finding 6: Variable support from social care services

The purpose of the CVI is to provide a reliable route to support but the support offered to children and their families by social services (SS) is inconsistent with some areas offering assessments and follow-up support and others not offering any support or offering

little beyond a contact letter and the registration card. In many SS departments there is a substantial lack of contact with and understanding of children with VI. Only one out of the eight LA areas studied had a fully co-ordinated approach between health, social care and education.

Those few parents who had received support from social services appreciated it enormously. Support included input from a social worker (who was highly valued), respite care, and help with re-housing.

3.7 Finding 7: The most valued professional was the QTVI

QTVIs were the primary source of information and support for CYP and their families. QTVIs provided support and information on education, parenting skills, funding/welfare, social opportunities and emotional support. Parents consistently stated the support provided by QTVIs was the most valuable support and help they received.

However there were examples from some parents of poor practice; some CYP only received support from QTVIs after their parents repeatedly requested it.

3.8 Finding 8: Value of certification and registration to parents

Parents of children who are registered all said that registration was important to them. Benefits included financial benefits (such as DLA), having clear evidence that their child was SSI/SI when this wasn't necessarily apparent (e.g. in the case of a child with complex needs), and in a few cases it was their passport to support.

3.9 Finding 9: Not all CYP who are eligible are being registered

The registration system for CYP appears to be in a poor state. Four of the seven local authority SS departments held multiple versions of the CYP registers; some LAs did not even know where the registers were located. Inaccurate registers will prevent local authorities from planning effectively for children with VI who have the highest levels of need. Without knowing how many CYP have severe VI it may be difficult to determine budgets for specialist services such as QTVIs.

4. Conclusions

The findings from this study demonstrate that the C&R processes for children and young people are highly inconsistent across England. While parents of children who were registered spoke of the benefits this had brought them, not all eligible children were certified by ophthalmologists, and not all local authorities maintained a register of children. The consequences are that children and their families may be missing out on important financial and practical support; and local authorities that are failing to maintain registers may lack key data for strategic planning of local services.

Early intervention and support is essential for babies and young children with vision impairment to support the development of their social, cognitive, communicative and independent mobility skills. The key professional in providing such support is the local authority specialist teacher for children with vision impairment (QTVI). While referral to both education and social care services should not be dependent upon certification, many parents in this research did experience delays in support until after their child had been certified and registered.

Hospitals under-utilise intermediary staff such as an ECLOs, specialist nurses and family support unit workers, who have a key role to play in providing emotional and practical support to families, ensuring prompt referral to education and other services for specialist support, and assisting with the administration of the CVI.

There were examples of good practice, where CYP and their families received good quality support early and in a timely manner and where health, social care and education services had established multi-agency working, although only one area had a recognised pathway to support for those who were not issued with a CVI. It is important to build upon these examples of effective practice to ensure that all local authorities and hospitals have an established pathway to support for children and young people with vision impairment and their families, as well as clear certification and registration processes that are understood by staff at all stages of the process.

5. Further information

The executive summary can be downloaded from:
For further information contact sue.keil@rnib.org.uk

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Save the Children

Committee for the Office of the First Minister and Deputy First Minister

Children’s Services Co-operation Bill Response pro forma

For your convenience the Committee has prepared the attached pro forma to assist in responding to the main clauses of the Bill. The Bill can be found at <http://www.niassembly.gov.uk/assembly-business/legislation/current-non-executive-bill-proposals/childrens-services-co-operation-bill-as-introduced/>

Please respond by Friday 27 February 2015 to committee.ofmdfm@niassembly.gov.uk.

Organisation Name	Save the Children
Main contact	Anne Moore
Email address/phone number	a.moore@savethechildren.org.uk 07917232900

I wish for my organisation to be considered for oral evidence sessions in relation to the Committee’s scrutiny of the Bill: Yes

Clause	Comments (200 words)
<p>1. General Duty</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The six specified outcomes relating to the well-being of children and young people as listed in the 10 Year Strategy for Children and Young People 2006 - 2016 • The duty on Northern Ireland Departments to co-operate with each other in order to further the achievement of these objectives • The mechanism in place for amending the specified outcomes 	<p>Important timing for this legislation with the Ten Year Children and Young People's Strategy due in 2016, the examination of the UK government by the UN Committee on the Rights of the Child in 2016, the pending child poverty strategy 2014/15-17 and predicted increase in child poverty by 2020 due to the recession, budget and welfare cuts and increasing in-work poverty. Hence the importance of tackling these challenges with a more coordinated and committed approach from central government. The six high level outcomes were well researched in consultation with the children's sector and inform the children services planning and the Children and Young People's Strategic Partnership at regional level. They are still supported.</p>

Clause	Comments (200 words)
<p>2. Co-operation Report</p> <p>Please provide comment on:</p> <ul style="list-style-type: none">• The requirement for OFMDFM to publish periodically a report on the progress of departments towards achieving the specified outcomes• The requirement for other Northern Ireland Departments to co-operate in the preparation and publication of the report	<p>The reporting is sensible – it has the potential to improve accountability because it could be aligned with the existing requirement to report annually on the Child Poverty Strategy and could inform reporting on the outcomes in the next Children and Young People’s Strategy.</p>

Clause	Comments (200 words)
<p>3. Sharing resources and pooling funds</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The enabling power which will permit Northern Ireland departments to establish pooled budgets and shared resources to achieve the six outcomes in clause 1 	<p>In order to achieve the high level outcomes, detailed information on public expenditure must be accessible. The most recent UN Committee on the Rights of the Child Concluding Observations recommended consistent budgetary analysis in order to identify how much spending is allocated to children across the State party and whether it serves to effectively implement policies and legislation affecting them. Therefore it makes sense to have the enabling power to pool budgets in order to enhance transparency and joint service commissioning when appropriate.</p>

Clause	Comments (200 words)
<p>4. Children’s Services Planning</p> <p>Please provide comment on:</p> <ul style="list-style-type: none">• The requirement for the Health and Social Care Board to review and publish a children and young people’s plan, including:<ul style="list-style-type: none">○ Content○ Review mechanism○ Co-operation between public bodies• The public bodies listed at Clause 4 (7)• The duties placed on the Health and Social Care Board particularly with regard to monitoring and reporting	<p>This would seem a sensible development of the precedent set by the HSCB’s Children and Young People’s Strategic Partnership. But this existing arrangement would need to be taken into consideration when designing the Stormont House Agreement’s proposed new department for children and young people.</p>

Do you have any suggested amendments to the Bill? (200 words)

No

Do you have any other comments? (200 words)

Child poverty levels and income inequality are predicted to increase by 2020 due to the adverse impact of welfare and budget cuts, according to the Institute of Fiscal Studies (IFS) research, *Child and Working-Age Poverty in Northern Ireland* from 2010-2020, commissioned by Ofmdfm. The IFS has predicted that child poverty will increase across the UK, with the sharpest increase in income poverty among children in Northern Ireland. Its latest update states that relative child poverty will increase to 26% (BHC) and absolute child poverty to 29.3% (BHC) by 2020.

However the Executive has committed to ending child poverty by 2020. Each Executive Minister has a statutory obligation to meet the 2010 Child Poverty Act targets, which are reiterated in the 2011-15 Programme for Government. The targets are to reduce relative child poverty to less than 10% by 2020, to reduce absolute and combined child poverty to less than 5%, with a target for persistent low income to be prescribed by regulation before 2015.

The Department for Social Development's (DSD) Households Below Average Income (HBAI) figures for 2012-13 show that 20% of children were living in relative poverty (Before Housing Costs) and 22% (After Housing Costs); 22% were living in absolute poverty (BHC) and 26% (AHC).

Much importance is attached to employment as the chief way to tackle poverty, but more than half of all poor children live in families where an adult is working. Child poverty is becoming a problem of working families, a problem of low wages and insecure work.

According to the latest QUB Poverty and Social Exclusion (PSE) survey, more than half of children in Northern Ireland (241,000) are growing up in households that could not pay an unexpected expense of £500. One in three adults is unable to make regular savings of at least £20 and 28% cannot make regular payments into a pension because of lack of money; about 75,000 children are living in damp homes; over a third of families cannot afford one or more items central to a child's family life – a week's holiday away from home, a day trip once a month or celebrating special occasions. The number of families unable to afford at least one of four items for a child's educational development has increased and these include children's books, educational games, construction toys and school trips.

In 2008 Save the Children and partners found that 21% of children were living in persistent poverty, attributed largely to the legacy of the conflict. This 21% figure was more than double the GB rate in 2008 and many worry that increasing youth unemployment, welfare reform, budget cuts and in-work poverty will recreate the conditions for social distress and unrest.

The Welfare Reform Bill has reached further consideration stage at Stormont but the Commons Select Work and Pensions Committee has highlighted the severe misery already caused by increasing sanctions and benefit delays in England. The New Statesman has highlighted another worrying development in England – it reported on a pilot for 15,000 low-paid working universal credit claimants who may find that their benefits, including the housing element of universal credit, are reduced if they do not actively seek to work more hours or increase their salary. According to the New Statesman, the change is

important because this policy goes beyond targeting jobseekers, the sick and disabled. It threatens to further penalise those who are working in low-paid jobs.

It is vital that the government response is commensurate with the scale of the challenge. As well as a costed child poverty strategy, we would argue that low income children and their families would benefit from the proposed Children's Services Co-operation Bill to encourage better departmental coordination.

Voice of Young People in Care

Committee for the Office of the First and Deputy First Minister
Room 346
Parliament Buildings,
Ballymiscaw
Stormont,
Belfast
BT4 3XX

26 February 2015

Dear sir/madam

Re: Children's Services Co-operation Bill

VOYPIC welcomes the opportunity to respond to the Call for Evidence from the Committee for the Office of First Minister and Deputy First Minister on the Children's Services Co-operation Bill. VOYPIC fully supports the Children's Bill and its aim to put the Government's six high level outcomes from the children's strategy into legislation. This will require departments to discharge their functions and co-operate to further the achievement of these outcomes. We endorse the submission made by Children in Northern Ireland (CiNI) and will make reference to this throughout our response.

VOYPIC is a charity working across Northern Ireland promoting the rights and improving the lives of children and young people cared for away from home. They may be living at home in care; with foster or kinship carers; in children's homes; in secure settings; or in supported accommodation. They may be preparing to leave care or be care leavers. We support children and young people through a wraparound model of practice.

General duty

VOYPIC supports the Ten Year Children's Strategy and its six high level outcomes. We believe that the strategy and the six high level outcomes are robust and are based on improving the lives of all children and young people.

In 2011 VOYPIC introduced Our Life in Care (OLC) survey as a three year pilot project to collect the views and experiences of children in care aged 8 to 18 in Northern Ireland.

Our three surveys were completed in 2011, 2012 and in 2013. We used the six high level outcomes as the basis for three age appropriate questionnaires.

In recent years in Northern Ireland, critical chances for better outcomes for children and young people have been missed as key strategies have been insufficiently developed, implemented or integrated across government, or have failed to adhere to obligations outlined in fundamental statutes and regulations.

We welcome the clause in the Bill that would place a duty on Northern Ireland departments to co-operate with each other to further the achievement of the objectives stated in the ten year strategy. In the case of children in care, Our Life in Care shows that that whilst we may have the system, the structures and the policy in place, it's the everyday practice and fine detail that impact on daily life. A statutory duty to co-operate would ensure the best outcomes for children and young people are achieved.

Co-operation Report

We endorse the view of CiNI that there appears to be some confusion regarding the reporting process recommended within the draft Children's Bill in relation to the cooperation report. There are reporting mechanisms already in place which, if amended slightly, would ensure

streamline reporting and avoid duplication when reporting on cooperation to achieve the specified outcomes detailed within the Children's Strategy.

Sharing resources and pooling funds

VOYPIC fully supports legislation to create an enabling power to permit government departments and agencies to pool budgets and jointly commission services. Creating a mechanism for pooling budgets would make it easier for departments to share staff, skills and resources, to jointly commissioned services and work collectively towards shared outcomes. This joint working and cooperation could be used to develop the concept and understanding of corporate parenting for children in care and care leavers. We are promoting a greater level of corporate parenting responsibility across government and the statutory sector to improve outcomes for children in care.

Children's Services Planning

We endorse the views reflected by CiNI and welcome the proposals contained under Clause 4. It is important that those bodies are specified to ensure the coordination of the delivery of services to achieve the six high level outcomes. We support the duties placed on the Health and Social Care Board particularly with regard to monitoring and reporting.

Whilst the requirements contained in the bill are not new, it will amend the Children (Northern Ireland) Order 1995 substituting the existing paragraph 2A of Schedule 2 with a more detailed provision. We believe that placing a duty on the relevant public bodies to co-operate to prepare, review, implement and report on the children and young people's plan will lead to more effective monitoring and better outcomes for children and young people.

Yours faithfully,

Ruth Barry

Senior Policy Officer

Western Education and Library Board

Committee for the Office of the First Minister and Deputy First Minister

Children’s Services Co-operation Bill Response pro forma

For your convenience the Committee has prepared the attached pro forma to assist in responding to the main clauses of the Bill. The Bill can be found at <http://www.niassembly.gov.uk/assembly-business/legislation/current-non-executive-bill-proposals/childrens-services-co-operation-bill-as-introduced/>

Please respond by Friday 27 February 2015 to committee.ofndfm@niassembly.gov.uk.

Organisation Name	Western Education & Library Board
Main contact	Nicola Topping Assistant Senior Education Officer – Children & Young Peoples Services
Email address/phone number	Nicola.topping@welbni.org 02882411451

I wish for my organisation to be considered for oral evidence sessions in relation to the Committee’s scrutiny of the Bill: No

Clause	Comments (200 words)
<p>1. General Duty</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The six specified outcomes relating to the well-being of children and young people as listed in the 10 Year Strategy for Children and Young People 2006 - 2016 • The duty on Northern Ireland Departments to co-operate with each other in order to further the achievement of these objectives • The mechanism in place for amending the specified outcomes 	<p>The Western Education & Library Board (WELB) continues to support the six high level outcomes of the 10 year strategy and were appropriate, is working to achieve them as they affect children and young people in its geographical location. The WELB specifically works through a range of its services to fulfil the outcome of 'enjoying learning and achieving'.</p> <p>Whilst there already is established working practice through the Children & Young Peoples Strategic Partnership (CYPSP) to put in place integrated planning and commissioning across agencies and sectors. It seems that the Bill by formalising the duty to co-operate will give these existing processes and any new processes a stronger footing enabling the achievement of the high level outcomes.</p> <p>It would be important to consult in relation to any changes that may be made to the specified outcomes including reference to existing data on children and young people in Northern Ireland, as well as consultation with all key stakeholders.</p>

Clause	Comments (200 words)
2. Co-operation Report Please provide comment on: <ul style="list-style-type: none">• The requirement for OFMDFM to publish periodically a report on the progress of departments towards achieving the specified outcomes• The requirement for other Northern Ireland Departments to co-operate in the preparation and publication of the report	<p>The WELB welcomes a reporting mechanism by which OFMDFM will publish progress reports in relation to co-operation across government departments.</p> <p>Co-operation between Departments in preparing and publishing any progress report would be integral to the spirit and practical outworking of this legislation.</p>

Clause	Comments (200 words)
<p>3. Sharing resources and pooling funds</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The enabling power which will permit Northern Ireland departments to establish pooled budgets and shared resources to achieve the six outcomes in clause 1 	<p>Integrated planning and commissioning across agencies and sectors has been in place for some time however there has been limited opportunity, if any, to pool resources across government departments. This legislation, by requiring Departments to pool funds should limit duplication of services and strengthen work across departments to achieve the six high level outcomes.</p> <p>However it would be important to be mindful that in the 'administration of co-operation' resources are not diverted from front line services and that anticipated savings as the result of greater co-operation over time are realised.</p>

Clause	Comments (200 words)
<p>4. Children’s Services Planning</p> <p>Please provide comment on:</p> <ul style="list-style-type: none">• The requirement for the Health and Social Care Board to review and publish a children and young people’s plan, including:<ul style="list-style-type: none">○ Content○ Review mechanism○ Co-operation between public bodies• The public bodies listed at Clause 4 (7)• The duties placed on the Health and Social Care Board particularly with regard to monitoring and reporting	<p>Clause 4 of the Co-operation Bill appears to strengthen previous Children’s Services Planning Guidance and this is to be welcomed.</p> <p>The WELB recognises that the Health & Social Care Board (HSCB) already has a number of duties in relation to reviewing and publishing a children’s plan, however the Bill will now require the HSCB to review and publish a children and young people’s plan in consultation with a range of public bodies. The list of public bodies is extensive allowing for a wealth of views to be expressed by those who work directly or indirectly to achieve the six high level outcomes for children and young people.</p> <p>A mechanism to monitor and report is welcomed.</p>

Do you have any suggested amendments to the Bill? (200 words)

The WELB has no suggested amendments to the Bill.

<p>Do you have any other comments? (200 words)</p>	<p>The Board has no additional comments</p>
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Northern Ireland
Assembly

Appendix 4

Memoranda and Papers from the Bill Sponsor

Memoranda and Papers from Bill Sponsor

- Steven Agnew - Key Legislative Proposals
- Department for Children, Schools and Families - Research brief: Working together in Extended Schools and Children's Centres – A Study of Inter-Professional Activity in England and Sweden, August 2009
- Green Party - Research Paper on Statutory Duty to Collaborate on Children's Services, April 2012
- RalSe - The Children's Act 2004: A Statutory Duty to Co-operate – Prepared for Steven Agnew MLA, March 2014
- Steven Agnew - Response to summary of Clause by clause responses
- Steven Agnew - Initial views on OFMDFM amendments

Steven Agnew – Key Legislative Proposals

A Private Member's Bill that would introduce a Statutory Duty on all Government Departments to collaborate in the achievement of the 6 high level outcomes for children and on a Statutory Duty on (relevant) Government Departments to collaborate in the planning, commissioning and delivery of children's services.

Issued by Steven Agnew MLA

Introduction

Children are one of the most vulnerable groups in our society and we have a duty to ensure that their basic needs are met and their rights are protected, including:

1. Being healthy
2. Enjoying, learning and achieving
3. Living in safety and with stability
4. Experiencing economic and environmental well-being;
5. Contributing positively to community and society; and
6. Living in a society which respects their rights

These are the six high level outcomes identified by the Executive in the Ten Year Strategy for Children & Young People which has been widely commended for its ambition. Nevertheless, there has also been wide criticism from within the children's sector of the failure of government to deliver on these outcomes.

At the root of many of these criticisms has been a lack of collaboration between Government departments in the planning of children's policy and strategies at the departmental level to achieve these aims.

In addition, while voluntary initiatives such as the Executive Sub Committee on Children and Young People and the departmental Children's Champions have been welcomed by the children's sector, it is felt that these mechanisms have been insufficient in effecting genuine collaboration between agencies in the planning, commissioning and delivery of children's services.

The Bill if adopted would place a statutory duty on all departments to collaborate to achieve the 6 high level outcomes. The second aspect of the legislation will place a duty on all relevant government departments and agencies to collaborate in the production of a children's plan and the commissioning and delivery of children's services. It will also include an enabling power which will permit departments to pool their budgets, share their staff and resources, and jointly commission services.

A statutory duty to collaborate in the planning, delivery and commissioning has existed in England & Wales since 2004 and is now under consideration in Scotland. Children in Northern Ireland are losing out due to our lack of a statutory duty. The current way of doing things is inefficient and a voluntary approach has not produced the desired results. Legislation is needed to change the culture of government departments that sees them operate in isolation.

I believe we must move beyond simply consulting with each other and start working together; for the benefit of children and families in Northern Ireland.

Steven Agnew MLA

Key Legislative Proposals

The key objective of the bill is to introduce a statutory legal duty on the Executive to collaborate in the achievement of the 6 high level outcomes and for relevant government departments and agencies to collaborate in the planning, commissioning and delivering children's services. The bill will separate the achievement of the 6 high-level outcomes from the planning, commissioning and delivery of children's services to reflect the fact that achieving the high-level outcomes is a wider and more-high level ambition than planning, commissioning and delivering these services.

Achievement of the 6 high-level outcomes

The following is proposed as part of this section of the bill:

- A. A duty on OFMDFM to lay a regular report before the Assembly setting out progress on collaborative working between government departments in achievement of the 6 high level outcomes for children:
 - 1. Being healthy
 - 2. Enjoying, learning and achieving
 - 3. Living in safety and with stability
 - 4. Experiencing economic and environmental well-being;
 - 5. Contributing positively to community and society; and
 - 6. Living in a society which respects their rights
- B. A duty on OFMDFM to monitor collaboration between government departments in the development of all strategies which impact directly upon children.
- C. A duty on all departments to collaborate in the production of all strategies which impact directly upon children.
- D. A duty on OFMDFM to collaborate with all other departments in the regular production of a strategy to achieve the following high-level outcomes for all children.
- E. A duty on all other departments to collaborate with OFMDFM in the development of the strategy and the reports on its implementation.
- F. A duty on all departments to work towards the achievement of the high-level outcomes.

Planning, Commissioning and Delivery of Children's Services

The following is proposed as part of this section of the bill:

- A. A duty on DHSSPS to collaborate with all (relevant named) departments, agencies, public bodies and district councils in the regular production, publication and review of a children's services plan.
- B. A duty on all other departments, agencies, public bodies and district councils to collaborate as requested by DHSSPS in the production of the children's services plan.
- C. The plan (and its implementation) to be required to be designed to contribute to the achievement of the 6 high-level outcomes.
- D. The plan to include provision for collaboration between (relevant named) agencies, public bodies and district councils in the commissioning and delivery of children's services.
- E. A duty on the (relevant named) departments, agencies, public bodies and district councils to collaborate in the commissioning of children's services in accordance with the plan.
- F. A duty on the (relevant named) agencies, public bodies and district councils to collaborate in the delivery of children's services in accordance with the plan.
- G. A duty on the DHSSPS to report to the Assembly on the collaboration between departments, their agencies, public bodies and district councils in the planning, commissioning and delivery of children's services and the extent to which the plan and its implementation are contributing to the achievement of the 6 high-level outcomes.
- H. An enabling power for departments to pool budgets, share staff and resources and jointly commission services.

Department for Children, Schools and Families - Research brief

Research Brief

DCSF-RBX-09-10

August 2009

WORKING TOGETHER IN EXTENDED SCHOOLS AND CHILDREN'S CENTRES A STUDY OF INTER-PROFESSIONAL ACTIVITY IN ENGLAND AND SWEDEN

*Claire Cameron, Peter Moss, Charlie Owen, Pat Petrie, Patricia Potts,
Antonia Simon and Valerie Wigfall*

Thomas Coram Research Unit, Institute of Education, University of London

Introduction

Inter-professional working is being actively promoted in England's children's services, including health, education, social care services and beyond. The project set out to contribute to the development of the children's workforce strategy and the *Every Child Matters* (ECM) and *Youth Matters* policy agendas by investigating the factors involved in inter-professional working in multipurpose children's settings, in particular as these apply to extended schools and children's centres. A comparative approach was adopted, selecting Sweden as the country for this purpose, because it has similar policy ambitions but a longer history of an integrated approach to work with children. This study took place between 2006 and 2007 and the policy context for the study has developed since fieldwork. It is beyond the scope of this Brief to document policy changes in their entirety but include the 2020 Workforce Strategy (DCSF 2008) and The Next Steps for Early Learning and Childcare (DCSF 2009). This Brief reports findings from policy analysis and case studies of practice; Simon et al. (2007) reports earlier secondary analysis of national children's workforce data.

Key findings

- The structure of services in early childhood education and care and schools in England is more complex and diverse than Sweden, with a more hierarchical workforce.
- Sweden has a long history of closer relations between professions and services. Major restructuring has resulted in a graduate professional as the core worker and the reform of professional education to include a common educational framework.
- England is at an early stage of 'whole system change' which has gained momentum since the launch of *Every Child Matters* in 2003. Many new types of job have emerged, but underlying restructuring of the workforce has been less apparent.
- Four types of inter-professional practice were identified in the English and Swedish authorities: parallel working (where agencies were co-located but little inter-professional work was taking place); multi-agency case work (where agencies worked together around individual cases and the most common type in England); project teams (where agencies came together for particular projects and often time limited purposes); and work groups (inter-professional teams engaging together, throughout the school day, in face-to-face practice with children, only seen in Sweden). Effective working together calls for awareness of the different purposes required for different forms of integrated working.
- In many ways the scope and rate of change in England is far broader than in Sweden - 'whole system change' - requiring huge changes over a short time span. Yet in other ways, the reform is more limited than Sweden's, with less attention to vertical integration, i.e. across childhood years, and interprofessional 'work groups' (see above).



department for
children, schools and families

- Swedish social and educational policy favours 'working together'. In England, in spite of goodwill on the part of staff and of explicit government policy, this is more difficult because the facilitative underpinnings for 'working together' are not in place.
- England and Sweden share a common challenge of trying to retain or further implement broader view of education, focusing upon the needs of the whole child and incorporating inter-professional working, while reconciling issues confronting the various professional groups.
- A comprehensive curriculum, written in terms of children's wellbeing as well as their attainment (as is already the case in ECM and the Children's Plan), is called for in England if different professionals are to come to a common mind that bridges professional and agency differences.
- To achieve the broad goals represented in the Every Child Matters outcomes, there may be a need in England to go beyond re-modelling (i.e. new configurations of existing players) to re-structuring and re-conceptualising (i.e. introducing new professional identities and roles).

The Study's Aims

The intention was to throw more light on facilitators and obstacles to working together and to contribute to an understanding of how such working might be improved. The main objective was to investigate inter-professional relationships and interactions in selected sites, rather than a more general evaluation of the effectiveness of these settings.

In particular, the project sought to (i) examine structural and conceptual obstacles to effective collaboration across the children's workforce; (ii) provide an account of the development of inter-professional working and new occupational models in emerging forms of school in England and Sweden; (iii) identify examples of the re-negotiation, successful or otherwise, of working practices and professional understandings in multi-purpose settings; and (iv) explore how existing difficulties in inter-professional relationships might be reduced and professional interactions made more effective.

Methods

The methodology comprised four main elements: reviews of English and Swedish literature; secondary analysis of large scale data sets; national-level analyses of inter-professional activity achieved through interviews with key experts and documentary analysis; and case studies of inter-professional practice, two each in Swedish and English local authorities. In each English local authority, two schools - one secondary and one for primary age children - and two children's centres were selected; in each Swedish authority, two schools were selected (Sweden has no direct equivalent of children's centres).

The two Swedish local authorities - with populations of 28,000 and 62,200 - were just outside Stockholm, within easy commuting distance; one of the four schools served a mainly middle class district, the other three more socially mixed areas. The two English authorities, with populations of 222,000 and 301,000, were generally prosperous, but included areas with high levels of social disadvantage, in which the study settings were located. Overall, therefore, the English schools served more disadvantaged populations than the Swedish schools, reflecting higher overall levels of disadvantage in England and the prioritising of disadvantaged areas for the early development of children's centres and extended schools.

The structuring of services and workforces in England and Sweden

England has a more diverse and complex system than Sweden. Early childhood education and care (ECEC) services are still affected by the historical divide between 'childcare', 'early education', and child welfare / family support, with a strong emphasis on marketisation and private provision. Compulsory school runs from 5 to 16, divided usually between two, and sometimes three, separate schools. Government policy is rapidly expanding two new forms of multi-purpose provision: children's centres and extended schools.

Sweden has a fully integrated ECEC service. Most children go to 'preschools' delivered mainly by local authorities. Compulsory school age is 7, but 6 year olds attend 'preschool classes' in schools. Many schools are age segregated, but increasingly grades 1 to 9 are organised into one school, on one site, with one principal (*rektor*), often also including preschools. 'Free-time services' (for out-of-school hours) are an integral

part of schools; 'free-time' staff work together with school staff to form multi-professional teams in mixed-age 'work units' covering the extended day from approximately 7.00 - 17.00 or 18.00. Swedish schools are generally substantially smaller than English schools, with some 500 pupils from 1 to 16 years (case study school). The English ECEC and school workforce is organised in a strongly hierarchical manner. Analysis of the LFS data revealed three clusters of occupations which differ in, for example, level of education and pay.

The Swedish workforce is organised around three professional occupations in a less hierarchical way. Pay differences are relatively small. Most staff are well qualified, with staff in the main occupations educated to graduate level; there are few assistants in schools. Schools always employ school nurses and often counsellors (*curators*). Support from the local education resource centre or from social services is used only for high level needs.

Development of policy and practice

Sweden has a long and sustained history of seeking closer relations between professions and services, especially focused on ECEC, compulsory schooling and free-time services, dating back to the 1960s. Over this period, both ECEC and school have fully integrated care, learning and a broader concern with upbringing. Education for the three main professions (for free time, early years and teaching) were brought together in 2001 within a common framework. Policy drivers have been lifelong learning, the application of pedagogical principles (education in the broadest sense, treating care, learning and upbringing as inseparable) for the benefit of children, and economic considerations. The context has been an expansion of services, the absence of other strong policy discourses, and continuity of both government and the policy process. Integration has coincided with decentralisation from central to local government, accompanied by sustained and secure government funding, based on direct funding of services. Major restructuring has taken place in Sweden to match the changes effected in services. This has resulted in a graduate professional as the core worker across the integrated ECEC system, and the reform of professional education to bring the three main professions into a common educational framework.

While historically England has sought closer relations between professions and between services, particularly in relation to child protection and children with special educational needs, the major policy shift began only in 1997. The momentum has gathered since the launch of *Every Child Matters* (ECM) in 2003.

Reforms have been driven by child welfare concerns - child abuse, child poverty, social exclusion - with the emphasis on prevention and early intervention. Integrated services have been seen as an effective way of delivering targeted policies. The context includes a high political priority given to children by the Labour administration, a crowded social policy agenda, and increasing centralisation and state control. Funding growth, though substantial, has tended to be complex and insecure. Many new types of job have emerged over the decade, but underlying restructuring of the workforce has been less apparent.

Forms of inter-professional working

'Team working' was common across fieldwork sites, but with differences of interpretation and practice. Analysis of professional documents revealed that in England, team working and multi-agency working, were explicitly and implicitly seen as preferred modes of operation. English fieldwork sites had more teams, with a broader range of purposes, than in the Swedish schools visited, but the scope for team working was affected by the size and nature of the institutions studied.

Two models of inter-professional working were identified in **English children's centres**: (i) a small core staff with numerous external staff running services with or alongside them; (ii) numerous core staff offering the full range of care, education, health and information services, with fewer external staff. Working together could and did occur in either model, across professional backgrounds and locations. The concept of team was very popular, but elastic, tied to a sense of belonging to or identifying with the core purpose of the team.

In **English schools**, teams were multiple and complex, with staff often belonging to several teams, and team working dominated by the ethos of 'education' in a school sense. Teams were also fragmented. Some non-teaching staff were not routinely involved in team discussions; planned discussion time often disappeared; not all staff, for example the school nurse, were included in teams.

In **Swedish schools**, the team, comprising professionals across different backgrounds, was a key source of professional identity. Integration featured in Swedish schools both horizontally (children of similar age) and vertically (children of different ages grouped in teaching and learning teams or work units).

Four main types of inter-professional practice were identified from the case study examples in the English and Swedish authorities:

- (i) **Parallel working:** teams co-existed or were co-located, but with few structures to ensure integration of expertise and methods between professionals. Institutional structures could not overcome disparate working conditions and traditions, or differential valuing of parts of the service.
- (ii) **Multi-agency case work** (most common example in England): Professionals from different backgrounds came together, either regularly or ad hoc, to discuss concerns for a particular child, requiring neither co-location nor ongoing structural change.
- (iii) **Project teams:** professionals, regardless of their location, identified a specific purpose for working together, and allocated part of their time to this ongoing form of integrated working, which could be on a temporary basis. The pupil health care group in Sweden was a type of ongoing project team, both pupil and issue focused.
- (iv) **Work groups** (seen only in Swedish schools): different professionals working together on a daily basis, under a single governance. At primary stage (in English terms) groups consisted of usually 90-150 children of mixed ages and a staff team drawn mainly from the professions of teaching, ECEC and free time pedagogues. Providing an example of the most integrated form of working, staff in these groups shared values and goals that supported a common and holistic approach to the education and wellbeing of children.

Effective working together calls for awareness of the different purposes required for different forms of integrated working, given each has its own dynamics and possibilities. Recognition is needed of the value of building on the teamwork that already exists, particularly sharing beliefs and goals for practice. Above all, the group must be used not just to organise practice, but to develop it too.

Current issues in inter-professional working

In England, the Children's Plan (DCSF 2007) places schools at the heart of a children's services system in the 21st century, with a highly skilled children's workforce working together to improve children's lives. Frameworks are being put in place at national policy level for endorsement of ECM, for which there is widespread acceptance across the professions. Initiatives have included the establishment of the Children's Workforce Development Council, the definition of the Common Core of Skills and Knowledge for the children's workforce, and the development of a single Integrated Qualifications Framework. Despite efforts to incorporate the ECM agenda into standards, its translation into education and training programmes has been variable. Professionals are not always prepared for new roles, and continuing professional development (CPD) may not fill the gaps. Each professional group is confronting its own specific challenges in the face of organisational change, competing government initiatives, increasing workloads and limited resources.

Swedish professionals working in ECEC, teaching and free time services, together with other specialist professionals on the school site, share some of the issues with their counterparts in England, such as access to services and boundaries between responsibilities. But major issues found in England, such as short term funding and competing policy initiatives have been noticeably absent. Professional training of the three main professions has been joined up into a single qualifications framework; but differential pay and conditions threaten the future of free time pedagogy as a profession and potentially could undermine continued inter-professional working.

England and Sweden share a common challenge of trying to retain or further implement a broader view of education, focusing upon the needs of the whole child and incorporating inter-professional working, while reconciling the issues confronting the various professional groups.

Obstacles and facilitators

Facilitators identified in the literature on inter-professional activity include commitment, willingness to blur professional boundaries, good communication and information sharing, active involvement, leadership, clarity about roles and expectations, and shared aims and objectives. Obstacles cited include complexity of management, lack of adequate funding and other

resources, competing priorities and conflicts of interests, the maintenance of separate single-disciplinary identities and cultures, and the stereotypic perceptions of others.

Swedish policy infrastructure, in both pre-school and school, provided common governance, management and assured funding for most of the services and professionals involved in work with children to support inter-professional working. The school itself was both a major provider of welfare, as well as preventative and protective work. Services which would be classed as family support in England, were available as of right for all children and delivered by the school. The curriculum provided a common focus for all school professionals. Relevant services were in the public sector, and were funded or highly subsidised by it. Staff in early years or school settings reported little need to interact across sectors with other professionals.

In England, while most professionals agreed that inter-professional work was important, and many were successfully in conducting it, the fieldwork revealed that collaboration was rarely a priority, with few strategies in place to achieve it. Competing government agendas, insecure funding, a sometimes complex jigsaw of management and governance structures on the same site, were all obstacles getting in the way of inter-professional work. In the face of these difficulties, the co-location of services was not a sufficient condition for achieving good 'working together'.

English policy has focused more on safeguarding vulnerable children, through the provision of preventative services delivered through the cooperation of various professionals, based in different agencies across the public, commercial and third sectors. Such services were often via short-term funding, with special initiatives targeted primarily at groups seen to be 'at risk', leaving the private market to provide services such as ECEC and out-of-schools services for children and parents not 'at risk'. These divisions did not apply in Sweden, with its universal models of provision. While in both countries the idea of the 'team round the child' is pursued, in Sweden the practice has been embedded in one agency, the school, which with its multi-professional working and a broad pedagogical remit encompassing health and well being, social, physical and cognitive development, is expected to serve all children.

ECM in England has aimed to develop a broad pedagogical remit, promoting common views about children's education and well being, across disparate providers and professionals, and with a strong emphasis on disadvantaged groups. The school, as a universal service, is subject to detailed national curriculum and other policy initiatives which some perceive to be in conflict with ECM. A comprehensive curriculum, written in terms of children's wellbeing as well as their attainment, is called for if different professionals are to come to a common mind that bridges professional and agency differences. This is a difficult but necessary challenge, hinging on reconceptualising the school and its extended role, beyond the 'wrapping round' of services.

Swedish social and educational policy favours 'working together'. In England, in spite of good will on the part of staff and of explicit government policy, this is more difficult because the facilitative underpinnings for 'working together' are not yet in place.

Assessment and Conclusions

Over 40 years Sweden has achieved closer relations between services and professions, focused on ECEC services, schools and free-time services. Compared to England, the scope of change has been narrower - 'part system change' - but deeper, with considerable vertical and horizontal integration; both preschool and school have adopted a holistic approach to working with children. While there are great strengths in the Swedish system, a number of concerns were voiced during the research, in particular about: the relationship between compulsory schools, pre-school classes and preschools; the relationship between teachers, preschool teachers and free-time pedagogues in school; and how to achieve the potential of the integrated, extended and pedagogical school.

England is at an early stage of a major process of change. In many ways the scope is far broader than in Sweden - 'whole system change' - requiring huge changes over a short time span; a key issue is whether an initial highly centralised effort will and should move to greater decentralisation, as in Sweden. Yet in other ways, the reform is more limited than Sweden's, with less attention to vertical integration, i.e. across childhood years, and to 'work units' as a way of inter-professional working, i.e. groups collaborating as a team in everyday practice. This form of inter-professional working has expanded in England in the classroom, but under the school workforce remodelling agenda, rather than the

ECM or children's workforce agendas; it has created hierarchical teams, led by teachers and supported by differentiated tiers of support staff. Nor has this team working extended to services outside school hours, which are conceptualised, provided and staffed quite separately, as 'wraparound' childcare.

Inter-professional working is a means to an end, not an end in itself. It may be that England is engaged in a shift of purpose: from narrower and more sectional goals (such as could be met through more narrowly focused and less integrative types of inter-professional working, e.g. parallel working and multi-agency case work), to broad and common goals as represented in the ECM outcomes, the achievement of which might require schools adopting the purpose of 'education in its broadest sense' for the children in their care. As a holistic concept, this in turn requires moving towards more integrative types of inter-professional working, such as project teams and work units.

There may now be a need in England to go beyond re-modelling (i.e. new configurations of existing players) to re-structuring and re-conceptualising (i.e., introducing new professional identities and roles). The extended school as provider of education in its broadest sense, addressing outcomes shared with other children's services, would benefit from staff having substantial areas of professional education in common.

The research has raised some issues that may influence inter-professional working, and merit further thought and research. These include (i) scale, e.g. the size of schools; (ii) workforce structure, e.g. the degree of segmentation and hierarchy; (iii) governance, e.g. the consequences of extreme diversity of provision between sectors; and (iv) relations between central government, local government, schools and practitioners, raising questions of (de)centralisation and democratic relations.

As a contribution to the children's workforce strategy, it is suggested that the target date of 2010 should mark the end of the first stage of a long and continuous process. Four critical questions coming out of the research are proposed as the starting point for a process of reflection leading to future policy developments:

- What are children's centres and extended schools for?
- What types of inter-professional working are needed to support these purposes?

- What conditions are needed to support different types of inter-professional working?
- What should be the future structure of the workforce?

Additional Information

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Further Information

Further information about this research can be obtained from Maura Lantrua, Analysis and Research Division, W606, DCSF, Moorfoot, Sheffield S1 4PQ

Email: maura.lantrua@dcsh.gov.uk

The views expressed in this report are the authors' and do not necessarily reflect those of the Department for Children, Schools and Families.

Green Party – Research paper on Statutory Duty to Collaborate on Children's Services



6th April 2012

Accompanying Research to a Private Members Bill by Steven Agnew

A Statutory Duty to Collaborate on Children's Services

This paper presents some key considerations in the Private Member's Bill proposal by Steven Agnew (MLA) which would establish a statutory duty on all Government departments to collaborate in working to achieve the 6 high level outcomes for children and a statutory duty on (relevant) Government departments to collaborate in the planning, commissioning and delivery of children's services.



Key Points

- Children in Northern Ireland currently experience some of the worst outcomes in the UK.
 - Over one third of children in NI are living in poverty, compared to 14% in England.¹
 - NI has the highest percentage of children on the child protection register than any other region of the UK and there has been a 46% increase in the number of children on the child protection register in NI between 2006-2011.²
- The poor outcomes of children in NI, despite a higher level of government spending per person than that in the rest of the UK, highlights that there is an opportunity to improve the current governance model of children's services and the administration of our public services.³
- The proposed Private Member's Bill discussed in this document would:
 - Introduce a statutory legal duty on all government departments to collaborate in the achievement of the 6 high level outcomes which are outlined in the Ten Year Strategy for Children and Young People;
 - Introduce a statutory duty on relevant government departments, authorities, public bodies, government agencies and local councils to collaborate in the planning, commissioning and delivering of children's services; and,
 - Introduce an enabling power for government departments to pool budgets, share staff and resources and jointly commission services.
- There is sizable support for a statutory duty to collaborate in Northern Ireland, particularly among the community and voluntary sector and those agencies and organisations focused on service delivery for children and young people.
- The lack of sufficient collaboration has been identified as one factor which contributes to inefficient public service delivery.
- During a time when budgets are under pressure, a duty to collaborate will help to consolidate scarce resources to maintain a standard of public service provision greater than that currently being achieved..
- A duty to collaborate will help to promote consolidation of the commissioning and delivery of services and this will help to reduce the duplication of back office functions and facilitate the reallocation of spending to the front line.
- Collaboration within government has been identified as a prerequisite to establishing a proactive preventative approach to public service delivery which deals with problems at the earliest and most cost effective stage as opposed to reacting to problems at a later and costlier stage.⁴
- A statutory duty to co-operate among government departments and agencies in England and Wales was introduced in 2004, as part of progressive reforms introduced after the death of Victoria Climbié. The short length of time since the implementation of these changes, and the complexity of relationships among relevant departments and agencies, makes evaluating the direct impact of this policy difficult. However, initial assessments indicate that, at the very least, it has made better outcomes for children more likely.⁵

1 NI Assembly Research & Information Service, Preventative Spending, (Belfast: RalSe, 2010), pp.10, <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2011/finance-and-personnel/1011.pdf>

2 Action for Children, Child Neglect in 2011: Summary and Recommendations for the NI Executive, (2011), pp. 5, http://www.actionforchildren.org.uk/media/3539569/ar_of_neglect_summary_ni.pdf

3 HMT, Public Expenditure Statistical Analysis, (July 2011), pp. 115, http://www.hm-treasury.gov.uk/d/pesa_2011_chapter9.pdf

4 NI Assembly Research & Information Service, Preventative Spending, (Belfast: RalSe, 2010), pp.26, <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2011/finance-and-personnel/1011.pdf>

5 Children's Workforce Development Council, Integrated Working: A Review of the Evidence, (2010), pp. 44, http://dera.ioe.ac.uk/3674/1/Integrated_Working_A_Review_of_the_Evidence_report.pdf

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1. Introduction

In 2003, the Westminster Government commissioned an inquiry to identify how children's service providers had failed to protect Victoria Climbié from a succession of abuse which led to her tragic death. One of the key failings identified in the inquiry's report was the lack of co-ordination between children's service providers. In an attempt to ensure that no child would suffer a similar fate to Victoria in the future, the report made a number of recommendations on how such co-ordination could be enhanced. Although the Climbié inquiry was triggered as a result of the failure to protect Victoria, the inquiry's recommendations were applicable to all children and resulted in a complete overhaul of children's services in England and Wales.

Following the inquiry, the Westminster Government published a new children's strategy in 2003 entitled, 'Every Child Matters' and passed the 2004 Children's Act. The 'linchpin' of the new legislation and strategy was the introduction of a statutory duty on public bodies to co-operate in their provision of services for children for the first time. Since 2004, amendments to the Children's Act have strengthened the legislation to the point where the scope now also includes:

- Schools;
- Providers of probation services; and
- Further education colleges.

In 2010, the Westminster Government also put multi-agency children's boards on a statutory footing and devolved the responsibility for planning children's services to these bodies. Although in 2011 an attempt was made to remove schools from the duty to co-operate legislation in order to pave the way for the Government's 'free schools' policy, the Government's proposal faced strong criticism from a raft of peers and children's campaigners. An amendment which challenged the Government to retain the requirement on schools to comply with the duty to co-operate was proposed by a group of Peers representing the three main parties and received overwhelming support from the whole House.⁶ Overall, since the introduction of the Children's Act in 2004, there is substantial evidence to demonstrate that there has been an increase in integrated working between children's services.

In Northern Ireland due to the devolution of power to the NI Assembly the Children's Act never became law and, to date, the Executive in NI has not proposed a similar piece of legislation. As Godfrey and Ternan highlight, „the high profile issues facing children in Northern Ireland include rates of teenage pregnancy, drug and alcohol abuse, suicide rates, the needs of refugees and asylum seekers, young people disaffected from school, needs of ethnic minority children, integration of children with disabilities, homelessness, sectarianism and mental ill health. These issues illustrate that the needs of children and young people are multi-dimensional, and by their very essence require multi-dimensional responses – which cannot be addressed by any single agency, department or sector.”⁷ Despite recent positive progress in integrating children's services in Northern Ireland, the planning, commissioning and delivery remains fragmented. Steven Agnew MLA contends that introducing a statutory duty to collaborate would be a positive contribution to the legal framework which will encourage greater Government collaboration and help to ensure that children in Northern Ireland receive the best possible start to life.

6 Education Bill Debate, House of Lords, (June 2011), pp. 26, <http://www.publications.parliament.uk/pa/ld201011/ldhansrd/text/110630-gc0001.htm>

7 Eamon McTernan & Ann Godfrey, 'Children's Services Planning in NI: Developing a Planning Model to Address Rights and Needs', *Child Care in Practice*, (July 2006), pp. 236, <http://www.southernareacsp.ni.nhs.uk/papers/cccp182158.pdf>

2. Children's Legislation in the UK

Northern Ireland differs from the rest of the UK because in other regions, some collaboration between public authorities when exercising their functions is a requirement under the law.

England & Wales

In England & Wales the statutory duty to co-operate is governed by the 2004 Children's Act which places a duty on children's authorities to promote cooperation between the authorities and their relevant partners.⁸ The 2005 Children and Young People's Plan Regulations further places a duty on all children's services authorities to prepare, publish, consult on and review children's and young people's plans, which must include a statement referring to the integration of services provided by the authority and its partners to improve the well-being of children and relevant young people.⁹ Since the 2009 Apprenticeships, Skills, Children and Learning Act, schools and colleges have also been subject to a statutory duty to co-operate and Children's trusts were given a statutory footing for the first time.¹⁰

Scotland

In Scotland, the 1995 Children (Scotland) Act permits local authorities to request that other authorities collaborate in the exercise of their functions.¹¹ Moreover the act states that on receiving a request to collaborate, an appropriate person is required to comply provided that it is compatible with their own statutory or other duties and obligations. In addition, the 2003 Local Government in Scotland Act permits local authorities to invite, maintain and facilitate a process of collaborative community planning between local authorities and public bodies.¹²

Northern Ireland

The 1995 Children (Northern Ireland) Order, as amended by the 1998 Children's Services Planning Order is the main statute governing children's services in Northern Ireland. Article 46 of this Order enables an authority to request the assistance of a body to help in the exercise of the authority's functions.¹³ Any body requested in this manner is under legal obligation to comply with the request of the authority, so long as it is compatible with the body's own duties. Nevertheless, assistance falls short of a duty to collaborate. Further, the regulations also require that the relevant Health Board take the lead in making a request. Without the department's initiative on this matter, no body is required to collaborate with any other.

Under the current legislation the Government is required to prepare children's services plans in respect of children in need and since the 2009 Health and Social Care (Reform) Act, the responsibility to prepare these plans was transferred to the Health and Social Care Board.¹⁴ Although the Children's Order places a duty on the board to consult other persons in the preparation of these plans, there is neither a reciprocal duty on these persons to respond to this consultation nor any requirement to work collaboratively. As such, no duty to collaborate exists in the planning and commissioning of children's services under the current legislation.

In 2011, the Northern Ireland Executive established the Safeguarding Board Act which has improved co-operation between Government departments, through the introduction of a

8 See: <http://www.legislation.gov.uk/ukpga/2004/31/section/10>

9 See: http://www.legislation.gov.uk/uksi/2005/2149/pdfs/uksi_20052149_en.pdf

10 See: <http://www.legislation.gov.uk/ukpga/2009/22/part/9>

11 See: <http://www.legislation.gov.uk/ukpga/1995/36/section/21>

12 See: <http://www.legislation.gov.uk/asp/2003/1/part/2>

13 See: <http://www.legislation.gov.uk/nisi/1995/755/article/46/made>

14 See: <http://www.legislation.gov.uk/nia/2009/1/section/8>

statutory duty on public bodies to co-operate with the Safeguarding Board in its specific functions. However, this only applies in terms of the safeguarding of children.¹⁵

3. Integrated Children's Services in Northern Ireland

The NI Executive has followed some of the strategic precedent set by the Westminster Government in integrating children's services. In the 10 year strategy for Children and Young People the Executive recognised their duty to meet the needs and protect the rights of children NI. In this strategy, the following 6 high level outcomes for children were adopted:¹⁶

1. Being healthy
2. Enjoying, learning and achieving
3. Living in safety and with stability
4. Experiencing economic and environmental well-being
5. Contributing positively to community and society; and
6. Living in a society which respects their rights

In November 2008, the four Children and Young People's Committees published a single integrated children's services plan for the first time.¹⁷ In 2009, the four Health and Social Services Boards were unified into a single Health and Social Care Board with the role of commissioning and planning health and social care services across Northern Ireland.¹⁸ In 2011 a Northern Ireland Children and Young People's Strategic Partnership was established with a membership consisting of a cross section of senior staff from all the key agencies.¹⁹ Although, the CYPSP lacks a statutory footing, it has been, "tasked by the Health Department with drawing up a Children and Young People's Plan for Northern Ireland setting out how integrated planning and commissioning arrangements will be put into place to secure improvements in the 6 high level outcomes for children and young people expressed in the Ten Year Strategy for Children and Young People."²⁰ While such improvements in the integration of children's services ought to be considered a positive step forward, the current structures still rely on the willingness of key individuals to participate and have yet to result in a satisfactory level of collaboration.

4. Key Legislative Proposals in the Private Member's Bill

Part 1 - Achievement of the 6 high-level outcomes

The first objective of the bill is to introduce a statutory legal duty on all Government departments to collaborate in the achievement of the 6 high level outcomes. It is proposed

15 See: <http://www.legislation.gov.uk/nia/2011/7/contents>

16 Page 7 - http://www.delni.gov.uk/ten-year-strategy_1_.pdf

17 Jane Campbell, 'A Private Members Bill Proposed by Mr. Steven Agnew MLA', RalSe Private Members Research, (Dec 2011), pp.10, <http://www.southernareacsp.n-i.nhs.uk/papers/cccp182158.pdf>

18 Ibid, pp. 11

19 Ibid, pp. 11

20 Ibid, pp.11. The 10 Year Strategy for Children and Young People (2006) provides the overarching strategy for integrated planning. All Departments of government must contribute towards improvement of the 6 high level outcomes set out in the strategy.

that this part of the statutory duty apply at the departmental level to reflect the difference in governance structures between NI and the rest of the UK.²¹

The proposals in this part of the Bill include:

- A. A duty on all departments to work towards the achievement of the following 6 high-level outcomes for all children:
 - 1) Being healthy;
 - 2) Enjoying, learning and achieving;
 - 3) Living in safety and with stability;
 - 4) Experiencing economic and environmental well-being;
 - 5) Contributing positively to community and society; and
 - 6) Living in a society which respects their rights
- B. A duty on OFMDFM to collaborate with all other departments in the regular production of a strategy to achieve the 6 high-level outcomes for all children.
- C. A duty on all other departments to collaborate with OFMDFM in the production of this strategy.
- D. A duty on OFMDFM to monitor collaboration between government departments in the development of all strategies which have a direct impact upon children.
- E. A duty on OFMDFM to lay a regular report before the Assembly setting out progress on collaborative working between government departments in achievement of the 6 high level outcomes for children.
- F. A duty on all government departments to collaborate with OFMDFM in the production of the report.
- G. A duty on all departments to collaborate at the request of any other department which is producing a strategy which directly impacts upon children.

Part 2 - Planning, Commissioning and Delivery of Children's Services

The second objective of the bill will be to introduce a statutory duty on relevant government departments, authorities, public bodies, government agencies and local councils to collaborate in the planning, commissioning and delivering of children's services.

The following is proposed as part of this section of the bill:

- A. A duty on DHSSPS to collaborate with all (relevant named) departments, authorities, agencies, public bodies, district councils and any such other persons as the department may direct in the regular production, publication, implementation and review of a children's services plan.
- B. A duty on all other departments, authorities, agencies, public bodies, district councils and any such other persons as the department may direct to collaborate in the production and implementation of the children's services plan.

21 This is in line with the proposals of the 4 (now defunct) children's and Young People's Committees who asserted that, "the coordination of planning and commissioning needs to be carried out at the level at which major decisions about budgets are made." See: <http://www.southernareacsp.n-i.nhs.uk/papers/Ministerial.PDF> Furthermore, Godfrey & McTernan argue that, "the effectiveness of the multi-agency planning at local level is severely limited by the absence of similar approaches at the departmental level.... For planning to be successful for children with additional needs, there must be integrated planning for all children, at all levels". See: <http://www.southernareacsp.n-i.nhs.uk/papers/cccp182158.pdf>

- C. The plan (and its implementation) to be required to be designed to contribute to the achievement of the 6 high-level outcomes.
- D. A duty on the DHSSPS to report to the Assembly on the collaboration between departments, authorities, agencies, public bodies, district councils and any other relevant persons in the planning, commissioning and delivery of children's services and the extent to which the plan and its implementation are contributing to the achievement of the 6 high-level outcomes.

Part 3 – Pooling Budgets

The third objective of the bill will be to introduce an enabling power for departments to pool budgets, share staff and resources and jointly commission services.

5. Advocates of a Statutory Duty to Co-Operate

A wide range of advocates across Northern Ireland have called for legislation to underpin an improvement in joined up working in Northern Ireland. This includes:

1. The Four Area Children and Young People's Committees (now defunct and superseded by the Children's and Young People's Strategic Partnership) called for a statutory duty to co-operate in 2008 both at the government and at the agency planning, commissioning and delivery level.²² The Children and Young People's Committees noted that, although there is a statutory duty on the Health and Social Services boards to lead the children's planning process, there are no reciprocal duties on other agencies to co-operate. Additionally, the Committees recognised that coordinated planning has not operated at a Government level. What's more, as children's services traditionally addressed vulnerable children in isolation from planning for all children, it has been difficult to promote preventative strategies.
2. The Northern Ireland Commissioner for Children & Young People (NICCY) in conjunction with Queen's University, in their 2011 report into the Barriers to Effective Government Delivery for Children in Northern Ireland, recognised a lack of joined up thinking as the, "main barrier to effective government delivery for children."²³ The report called for a statutory duty to co-operate in the planning, commissioning and delivery of children's services.²⁴
3. Children in Northern Ireland (CiNI), an umbrella body for over 150 organisations, which includes large national and regional organisations, local voluntary and community groups, statutory agencies, independent organisations and individuals, has made repeated calls for the introduction of a statutory duty to co-operate. In its 2012 response to the draft Programme for Government, CiNI noted that there is now a, "broad-based and growing consensus emerging on the need for a statutory duty on Government departments to co-operate, a duty which must transcend all levels and layers of Government."²⁵

22 Four Area Children and Young People's Committees, „Implementing Our Children and Young People – Our Pledge: A Joint Planning and Commissioning Framework to Improve Outcomes for Children and Young People , (Feb 2011), pp. 4, <http://www.southernareacsp.ni.nhs.uk/papers/Ministerial.PDF>

23 Bronagh Byrne & Laura Lundy, „Barriers to Effective Government Delivery for Children in Northern Ireland, (QUB: Nov 2011), pp.32 http://www.niccy.org/uploaded_docs/2011/Publications/QUB%20Barriers%20Report%20-%202011.docx

24 Ibid, pp.75

25 Children in Northern Ireland, „Response to the NI Executive Draft Programme for Government , (Feb 2012), pp.6, <http://www.ci-ni.org.uk/docs/CiNI%20Response%20Draft%20PFG%2002.doc>

4. Action for Children, in conjunction with the University of Sterling, recommended in its 2012 report into the levels of child neglect in Northern Ireland, that, "The Northern Ireland Executive should ensure that government departments co-operate in delivering a strategic and long term response to child neglect."²⁶
5. The Assembly Committee for the OFMDFM, in its 2008 inquiry into child poverty, called for a review of legislation underpinning children's services planning to ensure that there is a focus on outcomes, and to require organisations to fully co-operate in the planning and delivery of children's services. Moreover, the Committee stated that, "Such co-operation should not be left to the good-will of organisations."²⁷
6. The Assembly Committee for Finance and Personnel in the 2010 Second Report on the Inquiry into the Role of the NI Assembly in Scrutinising the Executive's Budget and Expenditure, called on the Executive to, "bring forward proposals for improving the arrangements both for promoting and funding collaborative working by departments and other public bodies and for measuring and monitoring performance in this area (i.e. cross departmental working)."²⁸

6. The Need for a Statutory Duty to Collaborate in Northern Ireland

There are a number of reasons why Northern Ireland requires a statutory duty to collaborate:

Poor Outcomes

- Children in Northern Ireland currently experience some of the worst outcomes in the UK.
 - Over one third of children in NI are living in poverty, compared to 14% in England.²⁹
 - NI has the highest percentage of children on the child protection register than any other country in the UK and there has been a 46% increase in the number of children on the child protection register in NI between 2006-2011.³⁰
- The poor outcomes of children in NI, despite a higher level of Government spending per person, indicates that there is an opportunity to improve the current governance model of children's services and the administration of our public services.

The Present Level of Collaboration

- At the departmental level, there is evidence of a lack of collaboration in the preparation and implementation of strategies relating to children. For example, NICCY and other organizations have highlighted that the Department of Education's Draft Early Years Strategy failed to address the divide between early years education and child care, areas of service currently assigned to different government departments, and that the proposal evidenced no consideration of how the Executive might collaborate in these areas.

26 Action for Children, „Child neglect in 2011: Northern Ireland (2011), <http://www.actionforchildren.org.uk/neglectreviewni>

27 Committee for OFMDFM, „Final Report on the Committee's Inquiry into Child Poverty in Northern Ireland , (NI Assembly: June 2008), <http://sv-episerver-01/assembly-business/committees/2007-2011/office-of-the-first-minister-and-deputy-first-minister2/archive-committee-reports/session-2007-2008/final-report-on-the-committees-inquiry-into-child-poverty-in-northern-ireland-vol-1/>

28 Committee for Finance and Personnel, „Second Report on the Inquiry into the Role of the Northern Ireland Assembly in Scrutinising the Executive's Budget and Expenditure , (NI Assembly: June 2010), http://archive.niassembly.gov.uk/finance/2007mandate/reports/Report_66_09_10R.html

29 NI Assembly Research & Information Service, Preventative Spending, (Belfast: RalSe, 2010), pp.10, <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2011/finance-and-personnel/1011.pdf>

30 Action for Children, Child Neglect in 2011: Summary and Recommendations for the NI Executive, (2011), pp. 5, http://www.actionforchildren.org.uk/media/3539569/ar_of_neglect_summary_ni.pdf

Similar concerns were also expressed in respect to the Play and Leisure policy and the implementation plan and the draft Special Educational Needs proposals.³¹

- Although at the agency level progress has been made in the joint planning of services for children through the establishment of the Children and Young People's Strategic Partnership (CYPSP) and through the endorsement of integrated working in the 2011-14 Children and Young People's Plan, NICCY has highlighted that there remains great inconsistency in practice.³²

To Establish Integrated Working Arrangements

- Although the introduction of the CYPSP demonstrates that some progress has been made towards more integrated children's services, co-operative working remains based on good will.
- Without a statutory duty to collaborate, the potential exists that Government could reverse progress which has been made, particularly during a time of fiscal constraint when departments are under pressure to concentrate their resources on their core functions.

A Positive Incentive to Further Integration

- Although a statutory duty to collaborate will not determine the actions of public bodies, its presence will be a positive contribution to the children's services framework and it will act as a motivation for Government to collaborate and challenge the propensity of public bodies to take a risk management approach in order to avoid liability.
- In an academic paper discussing the merit of joined up governance McTernan & Godfrey highlight that, "The importance of the process of agencies, sectors, children and young people, and parents and carers learning to work in partnership cannot be overemphasised."³³

Preventative Spending

- Preventative Spending is, "a clinical, social, behavioural, educational, environmental, fiscal or legislative intervention or broad partnership programme designed to reduce the risk of mental and physical illness, disability or premature death and/or to promote long-term physical, social, emotional and psychological wellbeing."³⁴
- Evidence shows that reshaping public services to identify and proactively tackle problems at the earliest opportunity can be much more cost effective than reacting to problems when they arise.³⁵
- A statutory duty to collaborate will help to encourage a preventative spending approach as cross departmental partnership and joined up government are the required foundations for preventative spending interventions.³⁶
- Presently, departments tend to suffer from a silo mentality and are ill prepared to spend money on an issue when the benefits or savings would be realised by another department.³⁷

31 Bronagh Byrne & Laura Lundy, „Barriers to Effective Government Delivery for Children in Northern Ireland (QUB: Nov 2011), pp.44 http://www.niccy.org/uploaded_docs/2011/Publications/QUB%20Barriers%20Report%20-%203%20Nov%2011.docx

32 Ibid, pp.68

33 Eamon McTernan & Ann Godfrey, 'Children's Services Planning in NI: Developing a Planning Model to Address Rights and Needs', *Child Care In Practice*, (July 2006), pp.236, <http://www.southernareacsp.ni.nhs.uk/papers/cccp182158.pdf>

34 NI Assembly Research & Information Service, Preventative Spending, (Belfast: RalSe, 2010), pp.3, <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2011/finance-and-personnel/1011.pdf>

35 NI Assembly Research & Information Service, Preventative Spending, (Belfast: RalSe, 2010), <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2011/finance-and-personnel/1011.pdf>

36 NI Assembly Research & Information Service, Preventative Spending, (Belfast: RalSe, 2010), pp.26, <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2011/finance-and-personnel/1011.pdf>

37 Ibid, pp.1

- There is significant research to show that preventative spending can save money over the long run. (See: NIA RalSe: Preventative Spending³⁸)
- For example:
 - The Audit commission has estimated that a programme of multi-agency interventions for children who demonstrate challenging behaviour from an early age could save over £100,000 in direct costs incurred by the age of 16.³⁹
 - James Heckman has calculated that for every £1 spent on early year's education, £7 must be spent to have the same impact at adolescence.⁴⁰
 - Action for Children estimate that £1 invested in targeted children's services produced between £7.60 and £9.20 in benefits to society.⁴¹

Information Sharing

- Information sharing is considered to be one of the most important aspects of joined up working.⁴²
- A statutory duty to collaborate will help to promote information sharing between public bodies.

Improved Efficiency

- The inefficiencies often arise as a result of duplication. Improvements to integrated working will help to ensure that the work of different government organisations is not needlessly duplicated.
- As duplication often occurs in back office and administrative functions, improvements in integrated working will help to shift the proportion spent on back office functions to frontline services.
- Enhancements in integrated working will help to consolidate what are increasingly constrained resources and maintain and/or improve the standard of service delivery.
- In enabling the commissioning and delivery of more services through a pooling of budgets and resources, the legislation will help to facilitate the development of worthwhile services which would not have been provided by a single department.
- Integrated working will help to deliver optimal outcomes as each children's service provider will have an opportunity to learn from the other thereby enhancing best practice.

Acceptance of the Whole Child Concept

- The Whole Child Concept recognises the need for planners to take into account the inter-relationship between each child and the world around him or her.⁴³
- An understanding of this highly-researched model, highlights how the more interconnected the systems encompassing a child, the more likely it will be that children's development will be supported in a clear and consistent way and the more likely it will be that children's needs will be met and outcomes will be improved.⁴⁴

38 NI Assembly Research & Information Service, Preventative Spending, (Belfast: RalSe, 2010), pp.26, <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2011/finance-and-personnel/1011.pdf>

39 Katherine White & Katy Brown, „Exploring the evidence base for Integrated Children's Services (2006: Scottish Executive Education Department), pp. 12, <http://www.scotland.gov.uk/Resource/Doc/90282/0021746.pdf>

40 NI Assembly Research & Information Service, Preventative Spending, (Belfast: RalSe, 2010), pp.14, <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2011/finance-and-personnel/1011.pdf>

41 Ibid, pp.15

42 Ibid, pp.23

43 Eamon McTernan & Ann Godfrey, 'Children's Services Planning in NI: Developing a Planning Model to Address Rights and Needs', Child Care In Practice, (July 2006), pp.219, <http://www.southernareacsp.ni.nhs.uk/papers/cccp182158.pdf>

44 Ibid, pp. 225

Enhancing Children's Rights

- Integrated children's services offer the best opportunity to ensure that no child falls between the gaps of departmental responsibilities.
- There is now widespread international recognition that children's rights will be most effectively protected when public bodies aim to plan and deliver services according to the needs of each child rather than delivering services with the hope that the services will reach the children.⁴⁵
- "It is now believed that vulnerable children are best supported and protected when all services, from universal to those targeted to address specific needs, are planned together in an integrated way."⁴⁶
- A statutory duty to collaborate is one way to ensure that our public bodies do not shirk from their responsibility to meet the needs of and to protect every child in our society.

7. Measuring the Success of the Statutory Duty to Co-Operate in England & Wales

Since the inception of the original Children's Act in 2004, the governance structures of children's services in England have changed significantly through various enhancements and alterations to the legislation. It is therefore important to acknowledge the limitations involved in quantitatively measuring the success of the introduction of a statutory duty to co-operate in England & Wales. Nevertheless, in a 2010 report the Children's Workforce Development Council highlighted that enhancements to integrated working have resulted in improvements to children's services.⁴⁷ Indeed, the CWDC states that, "it would be unrealistic to expect to find conclusive evidence that integrated working was effective for all children; a more realistic aspiration would be for integrated working to benefit most children in most contexts."⁴⁸

Despite highlighting the difficulties in measuring the success of the statutory duty to co-operate aspect of the 2004 Children's Act in improving integrated working in England & Wales the CWDC research indicates that positive benefits for children and families, both perceived and measurable have been identified and there would not appear to be any negative effects. Additionally, parents generally express high levels of satisfaction.⁴⁹

Moreover, evidence also indicates that integrated working has been generally well received by professionals and appears to produce positive gains in relationships with colleagues and service users, and in relation to their personal and career development.⁵⁰

In their review of the evidence the CWDC highlight that overall the research indicates that improvements in integrated working have moved England & Wales in a positive direction and that "although the evidence is limited on outcomes, overall the direction of travel is a positive one and, for children and young people, there would not appear to be any negative effects."⁵¹ The CWDC also cited strong evidence which shows that integrating pre-school childcare and education provision benefits children, but particularly disadvantaged children and that

45 Ibid, pp. 224

46 Four Area Children and Young People's Committees, „Response to the Consultation of OFMDFM on the Programme for Cohesion, Sharing and Integration , (Oct 2010), pp. 2, <http://www.community-relations.org.uk/fs/doc/Four%20CYPC%20response%20to%20CSI.doc>

47 Ibid, pp. 8

48 Ibid, pp. 8

49 Ibid, pp. 44

50 Children's Workforce Development Council, Integrated Working: A Review of the Evidence, (2010), pp. 44, http://dera.ioe.ac.uk/3674/1/Integrated_Working_A_Review_of_the_Evidence_report.pdf

51 Ibid, pp.44

“targeting „interim outcomes’, such as improved parenting and family relationships, has considerable potential for enhancing children’s well-being.”⁵²

Working within the restrictions outlined above, the CWDC concludes, “We can perhaps say that integrated working creates the conditions that make improved outcomes for children and families more likely.”⁵³

9. Conclusion

This paper has outlined how the legislation governing children’s services in Northern Ireland differs to the rest of the UK and exposed how despite a larger public sector and the highest government spend per person of the 4 regions, Northern Ireland performs poorly compared to the rest of the UK when it comes to indicators of child wellbeing.⁵⁴

While recent move towards closer integrated working in Northern Ireland reflects greater acceptance of the fact that children’s services are optimised when they are integrated, this paper has revealed that a wide range of organisations do not believe that the present level of integration is sufficient. Indeed, this point was echoed by the finance minister in February 2012 when he stated in the answer to an Assembly question on pooled budgets that there remains scope to integrate more government functions in specific areas and that he would always encourage a collective approach.⁵⁵

While a statutory duty to collaborate ought not to be regarded as a panacea, it ought to be considered as a positive incentive which would promote integration and establish the progress which has already been made. A duty to collaborate would also have the effect of promoting the children’s rights set out in the 6 high level outcomes and promoting information sharing between organisations. This paper has also cited evidence which demonstrates that a more integrated approach will promote efficiency and encourage preventative spending.

Evidence exists to show that when children’s services are planned, commissioned and delivered on an integrated basis, improved service output is more likely and, consequentially, improved outcomes become more likely. Moreover, evidence also reveals that since 2004 and the introduction of the Children’s Act, integrated planning, commissioning and delivery of children’s services is more prevalent in England and Wales than it was before this legislation.

The question of whether we want government departments and public sector to collaborate on children’s services relates strongly to the principle of whether we ought to introduce a statutory duty to co-operate in Northern Ireland. If the answer to this question is yes and, if is the case that optimal collaboration is already taking place within Government, then the introduction of a duty to collaborate is unlikely to make any substantial difference to how the Government is operating but will help to establish best practice. Conversely, if it is the case that there it is a lack of collaboration within Government then this legislation will help to encourage integrated practice and move society in a direction where the opportunity exists to consolidate our resources and enhance the efficiency of our public sector and, most importantly, improve the outcomes for children.

52 Ibid, pp.44

53 Ibid, pp.44

54 HMT, Public Expenditure Statistical Analysis, (July 2011), pp. 115, http://www.hm-treasury.gov.uk/d/pesa_2011_chapter9.pdf

55 Northern Ireland Assembly: AQW 8992/11-15



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Research and Information Service Briefing Paper

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The Children Act 2004: statutory duty to co-operate

This briefing paper is prepared for Mr Stephen Agnew, MLA. It provides an update on research which evaluates the outworking and effectiveness of the statutory duty to co-operate in the Children's Act 2004 on children's services in England & Wales.

Background

Between September 2003 and November 2004 a series of government papers¹ initiated a new policy framework around which all children's services were to operate in England. Known as *Every Child Matters (ECM)*, this new "whole system" approach established a multi-dimensional child Outcomes Framework and inspection regime with linked performance indicators clustered under five outcomes². The five outcomes, considered central to wellbeing in childhood and later life, were given legal force in the Children Act of 2004. The five outcomes are summarised as enabling children to: *be healthy, stay safe, enjoy and achieve, make a positive contribution, and achieve economic wellbeing*. The Appendix to this paper (page 9) details the five outcomes and their definitions. The Outcomes Framework and outcome measures are on page 10.

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- 1 Every Child Matters <https://www.education.gov.uk/consultations/downloadableDocs/EveryChildMatters.pdf>
 Every Child Matters: Next Steps
<http://webarchive.nationalarchives.gov.uk/20130401151715/https://www.education.gov.uk/publications/eOrderingDownload/0240-2004.pdf>
 Every Child Matters : Change for Children
<http://webarchive.nationalarchives.gov.uk/20130401151715/https://www.education.gov.uk/publications/eOrderingDownload/DFES10812004.pdf>
 - 2 http://www.everychildmatters.gov.uk/_files/F25F66D29D852A2D443C22771084BDE4.pdf
-

The Children Act 2004

The Children Act received Royal Assent on 15th November 2004. As stated earlier, the Act gave legal force to the 5 key outcomes expressed in *Every Child Matters*. Section 10 of the Act placed a duty on local authorities to make arrangements to ensure co-operation between statutory agencies and other bodies (e.g. voluntary and community and private sectors).

10 Co-operation to improve well-being.

(1) Each [local authority] in England must make arrangements to promote co-operation between—

(a) the authority;

(b) each of the authority's relevant partners; and

(c) such other persons or bodies as the authority consider appropriate, being persons or bodies of any nature who exercise functions or are engaged in activities in relation to children in the authority's area.

(2) The arrangements are to be made with a view to improving the well-being of children in the authority's area so far as relating to—

(a) physical and mental health and emotional well-being;

(b) protection from harm and neglect;

(c) education, training and recreation;

(d) the contribution made by them to society;

(e) social and economic well-being.³

The Act stipulated that the duty to co-operate was to be delivered by Children's Trusts which would be established in each local authority area and led by a Children's Trust Board with the aim of improving integrated working, including joint planning and delivery of services to all children and young people in its area. In 2005 the Department for Education issued statutory guidance⁴ for Trusts on the duty to co-operate to which all local authorities and "relevant partners" must have regard. Children's Trusts were required to produce a single Children and Young People's Plan – a common strategy detailing how they will cooperate to improve children's wellbeing. Each local authority was also required to appoint a Director of Children's Services.

Changes under the coalition

When the coalition government came into power in 2010 there was a change in policy emphasis and in priorities. This was viewed by some as an abandonment of the whole-child approach "*in favour of a narrow focus on educational standards*".⁵ From October 2010 the Department for Education withdrew the Children's Trusts statutory guidance and removed the requirement for each Trust to produce an annual Children and Young People's Plan. The Department defended the changes as a move away from central direction and "heavily prescriptive"⁶ statutory guidance towards more flexibility and control. It stated:

3 <http://www.legislation.gov.uk/ukpga/2004/31>

4 <https://www.education.gov.uk/consultations/downloadableDocs/Childrens%20Trust%20Statutory%20Guidance.pdf>

5 A Dangerous Lesson To Forget TES 25 May 2012 <http://www.tes.co.uk/article.aspx?storycode=6241724>

6 <http://webarchive.nationalarchives.gov.uk/20130903140600/http://education.gov.uk/childrenandyoungpeople/healthandwellbeing/a00202982/anewapproachforchildrenstrustboards>

The core principle of a shared commitment to improve the lives of children, young people and families – enshrined in the “duty to cooperate” on local strategic bodies – remains as important as it ever was.⁷

Local authorities could still set up a Children's Trust Board and publish a joint strategic children's plan, but agencies would no longer be under a formal duty to “have regard” to any such voluntary plan.

Evaluation studies

DfES/DH National Evaluation Study 2004-2007

Under *ECM* it was planned that Children's Trusts would bring together education, health, social services and other partners, to promote cooperation with the aim of improving children's well-being. To this end a number of *Pathfinder* projects were established and funded by government to help develop and pilot inter-agency working arrangements that would eventually be used by the Children's Trusts. Between 2004 and 2006, 35 of the 150 local authorities in England took part. A national evaluation study of these *Pathfinder* projects was conducted for the Department for Education and Skills (DfES) and the Department of Health (DH) between 2004 and 2007.⁸ The study found that the *Pathfinders* had:

- *Acted as a catalyst for more integrated approaches to the diagnosis and provision of services for children*
- *Drawn together a variety of statutory and local services with the aim of enabling them to make a difference to the well-being of children and young people*
- *Begun to develop expertise in joint commissioning of services across traditional organisational boundaries*
- *Sometimes found it difficult to engage partners in key sectors, notably where there are funding difficulties or complex accountability frameworks*
- *Enabled joined-up approaches to workforce development and training*
- *Facilitated the development of new types of professional who are able to work across long-standing organisational and professional boundaries⁹*

The study authors concluded it was “too early to provide definitive evidence” of the influence of *Pathfinders* on outcomes for children and young people. However it found some promising signs of local improvements, for example improvements in efficiency of services were reported and some areas were working towards reinvesting efficiency savings into preventative work.

2007 OFSTED evaluation

In 2007 the independent Office for Standards in Education, Children's Services and Skills (OFSTED) published “*Narrowing the Gap: the inspection of children's services*”. It reported the findings of Annual Performance Assessments of 102 councils and 37 Joint Area Reviews of children's services in England. Annual Performance Assessments took into account a wide range of published evidence including data and indicators in addition to each council's review of its progress. Joint Area Reviews assessed the contribution made by the wider area partnerships towards improving outcomes for children and young people. The report highlighted the strengths and weaknesses in the contributions made by the councils and their

7 <http://webarchive.nationalarchives.gov.uk/20130903140600/http://education.gov.uk/childrenandyoungpeople/healthandwellbeing/a00202982/anewapproachfor-childrenstrustboards>

8 Children's Trust Pathfinders: Innovative Partnerships for Improving the Wellbeing of Children Final Report DfES 2007

9 Ibid Page 1

partners in local areas, making particular reference to each of the five *Every Child Matters* outcomes. OFSTED stated in the report:

*The inspection of children's services has been taking place against a rapidly changing background for local councils and their partners. At this stage, the picture in local areas, as observed through annual performance assessments and joint area reviews, is therefore one of work in progress towards providing better integrated services and improving outcomes for all children and young people. The overall picture is an improving one, with children's services in 107 out of the 139 authorities covered by this report making a good or excellent contribution towards delivering better outcomes for children and young people.*¹⁰

2010 Children's Workforce Development Council evaluation

The Children's Workforce Development Council (CWDC) was established in 2005 by the Department for Children Schools and Families to support the implementation of *Every Child Matters*¹¹. In 2010 it commissioned a group of academics to review the growing body of national and local-level research on integrated working in children's services. Their study focused on the effectiveness of integrated working, specifically its impact on outcomes. The report stresses that drawing solid conclusions from this type of study is problematic. Additional factors such as individual child and family characteristics and other related programmes and policy initiatives can influence a child's life experience and make it difficult to establish a causal link. Furthermore, it takes time for integrated working to be firmly established and for evidence on outcomes to be produced. Interestingly, the authors found an emerging theme in the literature was a "questioning of the assumption that integrated working is a good thing and will result in positive benefits", but stressed:

*...the evidence from this review would indicate that integrated working does bring about changes that can be expected to increase effectiveness in practice which are likely to lead to better outcomes*¹².

A key finding was that integrated working requires a major change in the structure of organisations, working processes and in cultures. The review found evidence of good progress in this regard over the previous six years however:

*...it is still early days and progress tends to be neither linear nor uniform across sectors, regions or agencies. Consequently, organisations and professionals working with children and families are at different stages in the journey to fully embedding integrated working at strategic and operational levels and in relation to practice. Moreover, it would be unrealistic to expect to find conclusive evidence that integrated working was effective for all children; a more realistic aspiration would be for integrated working to benefit most children in most contexts.*¹³

In conclusion, the authors noted:

...although the evidence is limited on outcomes for children and families, evidence suggests that overall the direction of travel would appear to be a positive one.

10 Narrowing the gap: the inspection of children's services OFSTED 2007 [http://www.ofsted.gov.uk/filedownloading/?file=documents/surveys-and-good-practice/n/Narrowing%20the%20gap_the%20inspection%20of%20children's%20services%20PDF%20format\).pdf&refer=0](http://www.ofsted.gov.uk/filedownloading/?file=documents/surveys-and-good-practice/n/Narrowing%20the%20gap_the%20inspection%20of%20children's%20services%20PDF%20format).pdf&refer=0)

11 It was dissolved in March 2012

12 Page 9 Integrated Working: a Review of the Evidence Children's Workforce Development Council 2010 <http://dera.ioe.ac.uk/3674/>

13 ibid Page 43

July 2012 NFER evaluation

The Local Government Association in England commissioned the National Foundation for Educational Research (NFER) to examine the approach taken by local authorities to their Children's Trust arrangements and to investigate how they were fulfilling their duty to promote cooperation with partners to improve the health and wellbeing of children and young people. The findings of the NFER report published in July 2012 were based on interviews with local authority senior officers, councillors and public health leaders across seven English local authorities.

By the time of the NFER research the policy context in relation to the health and well-being of children and young people had shifted. For example, the Health and Social Care Act 2012, while not yet enacted, would provide for a significant transfer of responsibility for health to local government in England and Wales. In addition, statutory guidance for Trusts and the requirement to produce an annual Children and Young People's Plan had been withdrawn in 2010. Local authorities and partners were still required to have a Children's Trust Board and the wider duty to cooperate to improve children's wellbeing, as set out in the Children Act 2004, remained in force. It was found that the withdrawal of statutory guidance was offering local authorities more flexibility in ensuring that their Children's Trust Board fitted with local Health and Wellbeing Board arrangements to suit their local context. As a result local authorities had begun to choose to implement the changes in different ways with some adapting their Children's Trust Board arrangements to a children's partnership arrangement. In the changing policy context of 2012 the NFER 'snapshot' study concluded that local authorities and partners were:

- *....Building on existing foundations to construct new ways of working to meet children's health and wellbeing needs...Generally, local authorities appeared to have taken advantage of new flexibilities and freedoms around Children's Trust arrangements, for example, by streamlining board membership.*
- *Local authorities and partners have built on existing structures, partnership working and a shared ethos, rather than radically reforming their previous Children's Trust arrangements.*
- *Local authorities and partners remain committed to developing a children's commissioning plan, either through their existing Children and Young People's Plan arrangements or via new plans.*
- *Local authorities and partners are committed to ensuring the Children's Trust Boards (or equivalent); Health and Wellbeing Boards and CCGs are strategic, streamlined and focused on improving outcomes.¹⁴*

Centre for Effective Services (CES) 2013

The Centre for Effective Services briefing paper *Children's Services Reform*¹⁵ (September 2013) examined interagency and cross government working in a number of jurisdictions including England and the *Every Child Matters* strategy. The other jurisdictions were New South Wales Australia, Scotland, Ontario Canada, Norway, and Northern Ireland. All jurisdictions were undergoing children's services reform, were relevant and comparable to England and reasonably comparative in terms of population and scale. Although the results for England were not separately presented in the report an analysis across all jurisdictions in the study identified four levels of interagency working beginning with the least joined up:

14 Local Authorities Approaches to Children's Trust Arrangements NFER 2012
<https://www.nfer.ac.uk/nfer/publications/LGCH01/LGCH01.pdf>

15 http://www.effectiveservices.org/images/uploads/H7085_CES_Childrens_Services_Reform_v6.pdf

1. Co-operation

Services work together toward consistent goals and complementary services, while maintaining their independence

2. Collaboration

Services plan together and address issues of overlap, duplication and gaps in service provision towards common outcomes

3. Coordination

Services work together in a planned and systematic manner toward shared and agreed goals

4. Integration

Different services become one organisation in order to enhance service delivery

The authors defined “outcomes” as *“the changes for service users or other targets of change, that happen as a result of an intervention or service being provided.”* These fall along a continuum from immediate (initial; short term) to intermediate (medium-term) to final outcomes (long-term), often synonymous with impact. The table below explains the Chain of Outcomes:

Table 1 A Chain of Outcomes

Short-Term Learning	Medium-Term Actions	Long-Term Conditions
Changes in: <ul style="list-style-type: none"> • Awareness • Knowledge • Attitudes • Skills • Opinion • Aspirations • Motivation • Behavioural intent 	Changes in: <ul style="list-style-type: none"> • Behaviour • Decision-making • Policies • Social action 	Changes in: <ul style="list-style-type: none"> • Conditions • Social (well-being) • Health • Economic • Civic • Environmental <p>Source: Taylor-Powell (2011)</p>

The research examined the impact of interagency working on outcomes in the six jurisdictions, finding that where evidence of the impact of interagency working does exist it is mostly positive. Tables 2 below summarises the authors’ assessment of the impact of interagency working on outcomes and Table 3 the challenges to interagency working.

Table 2 Impact of interagency working on outcomes

For Service Users	For Professionals	For Agencies
<ul style="list-style-type: none"> • Improved access to services and speedier response • Holistic approach leading to more seamless services • Improved outcomes e.g. child able to remain at home, improvements in attainment 	<ul style="list-style-type: none"> • Improved enjoyment and well-being in their working lives • Enhanced knowledge and understanding of other professional roles • More opportunities for personal and career development and skill acquisition 	<ul style="list-style-type: none"> • Greater efficiency and greater involvement with service users • Less duplication of services

Table 3 Challenges to Interagency Working

Commitment Obstacles	Organisational Challenges	Contextual Barriers/Political Climate
<ul style="list-style-type: none"> • Lack of explicit commitment to interagency working • Differing levels of ‘buy-in’; some agencies reluctant to engage • Where managers do not experience interagency working as part of their core work, it is vulnerable to changes in work priorities 	<ul style="list-style-type: none"> • Different agency policies, procedures and systems • Agencies have different remits and do not collect the same data • Professional, technical and ethical obstacles to information sharing 	<ul style="list-style-type: none"> • Changes in political steer • Financial uncertainty • A climate of constant organisational change • Agency boundaries not co-terminous

Appendix

Being healthy

- Physically healthy
- Mentally and emotionally healthy
- Sexually healthy
- Healthy lifestyles
- Choose not to take illegal drugs
- *Parents, carers and families promote healthy choices*

Staying safe

- Safe from maltreatment, neglect, violence and sexual exploitation
- Safe from accidental injury and death
- Safe from bullying and discrimination
- Safe from crime and anti-social behaviour in and out of school
- Have security, stability and are cared for
- *Parents, carers and families provide safe homes and stability*

Enjoying and achieving

- Ready for school
- Attend and enjoy school
- Achieve stretching national educational standards at primary school
- Achieve personal and social development and enjoy recreation
- Achieve stretching national education standards at secondary school
- *Parents, carers and families support learning*

Making a positive contribution

- Engage in decision-making and support the community and environment
- Engage in law-abiding and positive behaviour in and out of school
- Develop positive relationships and choose not to bully and discriminate
- Develop self-confidence and successfully deal with significant life changes and challenges
- Develop enterprising behaviour
- *Parents, carers and families promote positive behaviour*

Achieving economic wellbeing

- Engage in further education, employment or training on leaving school
- Ready for employment
- Live in decent homes and sustainable communities
- Access to transport and material goods
- Live in households free from low income
- *Parents, carers and families are supported to be economically active*

Every Child Matters Outcomes Framework

http://www.everychildmatters.gov.uk/_files/F25F66D29D852A2D443C22771084BDE4.pdf

Children's Plan 2020 Goals

Every Child Matters Outcomes Framework

Child health improved with the proportion of obese and overweight children reduced to 2000 levels

Parents satisfied with the information and support they receive

Every child ready for secondary school, with at least 90 per cent achieving the expected standard in reading and mathematics by age 11

Every young person with the skills for adult life, and 90 per cent achieving the expected standard in reading and mathematics by age 19

Employers satisfied with young people's readiness for work

Outcomes

Aims

Be Healthy

Stay Safe

Enjoy and Achieve

Make a Positive Contribution

Achieve Economic Well-being

Quality of Life Indicators

Quality of Service Measures

National Public Service Agreements (PSAs) and DCSF Departmental Strategic Objectives (DSOs)

Quality of Life Indicators

Quality of Service Measures

Every young person with the skills for adult life, and 90 per cent achieving the expected standard in reading and mathematics by age 19

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Steven Agnew - response to summary of Clause by Clause responses

CHILDREN'S SERVICES CO-OPERATION BILL

Clause by Clause Summary of Responses

Abbreviations

CiNI	Children in Northern Ireland
CLC	Children's Law Centre
DEL	Department for Employment and Learning
DoE	Department of the Environment
ECNI	Equality Commission for Northern Ireland
HSCB	Health and Social Care Board
NICCY	Northern Ireland Commissioner for Children and Young People
NILGA	Northern Ireland Local Government Association
NSPCC	National Society for the Prevention of Cruelty to Children
PHA	Public Health Agency
RNIB NI	Royal National Institute of Blind People
UNCRC	United Nations Convention on the Rights of the Child
VOYPIC	Voice of Young People in Care
WELB	Western Education and Library Board

General Comments

CiNI submission endorsed by - Disability Action; Employers for Childcare; VOYPIC

Long Title

Views from Submissions	Member's response
<p>Ann Godfrey, former Children's Services Planning Professional Advisor</p> <p>Require Northern Ireland departments to discharge their functions and co-operate with one another in order to contribute to the achievement of certain specified outcomes relating to the well-being of children and young people, and to require agencies to discharge their functions and co-operate with each other in order to contribute to the achievement of the same outcomes, through an amendment to the Children (Northern Ireland) Order 1995.</p>	<p>We would not be opposed to stating more directly in the legislation that the agencies must discharge their functions and co-operate to achieve the specified outcomes.</p> <p>The legislation as drafted currently does specify in Section 2A (2) that the children's plan is to be drafted with a description and explanation with a view to achieve the specified outcomes.</p>

Clause 1: General Duty

Views from Submissions	Member's response
<p>CINI - Children in Northern Ireland fully support the Children's Bill. CINI contend that there is a considerable body of evidence and analysis which finds that current levels of cooperation among departments are based largely on informal relationships between officials and that this is unlikely to change without a purposeful shift in the manner in which services affecting children and young people are planned and commissioned.¹ Good practice on collaboration at intra-agency level is not always replicated at central government level.</p> <p>The Ten Year Children's Strategy and the six high level outcomes are both robust and well-researched which the Children's Sector were consulted on these in 2006 and fully supported then and continue to do so.</p>	<p>We concur with this analysis.</p>
<p>Employers for Childcare - Agree that six outcomes relating to the well-being of children and young people, as listed in the 10 Year Strategy for Children and Young People 2006 - 2016, should form the basis of the duty to co-operate. The six outcomes focus on providing the best possible results for children and young people</p>	<p>It is very clear that the children's sector hold the six high level outcomes in high regard. This was one of the key reasons why we decided to include them in this legislation.</p>
<p>Disability Action - The 10 Year Strategy for Children and Young People 2006 - 2016 does not provide a clear definition of 'all' children and young people. Disability Action believes until 'all' includes children with and young people with disabilities as a mainstream concept departments must ensure that the current barriers faced by children and young people with disabilities and their families and/or carers are separately identified and addressed.</p>	<p>This legislation very deliberately was universal in nature and not based on a targeted approach. We share the belief with Disability Action that disability ought to be treated as a mainstream concept.</p>
<p>DEL - against a background of the very significant forthcoming public sector reform and restructuring, it is critical that the Bill complements efforts in taking forward and bedding-in the new reforms so that more effective and efficient services are delivered</p>	<p>We believe that this legislation will complement the public sector reform taking place. Barriers between a smaller number of government departments could become more impenetrable following reform. Secondly, we believe that this legislation could ensure that any good work which is currently taking place will continue during any period of pressure for reform.</p>

¹ Byrne, B. and Lundy, L. (2011) Barriers to Effective Government Delivery for Children in Northern Ireland 2011, NICCY.

<p>NILGA - Concerned that there has been no consideration within the proposals and discussions and discussions to date about 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.</p> <p>Recommends consistency in the usage of the term 'outcomes' in throughout the legislation as this will ensure that it is directly referenced to the six high level outcomes as specified in the strategy</p> <p>Placing a statutory duty on departments to cooperate is a fundamental step in addressing lack of delivery</p>	<p>Placing a duty to co-operate at both the agency and departmental level can only help facilitate better community planning as it will ensure that all actors are acting coherently. While councils have been afforded the power to undertake community planning the delivery remains with the agency and departmental level.</p> <p>Community planning sits concurrently with the broader children's plans in Scotland and England and would in any case sit alongside the children's plan and children's strategy. If the intention of community planning was to supersede the Children's Plan why did the underlying legislation not alter the requirement to produce a plan? Community plans generally shares the same outcome focus which is a key emphasis of this bill. It also appears to be a means for communities to shape their priorities for delivery in their area rather than the overarching principles behind children's services planning. We would welcome the Committees suggestions for further improvements on this matter.</p> <p>We are happy to accept the proposed suggestions on the consistency regarding the use of the term outcomes.</p> <p>We share the analysis that placing a duty on departments to co-operate is a step in addressing a lack of delivery.</p>
<p>ECNI - Support the six outcomes</p> <p>Note the legislative process by which the six specified outcomes may be amended, and ask that consideration is given to whether this provides sufficient flexibility to allow for new strategic outcomes to be identified, agreed, progressed and implemented when the current strategy completes (2016) and a new strategy is developed thereafter. The Commission expects that, should OFMDM wish to modify the specified outcomes, it would consult fully and effectively with stakeholders</p> <p>Include Youth - extremely supportive of the Bill and pleased to see proposals related to a statutory duty to co-operate - will improve planning, provision and cohesion for children and young people.</p>	<p>The Committee has made the case that using secondary legislation as a method to amend the legislative outcomes should be reconsidered. We are minded to either concur with the committee's proposal or maintain the proposed mechanism.</p> <p>We welcome the support of Include Youth.</p>

<p>VOYPIC - in recent years in NI, critical chances for better outcomes for children and young people have been missed as key strategies have been insufficiently developed, implemented or integrated across government, or have failed to adhere to obligations outlined in fundamental statutes and regulations.</p> <p>We welcome the clause in the Bill that would place a statutory duty on NI departments to co-operate with each other to further the achievement of the objectives stated in the ten year strategy. In the case of children in care, Our Life in Care study shows that whilst we may have the system, the structures and the policy in place, it's the everyday practice and fine detail that impact on daily life. A statutory duty to co-operate would ensure the best outcomes for children and young people are achieved.</p>	<p>We welcome VOYPIC's support.</p>
<p>Playboard - the sixth outcome 'living in a society which respects their rights' is an overarching outcome that <i>should</i> underpin the other five outcomes.</p> <p>Duty co-operate would enhance delivery potential and maximise achievement of objectives</p>	<p>We had been lobbied extensively by the Children's Sector who wished to see Children's Rights more explicitly included in the bill. We are very sympathetic to this aim but the primary purpose of this legislation is for a duty to co-operate.</p>
<p>Important that specified outcomes are subject to focused review in order to establish whether they should remain as the key outcomes for the post-2016 strategy. This should be carried out through robust engagement with the children's sector.</p>	
<p>WELB - continues to support the six high level outcomes of the 10 year strategy</p> <p>Formalising the duty to co-operate will give existing processes and any new processes a stronger footing enabling achievement of the high level outcomes.</p>	<p>Agreed.</p>
<p>It would be important to consult in relation to any changes that may be made to the specified outcomes including reference to existing data on children and young people in NI, as well as consultation with all key stakeholders</p>	
<p>Parents of children with Acquired Brain Injury - children with ABI are living in a society which fails to respect their rights due to the incompetence of NI Departments to deliver services for children with ABI. We believe this Bill has the potential to achieve a more robust mechanism to amend and deliver the necessary outcomes for these children.</p>	<p>Agreed.</p>

<p>Ann Godfrey, former Children's Services Planning Professional Advisor</p> <p>The six NI outcomes were developed through long and extensive Government led consultation. The outcomes, taken together, encapsulate the whole of children's lives and provide a coherent framework for work across all sectors towards improvement. The CYPSP uses the outcomes and associated indicators to drive all its planning work. They greatly help the process of putting the child's life at the centre of the joint work, rather than the focus being on the current responsibilities of individual agencies. The Child Poverty outcomes can be used together with the 6, as the indicators of success are linked.</p> <p>The duty is essential - takes co-operation into the core business of each Department, thus saving resources across departments by sharing effort and driving up the chances of real, lasting improvement.</p> <p>Suggested Amendment: "General Duty at Department Level"</p>	<p>Agreed. Does the Committee concur with this amendment and would it wish to propose it?</p>
<p>Department of Education - there are well embedded mechanisms and partnership arrangements already in place in this regard which have helped to ensure that children and young people here benefit from high quality services which reflect and seek to meet their educational, physical, emotional and wider welfare needs. Uncertain whether the Bill will effect greater co-operation or collaboration beyond what is already taking place.</p> <p>Concerned that the wide ranging nature of the outcomes may generate confusion and unrealistic expectations around the public services which will be delivered. This could potentially lead to judicial reviews by those alleging that a Department failed to discharge its duty under Clause 1.</p>	<p>While some departments such as DE have made a case that they are uncertain if the bill will enhance collaboration, others have stated that this legislation will result in improvements.</p> <p>The aim of this bill is to also ensure that what good collaboration is presently taking place is not only based on the goodwill of the individuals involved but that best practice becomes standard practice.</p> <p>We believe the incorporation of specific requirements to meet these objectives and to co-operate will help to bring clarity to disputes involving children, which are taken to tribunals, thereby reducing the likelihood of judicial reviews of such disputes taking place. This legislation provides an opportunity for the department through a report into how it is co-operating to demonstrate how it is furthering the outcomes. We note that statutory guidance accompanied the 2004 Children's Act and this ought to be something that the department considers for this bill.</p>
<p>NICVA - believe this statutory duty is a mechanism which will ensure better outcomes for children and young people by focusing attention on sharing and removing duplication.</p>	<p>Agreed.</p>

<p>RNIB NI - concurs that integrated working in relation to the development and implementation of children's services in NI is paramount to ensure effectiveness in practice and better outcomes</p>	<p>We did not include a requirement for collaboration between government and independent agencies as it was difficult to define who the agencies were. Moreover this may not have been agreeable to by all organisations.</p>
<p>Support Clause 1</p>	
<p>Government departments should also work close with voluntary organisations such as RNIB</p>	
<p>NSPCC - particularly interested in the matter of cross-departmental co-operation in relation to children and view Clause 1 of the Bill as part of a mechanism for strengthening cross-departmental collaboration. Experience is that where a policy issues crosses several government departments and their remits, it becomes increasingly difficult to progress in terms of determining leadership and priority e.g. internet safety or female genital mutilation.</p>	<p>We agree with NSPCC's proposal to require statutory guidance to accompany clause 1.</p>
<p>Support the six high level objectives for both the basis of co-operation and the interface with operational planning. NSPCC strongly suggest the need for the development of statutory guidance to underpin the creation of action plans and outcome measures and suggest a provision for this in the Clause.</p>	<p>We welcome the input of NSPCC on the issue of sanctions and penalties for non co-operation. We were nonetheless unable to identify sanctions, which we believed would be appropriate for this legislation.</p>
<p>The Clause is silent on penalties for non-co-operation and has no sanctions regarding limited compliance. NSPCC suggests that the Committee looks at this issue considering the development of further provision to avoid a simple tick box exercise or situation where departments continue to operate as prior to the enactment of the proposed legislation.</p>	<p>We believe that the requirement to report on co-operation and the ultimate sanction, a judicial review, is a sufficient method of holding the Government to account.</p>
<p>Strongly support the creation of a structure to facilitate dialogue on children's policy development between the NGO sector and the government on the development of children's policy. NSPCC suggest the development of a statutory forum such as the NGO forum, hosted by OFMDFM which has worked well in the past. It would be helpful to consider a requirement placed on government departments to meet formally with the NGO sector annual to look at children's policy development.</p>	
<p>Save the Children Still support the six high level outcomes which were well researched in consultation with the children's sector and inform the children services planning and the Children and Young People's Strategic Partnership at regional level</p>	

<p>Public Health Agency endorses the general duty of the Bill and the further achievement of the high level outcomes; welcomes the duty on NI Departments to cooperate with each other in order to further the achievement of these objectives; content with the mechanism for amending the specified outcomes</p>	<p>We welcome the support of the public health agency.</p>
<p>NICCY welcomes the Bill and fully supports the provisions it seeks to introduce. NICCY has consistently highlighted the absence of effective inter-departmental/agency working in its advice to Government.</p> <p>Six specified outcomes in the Ten Year Strategy were widely consulted upon and agreed by key stakeholders in 2005/6... The introduction of duties outlined in this Bill would contribute significantly to successfully achieving the specified outcomes.</p> <p>The mechanism for amending the outcomes appears appropriate and NICCY would suggest that while the detail of these may be amended, the six specified outcomes effectively encapsulate the key elements necessary for children and young people's well being</p>	<p>We welcome the support from NICCY.</p>
<p>College of Occupational Therapists supportive of the Children's Services Co-operation Bill & would like to see a clear legal obligation on Government Departments and agencies to work together to meet the needs of children in a comprehensive and holistic way.</p> <p>Six high level outcomes are all part of core values in occupational therapy. We feel that to ensure a holistic view and support for all children it is necessary for departments to work together. However we would like to that it is truly integrated and co-ordinated working and that each department does not come with a singular view for their 'part' in achieving it which maintains a fractured approach.</p>	<p>We welcome the support from the College of Occupational Therapists.</p>

<p>Children's Law Centre - welcomes the Bill and its aim to introduce a statutory duty to co-operate.</p> <p>Concerned that placing a duty on Government Departments to exercise their functions to further the achievement of the six high level outcomes is dependent on the continuation of these outcomes over the lifetime of the next Children's Strategy. Do not think it would be constructive for the introduction of this Bill to fetter or pre-determine the development of the Children's Strategy. Rather than stating outcomes the Bill should refer to "the high-level specified outcomes of the Children's Strategy currently operative". This would 'future-proof' the Bill. All modifications to the specified outcomes of the Children's Strategy should come about as a result of intensive engagement and consultation with children and young people and their advocates.</p> <p>The Bill should explicitly include an obligation for Government Departments and agencies to co-operate in carrying out their functions to give effect to Government's obligations under UNCRC. This obligation should underpin the specified outcomes of all future Children's Strategies which the Bill should make clear reference to, but not specify as these may be subject to change.</p> <p>It is CLC's view that it is important that the Bill includes an obligation for Government Departments and agencies to co-operate in carrying out their functions to further respect for and ensure the delivery of children's rights given they are duty bearers in respect of obligations under the UNCRC.</p> <p>It will be necessary to develop statutory guidance... to clarify the operation of the legislation to ensure that all parties understand their obligations under the legislation.</p> <p>CLC wishes to see the inclusion of a clear definition in the Bill to the term 'functions' - refer to Section 98(1) of Northern Ireland Act 1998.</p>	<p>While we recognise the identified issue with the review of the six high level outcomes, we do not concur with the Children's Law Centre that the outcomes in this legislation ought to be pinned to their development and production in the Children's Strategy.</p> <p>We are concerned that the impact of pinning this clause to the strategy would be to take away the legal backbone of what has been proposed and would give the Executive too much room to alter the objectives for children.</p> <p>Similarly, it would not be possible to ensure that any such outcomes which are developed as part of the children's strategy were robust, in line with best practice and would require the government to comply.</p> <p>Furthermore, if this legislation were pinned to the Children's strategy, other instances of when departments have failed to co-operate in the production and implementation of other strategies (e.g. Early Years) would not be covered by this legislation.</p> <p>The Green Party is certainly sympathetic to the view that Children's Rights ought to be more extensively referenced in this legislation.</p> <p>We agree that statutory guidance ought to be developed to accompany this legislation to ensure that all parties understand their obligations.</p> <p>We are happy to accept the amendment to define the meaning of the word 'functions'. Would the committee wish us to modify the legislation accordingly?</p>
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<p>Believe that the duty to co-operate needs to be expanded to include statutory agencies carrying out functions in relation to children and young people. This is particularly important with regard to the Northern Ireland Office's functions and with regard to immigration and asylum seeking children who are the responsibility of the Home Office. [NB Members should note that responsibility for immigration and asylum has not been devolved. However there may be matters relating to the delivery of services like education and health which are devolved. Children's Law Centre emphasise the importance of protecting the rights of all children in Northern Ireland, regardless of the particular Departmental portfolio or if the matter is devolved, reserved or excepted]</p> <p>CLC is very supportive of the introduction of a clear legal obligation on Government Departments, agencies and UK Government Departments to work together in the interests of meeting the needs of the 'whole child' in a holistic way which has the best interests of the child as the paramount consideration in the delivery of services for all children and young people in NI.</p> <p>It is central to the success of this statutory duty to co-operate in terms of meeting the needs and upholding the rights of children and young people that Government Departments and agencies invest cross departmentally in early intervention and prevention services for vulnerable children and young people.</p> <p>CLC has concerns with regard to the invisibility of children and young people in policy planning at central Government level, including within the Government Budget Allocations and the Programme for Government.</p> <p>CLC wishes to see consideration being given to the inclusion of an obligation on Government departments and agencies to co-operate in discharging their functions to further respect for and the delivery of children's rights and to achieve the specified outcomes of the Children's Strategy.</p> <p>CLC would welcome in the drafting of the statutory duty to co-operate an explicit reference to "a statutory duty to co-operate at the earliest opportunity".</p>	<p>While we would welcome greater levels of collaboration the proposals are outside the remit of the NI Assembly.</p> <p>We welcome this proposal and would request further feedback on the Committees thoughts.</p>
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Clause 2: Co-operation Report

Views from Submissions	Member's response
<p>CINI - The reporting process recommended should not be seen as being 'bureaucratic' and 'onerous'. Existing reporting mechanisms, if amended slightly, would ensure streamline reporting and avoid duplication. For example</p> <ul style="list-style-type: none"> Progress reports are required from each Government Department on a quarterly basis to report on how they are progressing to achieve the priorities outlined within the Programme for Government.² The Child Poverty Act 2010 requires an annual report to detail the progress which has been made towards fulfilling the statutory duty of eradicating child poverty by 2020. Each Government Department is required to submit reports to OFMDM. <p>Reporting mechanisms outlined within the Children's Bill should be kept as stated and that those tasked with obtaining progress reports for the Programme for Government and Child Poverty Report are provided with guidance to, at the same time, obtain information on co-operation that has taken place to achieve the 6 high level outcomes within the Children's Strategy.</p>	<p>We concur with the proposals by CINI.</p>
<p>Disability Action - Disability Action would recommend that reporting mechanisms include disaggregated information on S75 groups in particular detailing whether the specific outcomes for children with disabilities have been achieved.</p>	<p>This is a proposal primarily for the implementation of the bill.</p>
<p>NILGA - welcomes 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.</p>	<p>The are no proposals to include sanctions within the framework of the legislation as we were unable to identify sanctions which we believed were appropriate.</p>

² <http://www.northernireland.gov.uk/index/work-of-the-executive/pfg-budget-economic-strategy/pfg/strategic-online-report-2011-2015.htm>

<p>ECNI - Welcomes the publication of a report on progress by Departments in achieving the specified outcomes. However, it is suggested that the stipulated period of not more than three years is too long - does not allow for the timely scrutiny of whether the processes in place are working effectively. We suggest an annual progress report is made with a formal review every three years</p> <p>The Commission welcomes the requirement that other Departments co-operate in the preparation and publication of the report</p>	<p>The stipulated period was set as a balance between those in the children's sector who desired an annual progress report and those who favoured allowing a longer timeframe for a report to be implemented.</p> <p>We believe that we have struck a balance and feel that the level of additional administration of annual reporting and allowing time for new provisions to settle before initiating a review. We note that the suggestion from the ECNI sits with suggestions from other respondents who have suggested that the proposed reporting is too onerous in terms of bureaucracy.</p>
<p>Include Youth - effective and efficient reporting mechanisms are essential in continuing to push forward progress and ensuring outcomes are achieved. While there have been some concerns raised around an increase in bureaucracy, Include Youth believe that greater collaboration, planning and co-operation across departments can not only mitigate against the perception but improve on the status quo making for more effective and streamlined reporting.</p> <p>VOYPIC - endorse CINI. Slight amendments required to current reporting process</p>	<p>Agreed.</p>
<p>Playboard - Agree with the need for reporting - there are a number of current mechanisms which could lend themselves to supporting this without the need to develop additional reporting. One primary example is the commitment of the Executive to report on progress towards delivery of the UN Convention on the Rights of the Child (UNCRC).</p> <p>Approximately every 7 years OFMDFM collate and report on a cross-departmental basis to the UK Government on the progress of the Executive towards achieving the articles contained within the UNCRC. A similar annual report would go some way to reporting on the duty to co-operate and would meet both reporting requirements for the duty to co-operate and enhance the evidence base supporting the wider UNCRC State Party report.</p> <p>Requiring other Departments to co-operate in preparing and publishing a Co-operation Report is essential and, as outlined above should be possible through the enhancement of existing cross-departmental reporting processes into the UNCRC. A Co-operation Report should be viewed as a positive undertaking, capable of measuring progress and changing mind-sets and organisational cultures regarding the delivery of children's services.</p>	<p>We concur with Playboard's assessment that the current reporting mechanisms could be modified to ensure that any reporting requirements made as a result of this bill do not add any real level of additional bureaucracy. This is nonetheless the responsibility of departments implementing the bill.</p> <p>We agree with Playboard's analysis that the reporting required for the legislation would enhance the report for the UNCRC.</p>

<p>WELB - welcomes a reporting mechanism. Co-operation between Departments in preparing and publishing any progress report would be integral to the spirit and practical outworking of this legislation</p>	<p>Agreed.</p>
<p>Parents of children with Acquired Brain Injury - while it is impossible to compartmentalise children's needs into one Department, it is possible and logical that one department continues to report on progress of the Executive department's commitment to co-operation, as OFMDFM holds the policy lead they should be tasked with overseeing co-operation across all departments and agencies to achieve the specified outcomes periodically.</p>	<p>Agreed.</p>
<p>Ann Godfrey, former Children's Services Planning Professional Advisor</p> <p>Report is essential as it supports prioritising, and such reports are an intrinsic part of outcomes based planning internationally. This requirement helps to frame joint efforts across Departments and to measure effectiveness. The danger of such reporting becoming an end in itself is offset, in outcomes reporting, by the focus being on indicators of change, rather than on measuring the delivery of particular services, which may or may not be effective in improving children's lives. In relation to the Department on which the requirement sits being OFMDFM, it is clear that children's lives cut across all Departments, which points to OFMDFM. This is not to say that the whole responsibility for the work on which the report relies for its content should be that of OFMDFM, which is why the second requirement is so important.</p> <p>The actions required for the outcomes to be improved sit right across Government, so the Bill must require other Departments to cooperate – importantly in the preparation of the report – this does not mean an onerous increase in the amount of reporting, as most of the issues will already be being reported on, but this means that the work that goes into the report is joint.</p>	<p>Agreed.</p>
<p>Department of Education - Reporting will place a greater administrative burden on Departments in reporting to OFMDFM on how they have fulfilled the duty to co-operate and the impact which this has had.</p> <p>Similar reporting structures are already in place in relation to the Child Poverty Strategy and the Department provides an annual update to OFMDFM on the actions taken to implement the Strategy/fulfil its duties</p>	<p>The department identify that similar reporting structures currently exist and it is unfortunate that they do not propose the prospect of integrating such structures. Administratively we accept that there will be additional responsibilities but the aspiration is that the process of identifying weaknesses and prospects for improvement will ensure that departments continually ensure that their level of co-operation is optimised. Evidence demonstrates that more integrated services are more cost effective and efficient.</p>
<p>RNIB NI supports the need for the production and publishing of a co-operation report</p>	<p>Agreed.</p>

<p>Save the Children the reporting is sensible - it has the potential to improve accountability because it could be aligned with the existing requirement to report annually on the Child Poverty Strategy and could inform reporting on the outcomes in the next Children and Young People's Strategy</p>	<p>Agreed.</p>
<p>Public Health Agency - endorses the proposal for OFMDFM to publish a report on progress of departments toward achieving the outcomes. The mechanism for ensuring that such co-operation happens in practice is not clear in the Bill. The publication of the report will not of itself ensure effective or efficient co-operation. It is suggested that some clear milestones and indicators are set for Government Departments against which progress can be measured with clear accountability agreed for such co-operation.</p>	<p>We welcome the PHA's suggestion on this issue. We have not identified specific milestones or indicators as a means of such measurement as we felt that this would be too prescriptive for legislation. We would welcome any suggestions for amendments as how this clause could be improved.</p>
<p>NICCY strongly concurs with the proposed requirement for effective, regular reporting on the implementation of co-operative working.</p> <p>Would challenge perspectives that reporting requirements are 'onerous' and 'bureaucratic'. Currently each Department is required to provide annual reports to OFMDFM detailing progress made towards eradicating child poverty. The proposal for a 3-year reporting cycle is comparatively less onerous than current requirements and may prove to be an under-estimation of the level of reporting required.</p> <p>Would suggest that current reporting mechanisms relevant to the Bill's proposals are examined and amended appropriately to streamline reporting and avoid duplication. The involvement of other departments is critical towards ensuring accurate monitoring of progress in achieving outcomes for children and young people</p>	<p>We concur with the analysis from NICCY.</p>

<p>Children's Law Centre Reports should be published annually, as expected by the Committee on the Rights of the Child</p> <p>Requirement to report should be amended to include both statutory agencies and UK Government Departments in the exercise of their functions as they relate to children and young people in Northern Ireland.</p> <p>Timeframe for the production of reports should be compliant with the obligations of the UNCRC.</p> <p>CLC is extremely supportive of the obligation in the Bill for the Northern Ireland Departments to co-operate with each other in relation to the preparation and publication of the report.</p> <p>CLC believes that it is vital that there is a legal obligation on Government Departments to co-operate with OFMDFM in relation to the preparation and publication of reports. This section should be amended so that the duty is extended to include not only NI Departments but also UK Government Departments and statutory agencies to co-operate with each other in relation to the preparation and publication of the report.</p>	<p>We sought to seek a balance between good governance and minimised bureaucracy. While would not be opposed to more frequent reporting we would anticipate resistance from departments.</p> <p>We felt the suggestion by CLC in a recent meeting with OFMDFM to have more regular reports but review every 3 years may be a possible way forward.</p> <p>UK agencies are outside the remit of the NI Assembly.</p>
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Clause 3: Sharing resources and pooling funds

Views from Submissions	Member's response
<p>CINI - CINI fully supports legislation to create an enabling power to permit government departments and agencies to pool budgets and jointly commission services. The manner in which government departments are currently funded creates a number of inhibitors to collaboration and cooperation. The majority of funding is provided and allocated for the delivery of services specific to each department and to meet statutory responsibilities, rather than for achieving outcomes. There are internal administrative and cultural challenges to sharing funds as well, as departments can be territorial about financing, particularly in a time of shrinking budgets.</p> <p>Creating a mechanism for pooling budgets would make it easier for departments to share staff and resources, jointly commissioning services, and work collectively towards shared outcomes. Ultimately, a more collaborative approach to resource management should deliver savings through lower levels of duplication, greater investment in prevention rather than in the consequences of problems, and better levels of information sharing among relevant bodies.</p> <p>There is evidence of good practice in relation to pooling budgets/resources. For example the Delivering Social Change Signature projects have a total value of £58.45 million, which incorporates pooled resources of Executive Departments such as DHSSPS, DE, DEL, DSD and DoJ. The Sharing Resources and Pooling Funds under the Children's Bill will enhance the work underway and will help achieve better outcomes. In the current economic situation of limited resources a preventative approach and pooling of budgets is important to ensure that limited resources are targeted in a cost effective manner.</p> <p>It is our view that the pooling of budgets and resources to achieve the 6 High Level Outcomes from the Children's Strategy will, as the then Finance Minister noted, 'Reduce future costs in the context of a tightening budget environment, even beyond the current budget period'.³</p>	<p>We concur with CINI's analysis.</p>

³ NI Executive Press Release (2012) available online at <http://www.northernireland.gov.uk/index/media-centre/news-departments/news-dfp/news-releases-dfp-june-2012/news-dfp-260612-executive-agree-allocation.htm>

<p>Disability Action - Regarding pooled budgets cognisance must be taken of the additional supports and services required for each individual disabled child otherwise same service to all delivery will result in adverse impact on children with disabilities and their families and carers.</p>	<p>We would not wish nor foresee this bill to result in the reallocation of resources away from disabled children.</p>
<p>DEL - The Bill appears to have the potential to create new public sector structures and financial arrangements which could place additional demands on Departments' resources, as well as those of other affected public sector bodies.</p> <p>The Executive's Delivering Social Change structures remain the key strategy focus of Executive efforts to undertake more successful cross Departmental working in order to deliver more effective public services.</p>	<p>We believe that any additional demands on departments will be more than offset by cost savings in the form of enhanced efficiency and effectiveness.</p> <p>While the Delivering Social Change structures have been a step forward in recognition of the importance of integration we believe this legislation would only further and strengthen the objective of greater integrated working.</p>
<p>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. 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.</p> <p>This is merely an enabling provision and it is crucial that the correct management, audit and accountability arrangements are in place to ensure the pooling of resources is done effectively.</p> <p>It could be strengthened to include collaborative use of resources by public bodies in general and the alignment of plans.</p>	<p>Agreed.</p>
<p>ECNI - have previously advocated greater integration and cross-departmental working as a means of increasing efficiency and effectiveness in achieving policy goals. The proposed power may further maximise the possible responses in public policy including flexibility, innovation, synergy and comprehensive and coherent responses.</p> <p>Costings associated with this should be drafted in a transparent manner that will allow an outside assessment of the equality and good relations impact and the interplay between measures in different Departments.</p> <p>Recommend that screening is carried out in relation to the budgeting process to ensure the impact on children and young people across all relevant S75 grounds</p>	<p>We expect costings associated with greater integration would be marginal but would nonetheless require the input of the civil service.</p> <p>While support the call for children's budgeting it has not been included in this bill. We would nonetheless be open minded to include it should the Committees support its inclusion in this legislation.</p>

are factored in.	
Include Youth - supports the enabling power which will permit NI departments to established pooled budgets and share resources - provides the opportunity for departments to share staff, resources and jointly commission relevant services which will help them achieve their goals and improve outcomes for children and young people	We welcome the support of Include Youth.
VOYPIC - fully supports legislation to create an enabling power to permit government departments and agencies to pool budgets and jointly commission services. This joint working and co-operation could be used to develop the concept and understanding of corporate parenting for children in care, and care leavers. We are promoting a greater level of corporate parenting responsibility across government and the statutory sector to improve outcomes for children in care.	We welcome the support of VOYPIC.
Playboard - fully support an enabling power permitting departments to establish pooled budgets and shared resources to achieve the six outcomes - agree with CINI that this power should be extended to include agencies and adopt an approach to the joint commissioning of services. Delivering Social Change is an example of good practice in the pooling of budgets or sharing of resources. E.g. £0.02m allocated to DoE in the January Monitoring Round to deliver enhanced natural play at Crawfordsburn.	While DSC was a step in the right direction, we believe this is more a demonstration of aligned budgets rather than a truly pooled budget.
WELB - Integrated planning and commissioning across agencies and sectors has been in place for some time, however there has been limited opportunity, if any, to pool resources across government departments. This legislation, by requiring Departments to pool funds should limit duplication of services and strengthen work across departments to achieve the six high level outcomes. However it would be important to be mindful that in the 'administration of co-operation' resources are not diverted from front line services and that anticipated savings as the result of greater co-operation over time are realised.	Agreed.
Parents of children with Acquired Brain Injury - In England and beyond where there has been examples of co-operative working, particularly by pooling of budgets, costs have reduced, efficiencies gained and the delivery of services for children has	Agreed.

improved. For the benefit of all children in NI we support the sharing of resources and pooling of funds. From a parent-led perspective it would make common sense that all necessary professionals working in children's services share in the process, combine resources, pool budgets and strive for better achievable outcomes for children's services.	
Ann Godfrey, former Children's Services Planning Professional Advisor This is essential. The lack of the ability to pool budgets has severely limited current attempts to provide an integrated approach to improving children's lives. Sharing resources in this way will allow changes to flow from decisions in various Departments' areas of responsibilities, and will greatly improve the efficiency and effectiveness of the totality of resources across Departments. The recent example of early intervention developments across Departments is an example of what could be achieved – but this should not require the instigation of a special project for each development – there should be an established and approved route for any pooling which is demonstrably required for improvement in the outcomes.	Agreed.
Pooling of resources to improve outcomes has accompanied successful outcomes based planning processes in other parts of the UK and internationally.	
Department of Education Unclear which organisations or department would have lead responsibility for the pooled fund. Necessary to ensure that appropriate governance and accountability arrangements are established in order to monitor and manage any such fund and this should perhaps be reflected in the Bill	The responsibility for a pooled fund would depend on which departments established it. Agreed regarding accountability.
NICVA - the sharing of resources and the ability to jointly commission services can only be described as a good thing... we believe this shift to shared funding will maximise the outcomes from the ever diminishing pool of resources... A statutory duty makes it easier for departments to come together to share resources and work collectively towards shared outcomes.	Agreed.
RNIB NI - support the enabling power to pool budgets and share resources. Such an approach will create opportunities for early intervention and preventative spending	Agreed.
NSPCC - Supportive of pooled funding arrangements reflecting current arrangements on a number of cross-departmental projects	Agreed.
Save the Children in order to achieve the high level outcomes, detailed information on public expenditure must be accessible. The most recent UN Committee on the Rights of the Child Concluding Observations recommended consistent budgetary analysis in order to identify how much spending is allocated to children across the	We concur with this analysis and would welcome the Committees support for Children's budgeting.

State party and whether it serves to effectively implement policies and legislation affecting them. Therefore it makes sense to have the enabling power to pool budgets in order to enhance transparency and joint service commissioning where appropriate	
<p>Public Health Agency - concerned that there needs to be clarity to ensure that pooling arrangements do not confuse lines of accountability among existing bodies or inhibit the PHA from fulfilling its statutory responsibilities.</p> <p>PHA agrees with the suggestion of sharing resources between Government departments which would seek to enhance the alignment of policy goals and practical implementation. The Agency would suggest that Government Departments' planning and resource allocation is centred around the agreed goals of the Bill.</p> <p>NICCY - This proposal is positive and sensible, particularly given the significant budgetary constraints confronting government departments. In this context it is critical that scarce resources are targeted in a cost effective manner/as efficiently as possible.</p> <p>Current good practice examples of shared funding and other resources could be analysed to inform future collaborative practice. The Delivering Social Change projects which involve pooled resources from five departments will provide useful evidence in this regard.</p>	Agreed.
<p>Children's Law Centre</p> <p>The need for Government to work together and to pool budgets and share resources is an imperative which CLC has consistently raised as one requiring urgent legislative enactment.</p> <p>CLC does not believe the enabling power is strong enough and would be supportive of the 'enabling power' being replaced by a statutory obligation on NI and UK Government Departments and agencies to pool budgets and share resources to further respect for and the delivery of children's rights.</p> <p>Do not believe that an enabling power will achieve the level of budgetary and resource co-operation and collaboration that is required to achieve the delivery of children's rights and the specified outcomes of the Children's Strategy.</p>	Agreed.
	While we welcome the proposal to strengthen the requirements to co-operate requiring departments to establish a pooled budget would require us to direct in the legislation the purpose of any such arrangement. For such a process to work we believe it requires buy in and a culture of co-operation to develop. Moreover it ought to be more organic to enable the public sector to innovate.

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

Views from Submissions	Member's response
<p>CINI - The requirements contained within the bill are not new. The Health and Social Care Board set up the regional Children and Young People's Strategic Partnership (CYPSP) which is responsible for the statutory process of Children's Services Planning and which operates as a cross-sectoral strategic partnership consisting of the leadership of all key agencies who have responsibility for improving outcomes for all children and young people. The agencies represented include health, social services, education, local government, policing and housing, including representatives from the voluntary and community sector. The purpose of the Partnership is to put in place integrated planning and commissioning across agencies and sectors, which is recorded through the Children and Young People's Plan, aimed at improving wellbeing and the realisation of the rights of children in Northern Ireland. The Bill will ensure this work continues.</p> <p>In respect of specifying public bodies listed at Clause 4, these are bodies that deliver public services. It is important that those bodies are specified to ensure the coordination of the delivery of services to achieve the 6 High Level Outcomes. To ensure greater flexibility if other bodies are identified in future, they can be specified in subordinate legislation without having to introduce new primary legislation. Moreover, we can see no reason for concern regarding the duties placed upon the Health and Social Care Board (HSCB). The HSCB, which was established on 1st April 2009, is directly accountable to the Health Minister for translating his vision for health and social care into a range of services. The HSCB is also required to establish arrangements at a regional and local level that ensures close strategic and operational partnership with key stakeholders both within the HSC sector and wider public sector in meeting the objectives of the Minister as well as overseeing the agreed publication of performance information. The very idea that the Health and Social Care Board could 'usurp ministerial autonomy to set policy direction' is totally unfounded.</p>	<p>We share this analysis with CINI.</p>

<p>DoE - Concern about Clause 4 and the extensive additional powers for the Health and Social Care Board to prepare a children and young people's service plan, which will place requirements on a wide range of public bodies, including district councils. The Committee will be aware that the Local Government Act places, from 1 April 2015, a statutory duty on a council to initiate, maintain, facilitate and participate in community planning for its district. A key element of such plans will be considering the needs of children and young people, both in terms of active participation in the preparation of the plan and in the broader identification of issues that will impact on the lives of children and young people – indeed, the draft guidance on community planning includes specific reference to these requirements, and references NCCY guidance material. Given the new duties around community planning, the Department is concerned to ensure that any additional statutory regimes such as those set out in Clause 4 of the Bill do not cut across community planning in unintended ways; I would therefore ask that this specific issue is taken into account during the Committee's consideration of the Bill.</p>	<p>As stated before there is presently a requirement for the board to prepare and publish a children's plan so this is not a new requirement. It is unclear how DOE currently consider community planning would fit with the current arrangements as opposed to the new arrangements which are broadly similar. We would welcome any suggestions from the department to enhance the planning process for children's services.</p>
<p>NILGA - 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.</p> <p>This clause is far-reaching and will have a major impact for the HSCB and the named public bodies. It is not clear what the true extent of this impact will be - but potential cost and resource implications for local government.</p> <p>Disappointed 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's services will translate at a local level and in particular integrate with new governance structures that will emerge from local government reform.</p>	<p>We note the comments from NILGA.</p>

<p>HSCB - 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 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.</p> <p>We also understand that Mr Agnew has confirmed that the policy intention behind Clause 4 is to place the CYPSP, as 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.</p> <p>A similar statutory duty in Scotland is being enacted and there may be helpful learning in that process - The Children and Young People (Scotland) Act 2014</p>	<p>We are aware of these concerns in paragraph 1 and are working with the departments to address these issues.</p> <p>We do not envisage putting the CYPSP into a statutory footing in this bill but to strengthen arrangements.</p>
<p>ECNI - welcome the publication of the report.</p> <p>Expect the Department to consult fully and effectively with all relevant stakeholders</p>	<p>Noted.</p>
<p>Monitoring should be cognisant of departmental duties under S75 of NI Act 1998 and the DDA, and reporting should include a review of the monitoring findings</p> <p>Include Youth - CYPSP already exists as a cross sectoral strategic partnership working on integrated planning and commissioning across departments, agencies and sectors. The Children's Bill can assist with and ensure this work continues. DEL should be included alongside the list of current bodies (definition of children and young people includes those from a care background up to the age of 21)</p> <p>Support CiNI view that to ensure flexibility, any other bodies identified in future can, and should, be specified in subordinate legislation.</p>	<p>Agreed.</p>
<p>VOYPIC - endorse views by CiNI - welcome proposals contained under Clause 4. Support duties placed on HSCB.</p> <p>Playboard - would urge that the relevant steps are taken to update and bring the Children's Order (NI) 1995 into line with similar legislation in England. To reiterate we agree with the development of Children's services plans which are fit for purpose however this requires that the legislation be updated and extended beyond 2A of Schedule 2.</p>	<p>Noted.</p> <p>We note these concerns and are working to address this issue.</p>

<p>WELB - Clause 4 appears to strengthen previous Children's Services Planning Guidance and this is to be welcomed.</p> <p>Recognise that HCSB already has a number of duties in relation to reviewing and publishing a children's plan, however the Bill will now require HSCB to review and publish a children and young people's plan in consultation with a range of public bodies. The list of public bodies is extensive allowing for a wealth of views to be expressed by those who work directly or indirectly to achieve the six high level outcomes for children and young people.</p> <p>A mechanism to monitor and report is welcomed.</p>	<p>Agreed.</p>
<p>Parents of children with Acquired Brain Injury - The current planning of children's services is falling short. This Bill would promote co-operation at policy and operational levels. Departments, agencies and relevant partners should work together to plan, implement and monitor the appropriate policies. CYPSP is an example of where agencies have co-operated well but based simply on good will. Agencies within HSCB had a responsibility to engage with others but those agencies did not have a reciprocal duty to co-operate in return. Clause 4 seeks to strengthen the principles of the CYPSP.</p>	<p>Agreed.</p>

<p>Ann Godfrey, former Children's Services Planning Professional Advisor</p> <p>The debate indicated misunderstanding of the role of the Health and Social Care Board. Clearly, the HSCB, alongside all statutory agencies, operates under statutes, and discharges responsibilities accordingly. This cuts across neither the lead roles of Government Departments nor MLAs. There is already a statutory requirement on the HSCB, contained within the Children (NI) Order 1995, to carry out Children's Services Planning. This Bill is suggesting an amendment to an existing statutory requirement, which would make such joint planning core business for each agency, and such core business status, for statutory agencies, is only achieved if the business is made statutory – required rather than desirable.</p> <p>Similarly to the requirements at Department level, this needs to involve joint reporting on progress – based on improvements in the outcomes. Amendment is therefore required. The Bill currently refers to 'children's services' meaning services under Part IV of the Children Order. In order for this work to include early intervention, which clearly the proposer of the Bill intends, this wording should be amended as per next section.</p> <p>Clause 4(7) requires amendment, to include all relevant bodies, accurate names, to distinguish between statutory and voluntary agencies and to add the voice of children.</p> <p>Suggested amendment to Clause 4 is at Annex A.</p>	<p>We agree with this analysis.</p> <p>The current bill as drafted requires the production of a report with the objectives of achieving the specified outcomes (as detailed in clause 4). Similarly a requirement already exists for the report to set out the extent to which the outcomes have been achieved.</p> <p>We note the concerns regarding the definition of Children's Services under Part IV and are working to resolve this issue.</p> <p>Noted.</p>
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<p>Department of Education If the CYPSP was to remain the mechanism for drawing up and consulting upon the new plans, then the extent of (and limit to) the remit of the CYPSP would need to be clearly understood and adhered to by its members.</p> <p>Particular concern that the enhanced role of the HSCB may cut across the remit of Ministers/Departments. This could potentially lead to a scenario where the Department may not be in a position to agree or to progress all actions identified by the HSCB due to other more pressing priorities or budgetary constraints. Such a scenario could place undue pressure on Ministers and their Departments/public bodies and may well be counterproductive to the Bill's overall objective to ensure collaboration in the delivery of children's services.</p> <p>Focus of Clause 4 seems to be on how public bodies are to co-operate with HSCB/the Regional Board whilst failing to appropriately recognise that this should be a reciprocal process i.e. that the Regional Board should ensure that it co-operates with Education and Library Boards.</p> <p>Clause 4 will create additional reporting and monitoring requirements (as already noted in relation to Clause 2) and place further demands on already stretched public bodies.</p>	<p>We note that this analysis is not shared with CINI & Ann Godfrey. While the HSCB has a role in terms of the reporting up duty for the Children's Plan, each actor is required to co-operate with the other.</p> <p>We do not concur that this confers additional powers onto the HSCB which would enable them to cut across the remit of departments.</p>
<p>RNIB NI - supports the need to amend the Children (Northern Ireland) Order 1995 to reflect the clauses within the Bill</p> <p>NSPCC - the provision is silent on The Children Order (1995 Order) (Amendment) (Children Services Planning) Order (Northern Ireland) 1998 on which it is based. If agreed the 1998 Order would need to be repealed.</p> <p>Suggest amendment to the provision in Clause 4(7)(d) to remove the words "were they to be provided by the Regional Board" This rewording would leave for a more flexible approach to the inclusion of key services such as Childline (and other services which do not feature in the current Children's Services Planning) in Children's Services Plans.</p> <p>References to the Department in this provision would need to include a provision in the interpretation section to make clear it is the Department of Health, Social Services and Public Safety</p>	<p>Noted</p> <p>We note these comments and will investigate this proposal further.</p>

<p>Save the Children This would seem a sensible development of the precedent set by the HSCB's Children and Young People's Strategic Partnership. But this existing arrangement would need to be taken into consideration when designing the Stormont House Agreement's new department for children and young people</p>	Noted.
<p>Public Health Agency agrees with the need for the Health and Social Care Board to renew and publish a children and young people's plan which is developed in consultation with a wide range of partners, including children and young people. The PHA would highlight the need for the plan to set clear goals, mechanisms for achieving such goals and clear measures of progress which are evaluated and measured over time to assess impact on agreed outcomes. This aspect of measurement requires strengthened in the next phase of Children's Services Development and the duties placed on the HSCB with regard to the monitoring, reporting and evaluation of impact. PHA agrees with the list of public bodies included in the draft Bill.</p> <p>PHA believes it is essential that commissioning through the Regional Board of actions under the children's and young people's plans which apply to HSC bodies much be subject to section 8 (4) of the Health and Social Care (Reform) Act (Northern Ireland) 2009</p>	<p>We agree with the analysis provided by the PHA on this issue and concur with their proposal to require that the board is subject to section 8 (4) of the Health and Social Care Reform Act when commissioning children's services.</p> <p>We would welcome the Committee's feedback on this proposal and whether the Committee would be minded to submit an amendment to this effect.</p>
<p>NICCY These proposals reflect some of the current arrangements in place. Whilst demonstrating positive collaborative working, the CYPSP is dependent on the goodwill of agencies and good working relationships.</p> <p>Does not believe there is evidence to support concerns about the transfer of control to the HSCB. There are clear governance and accountability structures in place which require HSCB to regularly report to the Minister and to work closely with him and his officials in carrying out its functions.</p> <p>Mr Agnew has indicated that the HSCB is content with the role which the Bill would place upon it.</p>	<p>Agreed.</p>

<p>Children's Law Centre CLC is supportive of the requirements contained within the Bill with regard to the Health and Social Care Board.</p> <p>CLC believes that the inclusion of a number of agencies within this section of the Bill further emphasises the need for the duty to co-operate to be extended to include statutory agencies as well as Northern Ireland and UK Departments and relevant agencies.</p> <p>CLC wishes to see the insertion of a clause requiring consultation with children and young people as well as 'relevant public bodies' with regard to reviews or modifications of children and young people's service plans.</p> <p>In in the interests of consistency and children's rights compliance CLC believes that the timeframe for monitoring and review and publication of modifications to the plan should be annually in line with the obligations of the UNCRC and as expected by the Committee on the Rights of the Child as outlined in its General Comment No.5 on General Measures of Implementation for the Convention on the Rights of the Child.</p>	<p>We are supportive of the proposal to include a clause to require consultation with children on reviews and modifications of the Children's Plan. We would welcome feedback from the Committee as to whether they would be minded to support this proposal.</p>
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Clause 5: Interpretation

Views from Submissions	Member's response
DEL - Clarity on definition of children and young people - will it include young people up to age 25?	The legislation defines young people as up to 21 in line with the Commissioner for Children and Young People (Northern Ireland) Order 2003. We would welcome feedback on this proposal and whether DEL would recommend an alternative definition.
NILGA - 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 that the implications of the proposed definitions will have	The legislation defines young people as up to 21 in line with the Commissioner for Children and Young People (Northern Ireland) Order 2003. We would welcome feedback on this proposal and whether NILGA would recommend an alternative definition.
RNIB NI - agree that the Bill should align its definition of children and young people in accordance with the meaning as prescribed in The Commissioner for Children and Young People (Northern Ireland) Order 2003	Noted.

Clause 6: Short title

Views from Submissions	Member's response

Other comments

Views from Submissions	Member's response
CiNI (and others) Policy Intent, outcomes and operation The policy intent of this Bill is clear – co-operation to achieve the 6 High Level Outcomes within the Children's Strategy for all children. The Children's Bill sets out the high-level framework to allow flexibility for Departments to decide upon how they will co-operate with each other. The Bill cannot be a rigid framework. Perhaps guidance in relation to operation would satisfy any issues there may be surrounding operation; draft guidance would give Departments the chance to feed in to how they see the Children's Bill operating.	

Good Policy Making

As outlined within the OFMDFM Guide to Policy Making⁴ it states that, 'Good policy-making will be based on evidence setting out what the need is and potentially evidence surrounding how best to intervene to meet the need also.' The evidence is overwhelming that shows Departments do not work in co-operation when it comes to the needs of children and young people. We are concerned therefore that one MLA suggested that 'we need to consider whether some poor experiences legitimise the need for legislation.' This goes against the very idea behind the origins of policy making which can come from various sources including evidence, public opinion, as well as from a review of review of existing policies and mechanisms which do not meet the needs of service users.

What is it like for parents when government departments fail to co-operate?

A Mother with three sons all with special needs comments: *"I knew that the statementing process existed, and was difficult to access, but nothing could have prepared me for the colossal battle I have had to endure to get the right support for my sons' special needs. Parents are the ones coping daily with the special needs of our children. Why should we have to also strategically manage the coordinated sharing of information between all the professionals involved with our child? Many parents that I know in similar circumstances gave up their battle simply because they felt they were in a no win situation from the beginning, and couldn't find the emotional stamina required to get through the system. Indeed, if I had not had the support, advice and expertise of the Children's Law Centre, I too would have given up the fight, and my child who is gifted, would have been sitting at home wasting his life."*

Another parent, talks about the strain placed upon her daughter and the family when education and health did not co-operate, stating:

"It took two years and eight months, a Tribunal, threat of Judicial Review, suffering on my daughter and unbelievable strain placed on us as a family, before she was provided with Physiotherapy in school, which she now receives twice a week. I believe this Bill could have a huge impact in cases like my daughter's. Sadly it is too late for her, she is now in sixth form. Hopefully it will benefit others and her experience of Government departments not working together in the best interests of the child will become a thing of the past."

⁴ <http://www.ofmdfmi.gov.uk/practical-guide-policy-making.pdf>

<p>NILGA - surprised at lack of reference to the role of children and young people in the proposed Bill.</p>	<p>Include Youth - Policy making and the resulting services should be evidence based, collaborative, consultative and efficient. The Children's Bill provides a unique opportunity to improve policy as well as service creation and delivery for children and young people. More generally the Bill provides a new way of working across departments and has the potential to change the culture of how government works and in so doing improve outcomes for people. These opportunities should be grasped.</p>	<p>Playboard - We believe the children and young people's sector is leading the way in the implementation of services for children and young people. The sector's focus on outcomes, evidence-informed approaches and the use of child rights perspective is, in our view ahead of Departments, who regrettably all too often lack the imagination, creativity and resourcefulness to make the best possible and most significant difference to children's lives.</p> <p>Therefore, we believe it is paramount that Departments are required to consider not only how they co-operate together but how a culture, based around the concept of no-regressive measures in children's services can be promoted and in doing so complement each other's strategic and operational activity.</p> <p>We would urge the government to take a similar perspective to the voluntary sector. Rather than focusing on statutory remits and 'ticking boxes' we would suggest that departments should focus on the outcomes they are seeking to achieve and then work backwards to determine which departments and which cross-departmental connections will best position them to deliver the desired outcomes.</p>	<p>Parents of children with Acquired Brain Injury Listen to children with ABI and their parents, as children have rights and parents are in the best position to advocate for children with ABI.</p> <p>Policy intent, outcomes and operation Childhood Acquired brain injuries are sustained from birth up to age 25, since the developing brain does not finish maturing until that time. Policy intent of this Bill should cater for young people up to age of 23 years old which goes much further to meeting the needs of children and young people with ABI than the current transitions to adult services at age 18.</p>
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	<p>Currently:</p> <ul style="list-style-type: none"> • Educators (teachers, Educational Psychologists, SENCO's, school Nurse, class assistants) do not receive ABI training. • Those involved in Youth Justice and Restorative Youth Justice are ill-equipped to identify alleged young offenders with undiagnosed or diagnosed ABI, hence a large number of youth offenders gain criminal records and custodial sentences instead of receiving support and diagnosis of brain injury in appropriate cases. • Hospitals, Emergency Departments and GP's do not record/ code incidences of paediatric; concussion, head injury, primary and secondary brain injuries, meningitis, swine flu, stroke, hypoxia or receives radiotherapy, chemotherapy and neurosurgery. Health or education staff don't instantly identified these incidences as potential risks of resulting as acquired a brain injury later in the child's life (up to age 25) as deficits become apparent later with brain maturity. • Incidents and statistics of childhood ABI incidents and prevalence is not readily available to Executive Departments. Hence funding does not match demand as the extent of the problem is unknown. • Undiagnosed and diagnosed cases of Childhood ABI don't have a specialised assessment unit, pathway or transition plans between or within departments. • The Education and Library Boards also fail to record ABI in school aged children, as there is no ABI category in the SEN Code of Practice to record these children. The ELB's advised the Minister of Education (2013/14) that there was a total of 24 children with ABI in the whole of Northern Ireland, a gross under-estimation. • Special Education don't recognise or categorise pupils with ABI as they don't know the actual definition of ABI. Awareness building and rollout of training is required. <p>Basically with inter-department cooperation this bill will provide an array of professionals working with children with a better understanding of ABI which will raise public awareness of the condition help identify, support and manage suspected cases of ABI.</p> <p>What is it like for parents when government departments fail to co-operate?</p>
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<p>As one mother said:</p> <p><i>" I have become a project manager instead of caring for my child or resuming employment I spend my day safe-guarding my child from an accidental medical error in hospital appointments, as the oncologist, neurologist, ophthalmologist, haematologist and so on don't effectively share notes, the left hand does not know what the right hand is doing. As for Education Statements, no-one took the responsibility to initiated that process or even explain it to us before my son returned to school".</i></p> <p>Parents are lost, with no pathway from hospital to home/community and finally a return to school. It is simply not signposted and is dependent on, how the brain injury was acquired, which clinician, which trust, which ELB you reside in. Some children leave hospital without discharge meetings, SEN for children with ABI are not correctly assessed as the expertise is not available, and a multi-disciplinary approach is not forthcoming. Educators don't receive training in ABI. Some confess they don't even know what the ABI term stands for and are nervous when talking about the brain as they are uncomfortable due to their professional incompetence.</p> <p>Agencies like CAMHS/ACE/CDC have refused to offer psychology support to children with ABI as they don't have the training or expertise. Physiotherapists, Occupational Therapists, Speech Therapist, Clinical Psychologist cannot offer the necessary support due to lack of training and therapy is time-limited although the child requires ongoing support.</p> <p>The Children's Acquired Brain Injury Consultation Service Team is a starting point to offering inter-department support across health and education, but it's thinly spread and under resourced, not jointly funded.</p> <p>The fact there is no Children's Brain Injury Rehabilitation Unit in Northern Ireland leaves our children and parents at a huge disadvantaged compared to adult brain injury provisions.</p>	
<p>Ann Godfrey, former Children's Services Planning Professional Advisor</p> <p>I feel that I can comment in detail in this way as I worked in the field of integrated planning for 15 years, and saw the limitations of the current arrangements at close quarters as well as the sincere efforts of many, across Departments and Agencies, to make co-operation work without the support of a</p>	

	<p>duty as set out in the Bill. My suggested amendments also draw on extensive research on arrangements elsewhere.</p> <p>Please see attached document for the detail of the suggested amendments (amendments are underlined).</p>
	<p>Committee for Enterprise, Trade and Investment - has identified a number of policy areas where the DETI could co-operate with other Government Departments under the auspices of this Bill</p>
	<p>Save the Children</p> <p>Important timing for this legislation with the Ten Year Children and Young People's Strategy due in 2016, the examination of the UK government by the UN Committee on the Rights of the Child in 2016, the pending child poverty strategy 2014/15-17 and predicted increase in child poverty by 2020 due to the recession, budget and welfare cuts and increasing in-work poverty. Hence the importance of tackling these challenges with a more coordinated and committed approach from central government.</p> <p>Child poverty levels and income inequality are predicted to increase by 2020 due to the adverse impact of welfare and budget cuts, according to the Institute of Fiscal Studies (IFS) research, Child and Working-Age Poverty in Northern Ireland from 2010-2020, commissioned by Ofndfm. The IFS has predicted that child poverty will increase across the UK, with the sharpest increase in income poverty among children in Northern Ireland. Its latest update states that relative child poverty will increase to 26% (BHC) and absolute child poverty to 29.3% (BHC) by 2020.</p> <p>However the Executive has committed to ending child poverty by 2020. Each Executive Minister has a statutory obligation to meet the 2010 Child Poverty Act targets, which are reiterated in the 2011-15 Programme for Government. The targets are to reduce relative child poverty to less than 10% by 2020, to reduce absolute and combined child poverty to less than 5%, with a target for persistent low income to be prescribed by regulation before 2015.</p> <p>The Department for Social Development's (DSD) Households Below Average Income (HBAI) figures for 2012-13 show that 20% of children were living in relative poverty (Before Housing Costs) and 22% (After Housing Costs); 22% were living in absolute poverty (BHC) and 26% (AHC).</p>

Much importance is attached to employment as the chief way to tackle poverty, but more than half of all poor children live in families where an adult is working. Child poverty is becoming a problem of working families, a problem of low wages and insecure work.

According to the latest QUB Poverty and Social Exclusion (PSE) survey, more than half of children in Northern Ireland (241,000) are growing up in households that could not pay an unexpected expense of £500. One in three adults is unable to make regular savings of at least £20 and 28% cannot make regular payments into a pension because of lack of money; about 75,000 children are living in damp homes; over a third of families cannot afford **one or** more items central to a child's family life – a week's holiday away from home, a day trip once a month or celebrating special occasions. The number of families unable to afford at least one of four items for a child's educational development has increased and these include children's books, educational games, construction toys and school trips.

In 2008 Save the Children and partners found that 21% of children were living in persistent poverty, attributed largely to the legacy of the conflict. This 21% figure was more than double the GB rate in 2008 and many worry that increasing youth unemployment, welfare reform, budget cuts and in-work poverty will recreate the conditions for social distress and unrest.

The Welfare Reform Bill has reached further consideration stage at Stormont but the Commons Select Work and Pensions Committee has highlighted the severe misery already caused by increasing sanctions and benefit delays in England. The New Statesman has highlighted another worrying development in England – it reported on a pilot for 15,000 low-paid working universal credit claimants who may find that their benefits, including the housing element of universal credit, are reduced if they do not actively seek to work more hours or increase their salary. According to the New Statesman, the change is important because this policy goes beyond targeting jobseekers, the sick and disabled. It threatens to further penalise those who are working in low-paid jobs.

It is vital that the government response is commensurate with the scale of the challenge. As well as a costed child poverty strategy, we would argue that low income children and their families would benefit from the proposed Children's Services Co-operation Bill to encourage better departmental

<p>coordination.</p> <p>PHA - would emphasise the need for greater rigour in the evaluation and performance reporting of the implementation of the Plan. Such evaluation should then extend to the efficiency and effectiveness of existing and new mechanisms for delivery as well as impact on the agreed outcomes. Important timing for this legislation with the Ten Year Children and Young People's Strategy due in 2016, the examination of the UK government by the UN Committee on the Rights of the Child in 2016, the pending child poverty strategy 2014/15-17 and predicted increase in child poverty by 2020 due to the recession, budget and welfare cuts and increasing in-work poverty. Hence the importance of tackling these challenges with a more coordinated and committed approach from central government.</p> <p>NICCY - would suggest that if the Bill is passed, consideration should be given to the introduction of more regular reporting requirements, so that evidence of the impact of a statutory duty on departments to co-operate in the delivery of services for children and young people, can be disseminated effectively and efficiently.</p> <p>NICCY suggests that key stakeholders in the departments and agencies who will be most directly impacted by the Bill and responsible for delivery through joined up working practices, will be best placed to suggest amendments to refine the practical outworking of the legislation.</p> <p>UNCRC - General Comment 5 issued by the Committee on the Rights of the Child highlights the importance of visible, cross-sectoral co-ordination across Government towards the recognition and realisation of children's rights.</p> <p>NICCY commissioned research in 2011 into barriers to effective government delivery for children. Further research has been commissioned into best practice in inter-departmental working for children and young people. This project is due for completion in mid-May 2015.</p> <p>College of Occupational Therapists - detail a number of areas where collaboration between departments has been difficult</p> <p>Children's Law Centre</p> <p>CLC wishes to reiterate its support for the Children's Services Co-operation Bill (Northern Ireland) 2015. We believe that the Bill presents a unique opportunity to deliver children's services in a better way, which will promote the well-being of children and contribute to the realisation of their rights. While we have</p>		
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suggested amendments to the Bill, these suggestions have been made in the interests of being constructive and strengthening the draft provisions contained in the Bill at present and to ensure better compliance with international children's rights standards.

CLC would suggest that the Bill, rather than stating the 6 specified outcomes of the Children's Strategy 2006 – 2016 in the body of the Bill refers to the high-level specified outcomes of the Children's Strategy. We would also recommend that the Bill explicitly includes an obligation for Government Departments and agencies to co-operate to give effect to Government's obligations under the UNCRC. This obligation should underpin the specified outcomes of all future Children's Strategies which the Bill should make clear reference to, but not specify as these may be subject to change in the interests of future-proofing the Bill.

CLC wishes to see the statutory duty being expanded to include statutory agencies to ensure co-operation between central Government and agencies of Government including Education and Library Boards (ELBs), Health and Social Care Trusts (HSCs), the Police Service of Northern Ireland (PSNI), the Youth Justice Agency (YJA) and others and UK Government Departments and relevant agencies in discharging their functions which relate to children in this jurisdiction.

CLC believes that it will also be necessary, following the agreement of the specified outcomes to develop statutory guidance, which should be publicly and widely consulted upon including directly consulted upon with children and young people to clarify the operation of the legislation to ensure that all parties understand their obligations under the legislation. This will be of considerable assistance in the practical interpretation of the legislation and to aid legal compliance with the legislation. In addition, CLC wishes to see the inclusion of a definition in the Bill to the term 'functions' and we would refer you to Section 98 (1) of the Northern Ireland Act 1998 which defines the term functions for the purposes of section 75 of the Northern Ireland Act 1998. Section 98 (1) states that 'functions' includes 'powers and duties' of a public authority.

The Children's Strategy and future Children's Strategies should be developed through intensive engagement and consultation with children and young people and their advocates, with input from the Committee of the Office of the First and

Deputy First Minister and other stakeholders. This would avoid the need for modifications to the specified outcomes in the Bill to be made by, 'the Office... as it thinks appropriate' or subsequent to the development of each new Children's Strategy. CLC believes that all future specified outcomes of a Children's Strategy should come about as a result of this engagement and consultation to ensure that they reflect evolving priorities and take cognisance of emerging issues in children's lives and the provision of children's services.

With regard to the proposed obligation in the Bill for the Office to prepare and publish a report within three years of the passing of the Bill and at three yearly intervals CLC wishes to see an amendment to the Bill to place a statutory obligation on the Office that such reports should be produced annually. We wish to see the requirement to co-operate in the preparation and publication of the report being amended to include both statutory agencies and UK Government Departments and relevant agencies in the exercise of their functions as they relate to children and young people in Northern Ireland.

With regard to the enabling power which will permit Northern Ireland Departments to establish pooled budgets and shared resources to achieve the six specified outcomes, CLC does not believe that this is strong enough and wishes to see the 'enabling power' being replaced by a statutory obligation on Northern Ireland and UK Government Departments and agencies to pool budgets and share resources to further respect for and the delivery of children's rights and achieve the specified outcomes of the Children's Strategy. This we believe will be in the interests of meeting the needs of the 'whole child' in a holistic way and in a manner which has the best interests of the child as the paramount consideration.

CLC wishes to see consideration being given to the inclusion of an obligation on Government Departments and agencies to co-operate in discharging their functions to further respect for and the delivery of children's rights and to achieve the specified outcomes of the Children's Strategy. In particular, CLC would welcome in the drafting of the statutory duty to co-operate an explicit reference to a statutory duty to co-operate at the earliest possible opportunity. CLC believes that this would emphasise the need to meet the needs of children and young people at the earliest possible stage in their lives. This would place an obligation on Government and agencies to give effect to early intervention and prevention in the discharge of their functions as they relate to children and

young people.	CLC wishes to see the insertion of a clause requiring consultation with children and young people as well as, 'relevant public bodies' with regard to reviews or modifications of children and young people's service plans. This should include a duty to take into account the views expressed through consultation.
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ANNEX A

SUGGESTED AMENDMENT TO CLAUSE 4 FROM MS ANN GODFREY

Corresponding Duty at Agency Level: Amendment of the Children (Northern Ireland) Order 1995

1. In Schedule 2 to the Children (Northern Ireland) Order 1995 (provision of services for families: specific powers and duties) for paragraph 2A substitute—

'Children and Young People's Plans'

2A.—(1) The Board shall, within one year of this paragraph coming into effect—

- (a) make arrangements to promote co-operation between the Board and specified statutory bodies as well as any other appropriate persons or bodies, with a view to improving specified outcomes in relation to the well-being of children and young people.
- (b) review services provided within its area which are relevant to improvement in relation to the specified outcomes
- (c) having regard to that review and the most recent reviews under Article 20, prepare and publish a plan, to be known as the Children and Young People's Plan, for the planning and commissioning of services to secure improvement in the specified outcomes in relation to the well-being of children and young people.

(2) The Children and Young People's Plan shall include a description and explanation as to—

- (a) how children's services in its area will be planned, commissioned and delivered by the relevant public bodies,
- (b) how the relevant public bodies are to co-operate with the Board and one another in planning, commissioning and delivering children's services and when they must do so,
- (c) any key actions, programmes and services which the Board considers are to be taken or commissioned by the relevant public bodies on a shared basis, and
- (d) the targets to be used by the Board in assessing the effectiveness of the actions taken under heads (a), (b) and (c), in order to achieve the specified outcomes.

(3) The Board—

- (a) shall keep under review the plan prepared by it under sub-paragraph (1)(c) (as modified or last substituted under this sub-paragraph); and
- (b) shall, having regard to that review and to the most recent reviews under Article 20, at intervals of not more than 3 years, prepare and publish—
 - (i) modifications (or, as the case may be, further modifications) to the plan reviewed; or
 - (ii) a plan in substitution for that plan.
- (4) In carrying out any review under this paragraph and in preparing any plan or modification to a plan, the Board shall consult the relevant public bodies and take account of any views they express.
- (5) If as a result of consultation under sub-paragraph (4) it appears to a Board appropriate to change the whole or any part of the Children and Young People's Plan it must carry out such further consultation with respect to the changes it considers appropriate.
- (6) It is immaterial for the purposes of this paragraph whether the consultation is carried out before or after the commencement of this paragraph.
- (7) The relevant public bodies are—
 - (a) every Health and Social Care Trusts;
 - (b) every Education and Library Boards;

- (c) every District Councils
 - (d) the Northern Ireland Housing Executive;
 - (e) the Police Service of Northern Ireland;
 - (f) the Probation Board for Northern Ireland;
 - (g) the Youth Justice Agency
 - (h) the Council for Catholic Maintained Schools;
 - (i) the Department for Social Development;
 - (j) the Department of Justice; and
 - (k) the Public Health Agency
- (8) The arrangements for co-operation must include representation from such voluntary and community sector organisations as appear to the Board to provide services in the Board's area which contribute to the specified outcomes in relation to the well-being of children.
- (9) The arrangements for co-operation must include a mechanism for the inclusion of children and young people in the process of drawing up and implementing the Children and Young People's Plan.
- 10) So far as is consistent with the proper exercise of their functions, the relevant public bodies must co-operate with the Board in relation to the preparation, review and implementation of, and reporting on, the Children and Young People's Plan including by providing to the Board such information as it may request.
- (11) The Board shall monitor the implementation of the Children and Young People's Plan by the relevant public bodies.
- (12) The Board shall, within 28 days of receiving a written request from the Department, submit to it a copy of—
- (a) such information it has in its possession regarding the implementation of the Children and Young People's Plan by the relevant public bodies;
 - (b) the plan prepared by the Board under sub-paragraph (1)(c); or
 - (c) where that plan has been modified or substituted, the plan as modified or last substituted.
- (13) Not more than three years after the publication of the Children and Young People's Plan and thereafter at intervals of no more than three years, the Board must prepare a report on its implementation.

Steven Agnew – initial views on OFMDFM amendments

From: Agnew, Steven
Sent: 16 June 2015 18:25
To: Nesbitt, Mike
Cc: Lyttle, Chris; O'Hanlon, Kathy

Subject: Initial Views on Amended Childrens Bill

Dear Mr Nesbitt,

I wanted to provide you with my initial thoughts on the proposed Children's Services Co-operation Bill as amended by OFMDFM.

Overall I am content with the direction of travel of the Bill and I am grateful for the work of OFMDFM on the Bill to date. However I have made the following suggestions to the Department.

- I have received advice that the wording "so far as is consistent with the proper exercise of its children functions" is effectively a get out clause. I would suggest the following wording;

2.—(1) Every children's authority must co-operate with other children's authorities and with other children's service providers to improve the wellbeing of children and young persons.

4. - (3) Every children's authority must co-operate with the Executive in the preparation of the plan, and must (i) exercise its functions in accordance with the plan, and (ii) co-operate with each other in doing so.

- I would like to see an independent report on the act;

6.—(1) For each reporting period, the Executive must commission an independent report on the operation of this Act.

- I recognise that changes to the six outcomes appear minor but would ask for clarification as to why these changes were made.
- I believe that the outcomes as proposed in the Bill should only be changed after consultation.
- I welcome the requirement to consult with children, parents/guardians, and advocacy groups on the Children's Strategy but would query whether this would allow the Executive to exclude wider public participation.
- On pooled budgets, the following wording has been suggested;

Where a service for children engages responsibility of more than one department

- A. any of those departments may provide or fund the service
- B. the departments must consider opportunities for collaboration including the pooling of budgets

At this point any of the suggested amendments above have not been drafted professionally but are intended only to give the Committee an indication of my views. I hope you find this helpful.

Regards,

Steven.

Steven Agnew MLA
Room 258, Parliament Buildings, Stormont BT4 3XX
028 90 521790
0770 678 4436
www.stevenagnew.net



Northern Ireland
Assembly

Appendix 5

OFMDFM Papers and Correspondence

OFMDFM to Committee Chair



Office of the
**First Minister and
Deputy First Minister**

Stormont Castle
BELFAST
BT4 3TT

TEL: 028 9037 8158
FAX: 028 9037 8040
e-mail: ps.ministers@ofmdfmi.gov.uk

Mr Mike Nesbitt
Room 285
Parliament Buildings
Ballymiscaw
Stormont
BELFAST
BT4 3XX

Our Ref: SUB/940/2014

11 November 2014

CHILDREN'S SERVICES CO-OPERATION PRIVATE MEMBER'S BILL

We are writing to provide an update on the Private Members Bill being taken forward by Steven Agnew MLA in relation to children's services cooperation.

Following the Committee's letter of 30 January 2014 enquiring if the Department would consider bringing this legislation forward as an Executive Bill, Junior Ministers met with Mr Agnew to discuss the Bill on 28 April 2014. At that meeting the Ministers discussed the option of OFMDFM taking forward the Bill, however Mr Agnew indicated that his preference, at this stage, was to retain ownership of the Bill and continue to pursue it as a Private Members Bill.

In terms of progressing the Bill, Mr Agnew advised that the Bill was to be revised, based on comments received from the Office of the Legislative Council, and once a future draft is received it could be shared with OFMDFM at that stage. We understand that, due to external factors, it has not been possible for Mr Agnew to secure a new draft of the Bill to date.

OFMDFM remain committed to providing support to Mr Agnew as appropriate and will maintain contact as the Bill is revised and its progress continues. We will keep you updated on progress.

RT HON PETER D ROBINSON MLA
First Minister

MARTIN MCGUINNESS MLA
deputy First Minister

OFMDFM response regarding Child Poverty Strategy [Extract]



**Kathy O'Hanlon
Clerk
Committee for OFMDFM
Room 285
Parliament Buildings
Ballymiscaw
Stormont
BELFAST
BT4 3XX**

18 February 2015

Dear Kathy

CHILD POVERTY STRATEGY

Thank you for your letter of 22 January asking for:

- Information on how the outcomes in the Child Poverty Strategy might impact on the Children's Services Co-operation Bill sponsored by Steven Agnew MLA.

The Department has provided further information below for the information of the Committee.

Information on how the outcomes in the Child Poverty Strategy might impact on the Children's Services Co-operation Bill sponsored by Steven Agnew MLA.

The Private Member's Bill introduced by Steven Agnew seeks to introduce a duty to co-operate on each department in relation to the delivery of children's services. In addition, the Bill requires OFMDFM to report on co-operation and outline how departments have worked together to deliver services to children and young people.

As outlined at the debate at Second Stage on Monday, 26 January 2015, whilst OFMDFM is supportive of the general principles of the Bill, there is a need for amendments to ensure the Bill has a positive impact on the lives of children and young people. One of the current concerns would be the requirement for additional reporting on top of reports already compiled on issues such as the Child Poverty Strategy, the Ten Year Strategy for Children and Young People (and any future strategy) and the report on the UN Convention on the Rights of the Child.

OFMDFM is committed to working with Mr Agnew to amend the Bill to ensure it has practical benefits for the delivery of children's services and improves outcomes for children and young people. Amendments may include consideration on when and how OFMDFM report on improvements on the lives of children and young people (through co-operation) to ensure there isn't duplication with existing reports. Currently the Ten Year Strategy for Children and Young People has six high level outcomes and the Bill would place a duty on Departments to co-operate to achieve these outcomes and a duty on OFMDFM to report.

The four outcomes in the Child Poverty Strategy have been drafted to closely mirror those in the Ten Year Strategy, but to focus specifically on children in poverty.

Outcomes in the Ten Year Strategy	Outcomes in the Draft Child Poverty Strategy 2014-17
Healthy	Children in poverty are healthy
Enjoying, Learning and Achieving	Children in poverty learn and achieve
Living in Safety and with Stability	Children in poverty live in safe, secure and stable environments
Experiencing economic and environmental well-being	Families experience economic well-being

The Child Poverty Strategy is already subject to statutory reporting, in accordance with the UK Child Poverty Act. The Child Poverty Strategy sets out the establishment of a Monitoring Framework which will require departments to work together to deliver the four outcomes noted in the Child Poverty Strategy.

Officials will work with Mr Agnew to consider this issue of duplication of reporting, and other issues with the current draft Bill, to seek to bring forward potential amendments that would improve the Bill to ensure it meets its own objectives of improved services and positive outcomes for children and young people.

Yours sincerely

Signed Colette Kerr

Colette Kerr
Departmental Assembly Liaison Officer

OFMDFM – Early assessment of Children's Services Co-operation Bill



Kathy O'Hanlon
Clerk
Committee for OFMDFM
Room 285
Parliament Buildings
Ballymiscaw
Stormont
BELFAST
BT4 3XX

23 April 2015

Dear Kathy

CHILDREN'S SERVICES CO-OPERATION BILL

Thank you for your letter of the 26th March and the information provided on the Committee's consideration of the Children's Services Bill thus far. I can confirm that the following officials will be available to provide an oral briefing to the Committee on Monday, 27th April.

- Margaret Rose McNaughton, Director of Equality, Human Rights and Social Change Division
- June Wilkinson, Head of Children and Young People Unit
- Peter Hutchinson, Children and Young People Unit

To support this session officials have prepared a short paper attached at **Appendix I** for the Committee's consideration. This seeks to outline the Department's assessment of the current draft Bill and some early thoughts on potential amendments.

Yours sincerely

Signed Colette Kerr

Colette Kerr
Departmental Assembly Liaison Officer

Appendix I**Children's Services Co-operation Bill****Background**

1. In December 2014, Mr Steven Agnew, MLA, introduced a Private Member's Bill aimed at improving co-operation across Departments in the delivery of services for children and young people. The Bill received widespread support at Second Stage; however, a number of Members raised concerns that would need to be resolved through amendments.
2. Ministers have indicated they support the general principles of the duty to co-operate but agree that amendments are required if the Bill is to become effective law. Junior Ministers previously met with Mr Agnew in April 2014 to discuss his plans for the Private Members Bill. At this meeting the option of OFMDFM taking forward the Bill was discussed.
3. The Bill, as drafted, has four main elements;
 - i) Placing a general duty on Departments to co-operate in the delivery of children's services;
 - ii) Placing a duty on OFMDFM to report on co-operation;
 - iii) Introducing an enabling power to allow Department's to pool funds; and
 - iv) Amending the Children (Northern Ireland) Order 1995 to include a detailed provision for children's services planning.
4. Mr Agnew has explained that the intention of the Bill is to "be a positive contribution to the legal framework which will encourage greater Government collaboration and help to ensure that children in Northern Ireland receive the best possible start in life." Mr Agnew expects the Bill to support the achievement of the 6 high level outcomes in the 10 year strategy for children and young people; support the delivery of children's services; and allow Departments to pool budgets.

Concerns raised by Departments

5. In advance of the Bill's consideration at Second Stage the Junior Ministers wrote to Executive Colleagues in order to notify them of the Bill and provide an overview of the potential impact. A number of Ministers responded expressing general support for the intention of the Bill whilst highlighting important concerns regarding the current draft.
6. Officials have engaged with other Departments, sector representatives and Mr Agnew to better understand both the need for the Bill and the problems with the current drafting. Some of the key concerns regarding the current draft Bill are detailed in the table below.

Clause	Comments
General	<p>The need for the Bill is unclear and it may be more appropriate for existing structures to be used to promote increased co-operation, rather than introducing legislation. However, it is noted that the Bill is supported by a range of stakeholders.</p> <p>The drafting is somewhat vague, meaning it is difficult to ascertain what the benefit to children and young people would be.</p>
Clause 1 – General Duty	<p>Need to understand the duty to co-operate better – does it mean Departments would have to prioritise the interests of children and young people over other existing functions? If so, what is the impact on existing statutory functions?</p> <p>The inclusion of the six high level outcomes for children and young people within the legislation is inappropriate; these are better placed within a strategy document. Using them in legislation could lead to misinterpretation, challenge and judicial review. It also renders them somewhat inflexible.</p>
Clause 2 – Co-operation Report	<p>The focus of the reporting is on “co-operation” (which is difficult to measure) rather than on the achievement of the policy objectives and improved outcomes for children and young people.</p> <p>Additional reporting duties are unwelcome especially if there is the potential for duplication with existing reporting arrangements.</p>
Clause 3 – Sharing resources and pooling funds	<p>The intention behind “pooled budgets” is understandable however clear guidance would be needed on their operation (accountability, authority for payments, cost control, risk management etc).</p> <p>There are existing examples of Departments working closely together and sharing or transferring funds to achieve common objectives. How would the “pooled fund” be an improvement on existing practice?</p>

<p>Clause 4 – Amendment of the Children (Northern Ireland) Order 1995</p>	<p>Balance of powers between the Health and Social Care Board and other public bodies, in Clause 4, appears inappropriate.</p> <p>This clause might have unintended consequences for the rest of the Children (Northern Ireland) Order 1995 which would need to be considered. A standalone clause is more appropriate.</p>
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Potential Revised Bill Structure

7. Officials have therefore considered how the Bill could be revised and restructured with the intention of preparing amendments that would ensure the Bill is effective, workable and would deliver better outcomes for children and young people.
8. A potential way forward which has still to be agreed is described below; this is not a final position but merely provides an overview of the instructions to Legislative Counsel at this stage. It is still to be determined whether or not these amendments will fully satisfy the concerns that have been raised and detailed above.

Clause 1 (a new Clause) – A purpose clause to set out the general aims of the Bill

9. Daniel Greenberg has suggested that the Bill could be improved by including a “purpose clause” which would clearly set out the intention of the Bill. Purpose clauses appear to be common in Australian legislation but are less common in UK law. Advice is being sought from OLC on the need for such a clause and how it could be drafted.

Clause 2 (amends existing Clause 1) – Duty to co-operate

10. An amended clause that would place a duty on the Executive to put in place arrangements to ensure Departments, agencies and relevant partners to work in co-operation to deliver outcomes which are in the best interests of children and young people as set out in the Children & Young People’s Strategy.

Clause 3 (a new Clause) – Children & Young People’s Strategy

11. The Executive must bring forward a Strategy for children and young people, which has clear evidence based outcomes. This should eliminate the concern of including policy objectives within legislation; instead the Bill would signpost to outcomes to be agreed, through consultation, in a future strategy. This also allows flexibility should the outcomes need to be changed over time. The strategy would be developed in co-operation and consultation with Departments and key stakeholders, including children and young people.

Clause 4 (replaces the existing Clause 4) – Children and Young People's Plan

12. It is suggested that the existing clause 4 is replaced with a standalone provision (which does not amend the 1995 Order). The clause would seek have the same focus as the existing insofar as the relevant Department, under the authority of the Executive, would be responsible for the development and delivery of a Children and Young People's Plan.
13. The plan would have to be developed having due regard to the strategy and set out how the agreed outcomes would be supported. The plan, which would be developed and delivered in collaboration, would detail;
- i. How children's services will be planned, commissioned and delivered by relevant partners;
 - ii. Key actions, programmes and services which are to be taken or commissioned by the relevant partners;
 - iii. The targets to be used in assessing the effectiveness of the action taken; and
 - iv. How the key outcomes detailed in the strategy will be supported and achieved.

Clause 5 (amends existing Clause 2) – Executive report on children and young people

14. The Executive must report regularly to the Assembly to demonstrate how the Strategy and Plan are being delivered to achieve and improve the best interests of Children and Young People. This would alleviate the concern that the existing reporting clause is too focussed on process rather than actions. This would however include a section on how effectively the duty to co-operate is working.

Clause 6 (amends existing Clause 3) – Pooling of Budgets

15. If the clause on pooling of budgets is to remain then provisions on the arrangements for such funds would be required i.e. requiring a MOU between all parties; setting objectives for the fund; and procedures for managing and accounting of funds.

Next Steps

16. OFMDFM is working with OLC to have amendments drafted as per the outline above. If these amendments were to be tabled on behalf of OFMDFM then Executive consideration would be required. OFMDFM will continue to liaise with Mr Agnew and sector representatives to ensure the amendments are in keeping with the general principles of the Bill.

OFMDFM – Proposed amendments and revised draft Bill



Kathy O'Hanlon
Clerk
Committee for OFMDFM
Room 285
Parliament Buildings
Ballymiscaw
Stormont
BELFAST
BT4 3XX

11 June 2015

Dear Kathy

CHILDREN'S SERVICES COOPERATION BILL

1. We have previously corresponded regarding the Children's Services Co-operation Bill which is being brought forward by Mr Steven Agnew MLA. Officials provided a briefing to the Committee on the 27th April on the matter. At that stage, officials advised that, whilst supporting the general objective of the Bill, a number of concerns had been identified by themselves, Departments and Ministers in relation to the drafting. Officials shared a paper with the Department outlining how the Bill could be revised to ensure the Bill was an effective piece of legislation with tangible benefits for our children and young people.
2. Officials have been working with Office of Legislative Counsel (OLC) to consider appropriate amendments to the Bill. These amendments were designed to alleviate the concerns raised whilst ensuring the Bill would deliver against the key objectives proposed by Mr Agnew.
3. I attach a draft version of the amendments prepared by OLC at **Appendix I**. For presentational purposes a new Bill has been prepared which, if agreement was secured, could replace the Bill introduced by Mr Agnew.
4. The revised Bill has 6 main clauses as follows;

Well-being of children and young persons

5. This would serve as a "purpose clause" and explains that the Bill is for the purpose of improving well-being of children and young people. The Bill uses the six high level outcomes (as included in the 10 year strategy for children and young people) to define what is meant by "well-being".

Co-operation to improve well-being

6. Places a duty on "children's authorities" (defined as Departments and other key statutory bodies) to co-operate with other children's authorities and other bodies in the provision of children's services. The purpose of this co-operation is to contribute to the well-being of children and young persons. It also places a duty on the Executive to make arrangements to promote co-operation.

Children and young persons strategy

7. A duty on the Executive to adopt a strategy setting out how it proposes to improve the well-being of children and young persons. The strategy must set out the intended outcomes, the actions to be taken and the measurements to be used to assess success. Children and young people, parents and guardians and representative groups must be consulted in the development of the strategy.

Children and young persons plan

8. A duty on the Executive to adopt a service's plan detailing how children's services will be planned, commissioned and delivered. The service's plan would be developed in regard to the strategy, in essence explaining how the delivery of children's services would support the achievement of the strategy. This is the function currently carried out primarily by the Children and Young People's Strategic Partnership (CYPSP).

Sharing of resources and pooling of funds

9. The clause relating to sharing resources and pooling of funds remains an enabling power to be used by any children's authority should they choose. Funds could be pooled to support the delivery of the strategy.

Report on the operation of this Act

10. A duty on the Executive to prepare and publish a report on the operation of this Act (every 3 years). The report would provide an update on the progress against the outcomes in the strategy and the actions delivered by the service's plan. In practice it would be describing how the well-being of children and young people had improved (or not) through the actions of the Executive and relevant partners. The report would also reference the co-operation across Departments.
11. There are also clauses to deal with interpretation, commencement and the short title.

12. The copy provided should be treated as a 'draft'. Any amendments proposed by the Department would need to be supported by the Executive as a whole and therefore officials are continuing to work in co-operation with other Departments at this stage.

13. The following officials will attend the Committee to talk through the revised Bill and take any questions you may have;

- Margaret Rose McNaughton, Head of Equality, Human Rights and Social Change Division
- June Wilkinson, Head of Children and Young People's Unit
- Peter Hutchinson, Children and Young People's Unit

14. I trust this note has been helpful.

Yours sincerely

Colette Kerr

Departmental Assembly Liaison Officer

Children's Services Co-operation Bill

[4/6/2015 12:44:47]

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5. Sharing of resources and pooling of funds
6. Report on the operation of this Act
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8. Commencement
9. Short title

*Children's Services Co-operation**SchN*

A

BILL

TO

Require co-operation among certain public authorities and other persons in order to contribute to the well-being of children and young people; to require the adoption of a children and young persons strategy and a children and young persons plan; and for connected purposes.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Well-being of children and young persons

1.—(1) The functions conferred by this Act are to be exercised for the purpose of improving the well-being of children and young persons.

(2) For this purpose the “well-being” of children and young persons includes—

- 5 (a) physical and mental health;
- (b) the enjoyment of learning and achievement;
- (c) living in safety and with stability;
- (d) economic and environmental well-being;
- (e) the making by them of a positive contribution to society;
- 10 (f) living in a society which respects their rights.

(3) In determining the meaning of well-being for the purposes of this Act, regard is to be had to any relevant provision of the United Nations Convention on the Rights of the Child (which is to say, the Convention of that name adopted by General Assembly resolution 44/25 of 20 November 1989).

- 15 (4) The Office of the First Minister and deputy First Minister may by regulations make such amendments to subsection (2) as it thinks appropriate.

(5) Regulations must not be made under subsection (4) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

Children's Services Co-operation

SchN

Co-operation to improve well-being

2.—(1) Every children's authority must, so far as is consistent with the proper exercise of its children functions, co-operate with other children's authorities and with other children's service providers in the exercise of those functions.

5 (2) The Executive must make arrangements to promote co-operation of the kind mentioned in subsection (1).

(3) Every children's authority must co-operate with the Executive in the making of the arrangements mentioned in subsection (2).

10 (4) "Children functions" are any functions which may contribute to the well-being of children and young persons.

Children and young persons strategy

3.—(1) The Executive must adopt a strategy (the "children and young persons strategy") setting out how it proposes to improve the well-being of children and young persons.

15 (2) The strategy must in particular set out—

- (a) what outcomes the Executive intends should be achieved for that purpose;
- (b) what actions will be taken by Northern Ireland departments (among others) for the purpose of achieving those outcomes;
- 20 (c) how it will be determined whether, and to what extent, the outcomes have been achieved.

(3) The strategy must state the period within which it is intended that the outcomes should be achieved (the "lifetime" of the strategy).

(4) Before adopting the strategy, the Executive must consult—

- 25 (a) children and young persons,
- (b) parents and guardians of children and young persons,
- (c) such persons representing the views and interests of children and young persons as the Executive thinks appropriate, and
- (d) such other persons as the Executive thinks appropriate.

(5) The Executive may—

- 30 (a) revise or replace the strategy if the Executive is satisfied that changes in circumstances justify doing so;
- (b) amend the strategy by extending its lifetime.

(6) The Executive must—

- 35 (a) lay the strategy, and any revisions to it, before the Assembly, and
- (b) publish it, and any revisions, in such other manner as the Executive thinks appropriate.

(7) At the end of the lifetime of a strategy, the Executive must adopt a new one.

(8) Subsections (2) to (7) apply to any new strategy.

Children and young persons plan

40 4.—(1) The Executive must adopt a plan (a "children and young persons plan") setting out how it is proposed that children's services will be provided.

*Children's Services Co-operation**SchN*

- (2) The plan must in particular set out—
- (a) how children's services will be planned and commissioned;
 - (b) what actions will be taken by children's authorities and other children's service providers for the purpose of achieving the outcomes set out in the children and young persons strategy;
 - (c) how children's authorities and other children's service providers will co-operate with each other in the provision of children's services and in the taking of the actions mentioned in paragraph (b).
- (3) Every children's authority must—
- (a) co-operate with the Executive in the preparation of the plan, and
 - (b) so far as is consistent with the proper exercise of its functions—
 - (i) exercise those functions in accordance with the plan, and
 - (ii) co-operate with each other in doing so.
- (4) Before adopting the plan, the Executive must consult—
- (a) children and young persons,
 - (b) parents and guardians of children and young persons,
 - (c) such persons representing the views and interests of children and young persons as the Executive thinks appropriate, and
 - (d) such other persons as the Executive thinks appropriate.
- (5) The Executive must review the plan—
- (a) not later than the first anniversary of the date on which it was adopted, and
 - (b) not later than the first anniversary of that review;
- and the Executive may revise the plan as it thinks appropriate in consequence of a review under this subsection.
- (6) The Executive must—
- (a) lay the plan, and any revisions to it, before the Assembly, and
 - (b) publish it, and any revisions, in such other manner as the Executive thinks appropriate.
- (7) Not more than 3 years after the date on which the Executive adopted the plan, the Executive must adopt a new plan.
- (8) Subsections (2) to (7) apply to any new plan.
- (9) The following provisions (which are superseded by this section) cease to have effect—
- (a) paragraph 2A of Schedule 2 to the Children (Northern Ireland) Order 1995 (children's services plans);
 - (b) the Children (1995 Order) (Amendment) (Children's Services Planning) Order (Northern Ireland) 1998 (S.R. 1998/261);
 - (c) in section 7(2) of the Children (Leaving Care) Act (Northern Ireland) 2002, the words "and in paragraph 2A(1)(a)";
 - (d) paragraph 14(28) of Schedule 3 to the Education Act (Northern Ireland) 2014.

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Sharing of resources and pooling of funds

5.—(1) This section applies to a children's authority for the purposes of exercising any functions in accordance with—

- (a) arrangements under section 2 (co-operation), or
- 5 (b) a children and young persons plan.

(2) For those purposes, a children's authority may—

- (a) provide staff, goods, services, accommodation or other resources to another children's authority;
- (b) make contributions to a fund out of which relevant payments may be
- 10 made.

(3) A "relevant payment" is a payment in respect of expenditure incurred, by a children's authority contributing to the fund, in the exercise of its functions.

Report on the operation of this Act

6.—(1) For each reporting period, the Executive must prepare a report on the

15 operation of this Act.

(2) The reporting period is—

- (a) for the first report prepared after the adoption of a strategy, the period since its adoption;
- (b) in any other case, the period since the preparation of the preceding report
- 20 under this section.

(3) The report must include statements on the following matters, so far as relating to the reporting period—

- (a) what actions have been taken by the Executive, and Northern Ireland departments, for the purpose of achieving the outcomes set out in the
- 25 children and young persons strategy;
- (b) what progress has been made towards achieving those outcomes, or the extent to which they have been achieved;
- (c) what actions, set out in the children and young persons plan, have been taken by children's authorities and other children's service providers;
- 30 (d) how children's authorities and other children's service providers have co-operated with each other in the provision of children's services;
- (e) how children's authorities have exercised the powers conferred by section 5;
- (f) how the well-being of children and young persons has improved.

35 (4) The report must also identify—

- (a) any further opportunities for co-operation between children's authorities and other children's service providers that could help to achieve the outcomes set out in the strategy, and
- (b) any other ways in which the well-being of children and young persons
- 40 could be improved.

(5) The Executive must prepare a report under this section—

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(a) not more than 3 years after the date on which it adopted a children and young person's strategy,

(b) thereafter, during the lifetime of that strategy, at intervals of not more than 3 years, and

5 (c) at the end of the lifetime of a strategy.

(6) But subsection (5)(c) does not apply if a report was prepared under this section less than 6 months before the end of the lifetime of the strategy.

(7) Children's authorities must co-operate with the Executive in the preparation of a report under this section.

10 (8) The Executive must—

(a) lay the report before the Assembly, and

(b) publish it in such other manner as the Executive thinks appropriate.

Interpretation

7.—(1) In this Act—

15 "children and young persons" means persons who are—

(i) under the age of 18, or

(ii) aged 18 or over and fall within subsection (2) or (3);

"children's authority" means any of the following—

(i) a Northern Ireland department,

20 (ii) a district council,

(iii) a Health and Social Care trust,

(iv) the Regional Health and Social Care Board,

(v) the Regional Agency for Public Health and Social Well-being,

(vi) the Education Authority,

25 (vii) the Council for Catholic Maintained Schools,

(viii) the Northern Ireland Housing Executive,

(ix) the Police Service of Northern Ireland, or

(x) the Probation Board for Northern Ireland;

30 "children's service" means any service which is provided (whether by a children's authority or by any other person or body) wholly or mainly to or for the benefit of—

(i) children and young persons generally, or

(ii) children and young persons of a particular description or with particular needs;

35 "the Executive" means the Executive Committee of the Assembly, established under section 20 of the Northern Ireland Act 1998;

"other children's service provider" means any person or body, of whatever nature, who provides a children's service or is engaged in activities which contribute to the well-being of children or young persons;

40 "well-being" has the meaning given by section 1.

Children's Services Co-operation

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(2) A person falls within this subsection if services are provided to or in respect of the person by, or on behalf of, under arrangements made with, the Regional Health and Social Care Board or a Health and Social Care trust by virtue of—

- 5 (a) Article 34D, 35, 35A or 35B of the Children (Northern Ireland) Order 1995 (which provide for the continuing duties of those bodies towards young persons), or
- (b) regulations made under Article 34E of that Order (which may provide for the appointment of personal advisers for certain young persons).
- (3) A person falls within this subsection if the person—
- 10 (a) is under the age of 21 years, and
- (b) is a disabled person within the meaning of the Disability Discrimination Act 1995.

Commencement

15 **8.**—(1) This Act comes into operation on the day after the day on which it receives Royal Assent.

(2) The first strategy under section 3, and the first plan under section 4, must be laid before the Assembly before the end of the period of 12 months beginning with the day on which this Act receives Royal Assent.

Short title

20 **9.** This Act may be cited as the Children's Services Co-operation Act (Northern Ireland) 2015.



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Assembly

Appendix 6

Other Papers and Correspondence

Committee Chair to Steven Agnew MLA

**Mike Nesbitt MLA, Chairman
Committee for the Office of the First Minister
and deputy First Minister**

Room 285,
Parliament Buildings,
Ballymiscaw,
Stormont,
Belfast,
BT4 3XX

Telephone: (028) 905 21903
E-mail: committee.ofmdfm@niassembly.gov.uk

Steven Agnew MLA
Green Party in Northern Ireland
Room 259
Parliament Buildings
Stormont
BT4 3XX

11 December 2014

Dear Steven

At its meeting of 10 December 2014, the Committee for the Office of the First Minister and deputy First Minister noted that the Children's Services Co-operation Bill had been introduced during plenary on Monday 8 December 2014.

Members understand that, should the Bill pass Second Stage, it will fall to this Committee for scrutiny at Committee Stage. It was consequently agreed to seek an oral briefing from you as the Bill Sponsor in advance of the Second Stage debate in plenary. I would therefore be grateful if you could confirm your availability to brief the Committee on the afternoon of 14 January 2015.

If you require any further information or clarification please contact the Committee office on 02890 521677

Yours sincerely

Mike Nesbitt MLA
Committee Chairman

Committee Clerk to Steven Agnew MLA

**Committee for the Office of the First Minister
and deputy First Minister**

Steven Agnew MLA
Green Party in Northern Ireland
Room 259
Parliament Buildings
Stormont
BT4 3XX

15 January 2015

Dear Steven,

The Committee would like to thank you for your briefing on the Children's Services Co-operation Bill at its meeting of 14 January 2015.

During the briefing you agreed to provide further information on the following issues:

- Evidence on improved working from integrated services in Barnsley and Brighton and Hove:
- What additional powers will be conferred on the Health and Social Care Board.

A response before the Second Stage of the Bill on 26 January would be helpful.

If you require any further information or clarification please contact the Committee office on 02890 521677.

Yours sincerely

Kathy O'Hanlon

Clerk to the Committee

Examiner of Statutory Rules advice on the delegated powers

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SCRUTINY OF DELEGATED POWERS

ADVICE TO THE COMMITTEE FOR THE OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

FROM THE EXAMINER OF STATUTORY RULES

ON THE CHILDREN'S SERVICES CO-OPERATION BILL

1. I have considered this Bill in relation to powers to make subordinate legislation in conjunction with the Explanatory and Financial Memorandum. As this is neither an Executive Bill nor a Committee Bill there is not a Delegated Powers Memorandum.
2. There are two powers to make subordinate legislation. Both are subject to draft affirmative procedure.
3. The first is contained in clause 1(4). That allows the Office of the First Minister and deputy First Minister to modify (that is, amend or alter) by Order subject to draft affirmative procedure the specified outcomes listed in clause 1(3). Departments must co-operate to further the achievement of those outcomes. **I am not in a position to assess the potential effects of modifying the specified outcomes but it plainly has potential significance for the thrust of the Bill. If it is possible to change the specified outcomes by means of subordinate legislation, then that clearly calls for a fairly high degree of Assembly control (which draft affirmative procedure would provide). Ultimately in this case, since it goes to the very heart of the Bill, it is for the Committee and the Assembly, in the overall scrutiny of the Bill, to decide whether there should be a power to modify the specified outcomes in subordinate legislation.**
4. The following is intended to assist the Committee's consideration of the point raised in paragraph 3. Modification of the specified outcomes could conceivably arise out the co-operation report mentioned in clause 2 (indeed perhaps the most likely situation for the exercise of the power set out in clause 1(4)); or it could arise otherwise, say, simply on OFMdFM's own initiative (perhaps less likely). Arising from that, it may be that something should be added to clause 2(1)(d) expressly referring to the better achievement of the specified outcomes with or without modification under clause 1(4): that would perhaps provide a firmer link between the modification of the specified outcomes by subordinate legislation and a recommendation for modification in a co-operation report.
5. The second power to make subordinate legislation is contained in clause 4/new paragraph 2A(16) of Schedule 2 to the Children

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(Northern Ireland) Order 1995. This allows the Department of Health, Social Services and Public Safety to amend by Order subject to the draft affirmative procedure the list of statutory consultation bodies in new paragraph 2A(7) (bodies to be consulted in a review of the paragraph). **The power seems to be subject to an appropriate level of Assembly control: it is a fairly straightforward power but one that amends primary legislation.**

6. **The powers to make subordinate legislation under this Bill seem to be appropriate (subject to the caveat in paragraph 3) and, accordingly, there are no other matters to which I draw the attention of the Committee for the Office of the First Minister and deputy First Minister in this regard.**

Gordon Nabney
Examiner of Statutory Rules
7 May 2015

DHSSPS Minister response regarding Bill

FROM THE MINISTER FOR HEALTH,
SOCIAL SERVICES AND PUBLIC SAFETY
Jim Wells MLA



Department of
**Health, Social Services
and Public Safety**
www.dhsspsni.gov.uk

Castle Buildings
Stormont Estate
BELFAST BT4 3SQ
Tel: 028 90 520642
Fax: 028 90 520557
Email: private.office@dhsspsni.gov.uk

Mr Mike Nesbitt MLA
Chair
Committee for the Office of the First Minister and Deputy
First Minister
Room 285
Parliament Buildings
Ballymiscaw
Stormont Estate
BELFAST
BT4 3XX

Our Ref: AGY/282/2015

Date: 11 May 2015

Dear Mike

THE CHILDREN'S SERVICES CO-OPERATION BILL

Thank you for your letter of 28 April seeking an update on the outcome of my officials' meeting with the Health and Social Care Board (HSCB) and representatives of the Children and Young People's Strategic Partnership (CYPSP) in relation to the Children's Services Co-Operation Bill.

The main points arising from the meeting, which was also attended by an OFMdfM official, are summarised below.

- Current legal advice is that draft clause 4 cannot be used to amend the Children Order to achieve the policy purpose of the Bill in respect of Children's Services Planning. A stand alone provision will be required. Further consideration in respect of any consequential amendments / repeal of Schedule 2A to the Children Order will be necessary.
- If the Children Order provisions are removed we will need to retain some level of emphasis or focus on 'Children Order' children in the new clause to cover planning and reporting. 'Children Order' children are those children included under the named Articles in Schedule 2A to the Children Order. In summary, they are: children in need, children in police protection, relevant children and former relevant children.
- Mr Agnew has made it clear that the policy intention behind the Bill and clause 4 in particular, is to place the CYPSP on a statutory basis. The Bill, as currently drafted, does not achieve this, and it would have to be amended. All attendees were supportive of such an amendment and agreed that further consideration should be given to:
 - Including powers to establish sub-committees of the CYPSP;

Working for a Healthier People



- including powers to identify themes in the planning process, for example Early Intervention;
 - including a power to add to or remove from the membership of the CYPSP ;
 - including a requirement for the planning process to link in with other planning processes;
 - including powers to add to the functions of the CYPSP, that is, in addition to the existing two functions specified i.e. planning and reporting; and
 - including a power to require partners/agencies to share/pool resources, for example, in respect of supporting the operation of the CYPSP.
- Further consideration of resource implications is required. It is likely that CYPSP costs to support delivery will increase if its responsibilities are extended to include all children.
 - Further consideration should be given to the membership of the CYPSP. If the scope of the Partnership is extended, the relevant partners may need to be reviewed.
 - It was agreed that placing the CYPSP on a statutory basis and including a requirement for the planning process to link with and take account of other planning processes would complement community planning requirements. However, there needs to be greater clarity around the hierarchy of planning and consideration needs to be given as to whether this needs to be articulated in the Bill.
 - The HSCB currently has lead role as a result of its statutory duty in respect of children's services planning under the Children Order. If the work of the CYPSP expands to include all children, consideration needs to be given as to whether it is still appropriate for the HSCB to continue to lead or whether it would be more appropriate for another organisation to lead. If the HSCB continues in its role, the Bill will be adding to its statutory responsibilities and it will be important to ensure that the appropriate accountability structures are in place.

In conclusion, whilst I am generally supportive of the broad objective of the Children's Services Co-operation Bill, I consider that substantial redrafting of the Bill is required to enable it to achieve its overall aim. To this end, my officials are working closely with the HSCB, CYPSP and OFMdFM officials with a view to addressing the issues raised and to bring forward draft amendments for consideration by the Assembly.

Jim Wells MLA
Minister for Health Social Services and Public Safety



Committee for the Office of the First Minister and deputy First Minister

Jim Wells, MLA
Minister for Health, Social Services and Public Safety
Castle Buildings
Stormont Estate
Belfast BT4 3SQ

28 April 2015

Dear Minister

Children's Services Co-operation Bill

At its meeting of 27 April 2015, the Committee for the Office of the First Minister and deputy First Minister considered your correspondence of 21 April regarding the Children's Services Co-operation Bill. Members noted that your officials are scheduled to meet with the Health and Social Care Board and representatives of the Children and Young People's Strategic Partnership on 28 April, for more detailed discussions on the Bill. The Committee agreed to request an update on the outcome of these discussions.

I would appreciate a response by 12 May 2015.

Yours sincerely

Mike Nesbitt MLA
Committee Chairman

Committee for the Office of the First Minister and deputy First Minister

Room 285, Parliament Buildings, Ballymiscaw, Stormont, Belfast, BT4 3XX

Telephone: (028) 905 21904

E-mail: committee.ofmdfm@niassembly.gov.uk

Committee letter to OFMDFM regarding Bill deliberations

Committee for the Office of the First Minister and deputy First Minister

Colette Kerr
Departmental Assembly Liaison Officer
Office of the First Minister and deputy First Minister
Room G50
Stormont Castle
Belfast

14 May 2015

Dear Colette,

At its meeting of 13 May 2015, the Committee for the Office of the First Minister and deputy First Minister discussed the evidence it had received in relation to the Children's Services Co-operation Bill. The session was recorded by Hansard and will be available in due course to view at the following link:

<http://aims.niassembly.gov.uk/officialreport/minutesofevidence.aspx?&cid=15>

Members also agreed write to the Department to request the following:

- i. An assurance that any further Children and Young People's Strategies will refer, implicitly or explicitly, to other strategies relevant to children and young people e.g. Early Years;
- ii. A view on whether the proposal for sharing resources and pooling funds has the potential to impact, positively or negatively, on local councils' power of wellbeing;
- iii. A view on the potential implications of including a reference to the United Nations Convention on the Rights of the Child on the face of the Bill;
- iv. A view on any potential conflict between a duty to co-operate against a Department's commitments within the Programme for Government;
- v. A view on including a provision in the Bill for a duty to co-operate at the earliest opportunity;
- vi. A view on an annual reporting cycle, including where responsibility for compiling the report should rest, and more information on the proposal to amend the focus of the report from solely co-operation to the achievement of policy objectives and improved outcomes for children and young people; and
- vii. How consultation with children and young people can be provided for.

The Committee also noted correspondence from the Minister of Health, Social Services and Public Safety which raised a number of issues regarding Clause 4 of the Bill. The Minister indicated that his officials are working with OFMDFM officials, and others, with a view to addressing the issues raised. The Committee agreed to request a report on the outcome of recent engagement between OFMDFM officials and Health officials.

During the discussions Members indicated that there were broadly supportive in principle of the direction in which OFMDFM is going with regard to potential amendments, but agreed to request sight of the text of the proposed amendments before taking a formal view. The Committee is scheduled to undertake its formal clause by clause scrutiny on 3 June and it

would be helpful if Members could consider the text of the proposed amendments at the meeting on 27 May. A response by 22 May 2015 would therefore be appreciated, however if this presents a difficulty I would be grateful if you could let me know as soon as possible.

Yours sincerely

Kathy O'Hanlon

Clerk to the Committee



Northern Ireland
Assembly

Appendix 7

Research Papers

Research

RaISe The Children's Services Co-operation Bill

RaISe Integrated Children's Services



Northern Ireland
Assembly

Research and Information Service Bill Paper

Paper 000/00

25 February 2015

NIAR 183-16

Jane Campbell

The Children's Services Co-operation Bill

The Children's Services Co-operation Bill was introduced to the Assembly by Mr Steven Agnew, MLA on 8 December 2014. The Bill amends the Children (NI) Order 1995. It requires NI departments to co-operate with each other to contribute to the achievement of specified outcomes relating to the well-being of children and young people. It creates a duty for all key agencies to cooperate in the planning, commissioning and delivery of children's services. The Bill also creates an enabling power to allow departments to pool budgets for crosscutting children's issues

Research and Information Service briefings are compiled for the benefit of MLAs and their support staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public. We do, however, welcome written evidence that relates to our papers and this should be sent to the Research and Information Service, Northern Ireland Assembly, Room 139, Parliament Buildings, Belfast BT4 3XX or e-mailed to RLS@niassembly.gov.uk

Key Points

- The Children's Services Co-operation Bill was introduced to the Assembly by Mr Steven Agnew, MLA on 8 December 2014.
- The Bill amends the Children (NI) Order 1995¹. It requires NI departments to co-operate with each other to contribute to the achievement of specified outcomes relating to the well-being of children and young people. It creates a duty for all key agencies to cooperate in the planning, commissioning and delivery of children's services. The Bill also creates an enabling power to allow departments to pool budgets for crosscutting children's issues.
- The extent of joined up working at central government level in NI was identified as the main barrier to effective government delivery for children in research published by the Children's Commissioner in 2011.
- The Bill consists of five clauses. The 6 specified outcomes listed in clause 1 are:
 - Being healthy,
 - Enjoying learning and achieving,
 - Living in safety and with stability,
 - Experiencing economic and environmental well-being,
 - Contributing positively to community and society, and
 - Living in a society which respects their rights
- Clause 2 proposes a requirement to report on the progress of the departments towards achieving the specified outcomes every three years.
- Clause 3 is an enabling power which will permit NI departments to establish pooled budgets and share resources to achieve the six outcomes outlined in clause 1.
- Clause 4 amends the Children (NI) Order 1995. The Health and Social Care Board is required to review and publish a children and young people's plan setting out how the relevant public bodies will co-operate with one another in planning, commissioning and delivering children's services, and what actions will be taken on a shared basis. There is a requirement to set targets to assess the effectiveness of co-operation. The plan is to be reviewed or modified at least every three years. The Board is to consult the relevant public bodies on the plan. The relevant public bodies are required to co-operate in its preparation, review, and implementation. The Board is to monitor and report on the implementation of the plan.
- The Bill's Second Stage debate was held on 26 January 2015. Responding on behalf of the Executive Junior Minister Bell expressed support for the general principles and the policy intent of the Bill. He added however that significant revisions and amendments would be put forward, particularly with respect to clause 4.

1 <http://www.legislation.gov.uk/nisi/1995/755/contents/made>

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Key Points

- 1 Introduction
- 2 Content of the Bill
- 3 Financial implications of the Bill
- 4 Human rights and equality considerations

1 Introduction

The Children's Services Co-operation Bill

The Children's Services Co-operation Bill² was introduced to the Assembly by Mr Steven Agnew, MLA on 8 December 2014 and passed its Second Stage on 26 January 2015.

The Bill amends the Children (Northern Ireland) Order 1995³. It requires Northern Ireland departments to co-operate with each other to contribute to the achievement of specified outcomes relating to the well-being of children and young people. It creates a duty for all key agencies to cooperate in the planning, commissioning and delivery of children's services. The Bill also creates an enabling power to allow departments to pool budgets for crosscutting children's issues.

Mr Agnew outlined the background to the Bill at the Second Stage Debate in the Assembly. A key influence he said was discussion within the children's sector around the failure of the Ten Years Strategy for Children and Young People to lead to the desired outcomes. The main reason for this was judged to be a lack of joined-up working between departments.

Co-operation in other UK jurisdictions

Similar legislation was introduced in **England** in 2004. The Laming Report in 2003 identified that a lack of co-operation was a factor that contributed to the failure of Government in their duties towards Victoria Climbié⁴. It recommended a fundamental change in the way that services to support children and families are organised and managed. The Children Act of 2004⁵ gave legal force to 5 key outcomes for children and young people expressed in England's *Every Child Matters* policy framework. Section 10 placed a duty on local authorities in England to make arrangements to promote co-operation between statutory agencies and other bodies (e.g. voluntary and community and private sectors).

Five key outcomes for improving the wellbeing of children in **Wales** from conception to adulthood are set out in section 25(2) of the Children Act 2004. The Act placed a duty on all local authorities in Wales to make arrangements to promote co-operation with a view to improving the well-being of children in their area, in relation to the five key outcomes.

The Children and Young People (Scotland) Act 2014⁶ requires local authorities and health boards in **Scotland** to develop joint children's services plans in co-operation with a range of other service providers every three years and to report on progress every year.

Consultation

A twelve week consultation was held in 2012. The consultation document was issued to approximately 200 organisations and all Assembly Members and Northern Ireland MPs. A total of 27 responses were submitted. There was unanimity in the responses that the proposed duty to co-operate would increase co-operation. Respondents agreed strongly that children's services currently suffered from a lack of collaboration within government. Respondents varied in their views on the reporting mechanism. Strong support was expressed for an enabling power to pool budgets.

2 <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/current-non-executive-bill-proposals/childrens-services-co-operation-bill/>

3 <http://www.legislation.gov.uk/nisi/1995/755/contents/made>

4 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/273183/5730.pdf

5 <http://www.legislation.gov.uk/ukpga/2004/31/contents>

6 <http://www.legislation.gov.uk/asp/2014/8/contents/enacted>

Committee for OFMdfM briefings

The Bill's sponsor Mr Agnew briefed the Committee for OFMdfM on 22 February 2012, 29 January 2014⁷ and 14 January 2015⁸. The main issues raised by Members included:

- Engagement with and feedback from departments, NICCY and NGOs.
- Increase in bureaucracy and duplication in reporting.
- Powers conferred on Health and Social Care Board.
- Finance and resourcing.
- Examples from other jurisdictions – impact of duty to cooperate.
- How pooling budgets would work.
- Implications for the CYSPS.
- The specified outcomes and the children's strategy.
- The need for legislation to achieve cooperation.

Officials from OFMdfM briefed the Committee on 14 January 2015⁹. Points made by the Officials included:

- The department strongly agrees with the principles of the Bill.
- The Bill will strengthen the new children and young people's strategy.
- The Bill may need significant amendments and a restructuring.
- Extent of consultation and engagement with the Health and Social Care Board.
- As yet, there has been no assessment of the funding and resource costs to the department.
- Clarity on the reporting procedures is needed.

Second Stage Debate

The Bill's Second Stage debate¹⁰ was held on 26 January 2015. Responding on behalf of the Executive, Junior Minister Bell expressed support for the general principles and the policy intent of the Bill. He added however that significant revisions and amendments would be put forward, particularly with respect to clause 4 to "ensure the cooperation happens in both policy and operation."

Children's Services Co-operation Bill: Committee Stage

The Committee for OFMdfM issued a written call for evidence in order to assist it with the scrutiny of the Bill. The consultation closed on 24 February 2015. The Bill's Committee Stage commenced on 27 January and the first oral evidence session will be held on the 4 March.

7 <http://www.niassembly.gov.uk/assembly-business/official-report/committee-minutes-of-evidence/session-2013-2014/january-2014/draft-childrens-services-co-operation-bill-briefing-by-mr-steven-agnew-mla/>

8 <http://data.niassembly.gov.uk/HansardXml/committee-11323.pdf>

9 <http://data.niassembly.gov.uk/HansardXml/committee-11324.pdf>

10 <http://data.niassembly.gov.uk/HansardXml/plenary-26-01-2015.pdf>

2 Content of the Bill

The Bill consists of five clauses. The Explanatory and Financial Memorandum¹¹ provides a commentary on each of the clauses:

Clause 1 General duty

Clause 1 creates a new two-fold duty on the Northern Ireland departments:

- To work towards the achievement of 6 specified outcomes relating to the well-being of children and young people and,
- To co-operate with one another in order to further the achievement of those objectives

The objectives are consistent with those listed in the Children's Strategy and clause 1(4) allows the Office of the First Minister and deputy First Minister (OFMdfM) to modify the objectives by means of subordinate legislation which would have to be approved by the Assembly.

The 6 specified outcomes listed in the Children's Strategy¹² are:

- *Being healthy,*
- *Enjoying learning and achieving,*
- *Living in safety and with stability,*
- *Experiencing economic and environmental well-being,*
- *Contributing positively to community and society, and*
- *Living in a society which respects their rights.*

The Children's Strategy pledges:

*...a coordinated approach across government departments, and the wider public sector, to the development of policies which impact on the lives of children and young people.*¹³

The extent of joined up working at central government level was identified however as the main barrier to effective government delivery for children in research published by the Children's Commissioner in 2011.¹⁴ Although it found some evidence of good practice in collaboration at intra-agency level in relation to children's services planning the report concluded:

*As the first overarching and cross-departmental attempt to meeting the rights and needs of all children and young people in Northern Ireland, the Ten Year Children and Young People's Strategy brought with it high expectations of a much needed joined up and coordinated approach to government delivery for children. Such expectations have, however, been replaced with profound disappointment. Concerns expressed by NICCY and NGOs, during the call for comments on the Strategy's 2008-2011 action plan, at the 'silo' mentality of some individual departments and at the inability of the Children and Young People's Unit to compel other departments to undertake specific actions under the Ten Year Strategy, have not been addressed... As such, there is anxiety that the Ten Year Strategy has become something of a 'dust-gatherer' in the absence of effective and/or compulsory collaboration.*¹⁵

11 <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/current-non-executive-bill-proposals/childrens-services-co-operation-bill/>

12 OFMdfM Our Children and young People – Our Pledge A ten year strategy for children and young people in Northern Ireland 2006-2016 <http://www.ofmdfmi.gov.uk/ten-year-strategy.pdf>

13 Ibid page 15

14 NICCY Barriers to Effective Government Delivery for Children November 2011 [http://www.niccy.org/uploaded_docs/2011/Publications/QUB%20Barriers%20Report%20-%203%20Nov%2011%20\(body%20pages\).pdf](http://www.niccy.org/uploaded_docs/2011/Publications/QUB%20Barriers%20Report%20-%203%20Nov%2011%20(body%20pages).pdf)

15 Ibid page 32

Clause 2 Co-operation report

- Clause 2 requires OFMdfM to publish periodically a report on the progress of the departments towards achieving the specified outcomes; the extent to which they have co-operated with one another as required 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.

The Bill proposes a requirement to report on the progress of the departments towards achieving the specified outcomes every three years. Since 2011 progress on achieving the Children's Strategy's 6 outcomes has been monitored and reported on by the Children and Young People's Strategic Partnership (CYSPS) at NI, local government district and Outcomes Groups level¹⁶.

In a briefing to the Committee for OFMdfM on the draft Bill Departmental officials acknowledged that monitoring progress on the specified outcomes is already taking place and anticipated that any potential for duplication in reporting arising from the Bill could be avoided through an amendment allowing incorporation with information currently gathered by departments on child poverty and the UNCRC:

If the strategic objectives or outcomes set out in the Bill remain the same, I can say that we are already reporting on the progress that is being made on all of those. As I said, we are already reporting on the UNCRC, so I hope that our amendments would try to bring all of those together, rather than having another layer of reporting that we would have to do.¹⁷

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.

The previously cited research commissioned by the Children's Commissioner examined the resourcing of strategies, policies and actions for children and young people. The authors found that the infrastructure of the current funding system is viewed by stakeholders¹⁸ as undermining cross-departmental working. They stated:

The issue of joined up working across government is exacerbated by funding structures which do not encourage or facilitate opportunities for pooled funding for cross-cutting children's issues. Thus, individual departments are responsible for determining expenditure on particular aspects of children's issues in accordance with departmental priorities, leading to a situation where elements of particular strategies may be resourced by some departments but not others¹⁹.

The research report recommended that government develop a mechanism to enhance opportunities for pooled funding between departments on crosscutting children's issues. The Explanatory Memorandum to the Bill states that:

16 <http://www.cypsp.org/publications/>

17 <http://data.niassembly.gov.uk/HansardXml/committee-11324.pdf>

18 Interviews with representatives from voluntary, statutory and government agencies NICCY Barriers to Effective Government Delivery for Children November 2011
[http://www.niccy.org/uploaded_docs/2011/Publications/QUB%20Barriers%20Report%20-%203%20Nov%2011%20\(body%20pages\).pdf](http://www.niccy.org/uploaded_docs/2011/Publications/QUB%20Barriers%20Report%20-%203%20Nov%2011%20(body%20pages).pdf)

19 NICCY Barriers to Effective Government Delivery for Children November 2011
[http://www.niccy.org/uploaded_docs/2011/Publications/QUB%20Barriers%20Report%20-%203%20Nov%2011%20\(body%20pages\).pdf](http://www.niccy.org/uploaded_docs/2011/Publications/QUB%20Barriers%20Report%20-%203%20Nov%2011%20(body%20pages).pdf)

The purpose of this bill is to improve the efficiency and effectiveness of children's services. The intention is that greater levels of cooperation would improve efficiency and enable public bodies to provide enhanced outputs with a given level of expenditure... It is anticipated that after an initial transition period the effect of the Bill would be to save costs through greater administrative efficiency.²⁰

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 with a more detailed provision.

- The newly inserted paragraph 2A(1) replaces the current duty on the Regional Health and Social Care Board ("the Regional Board") to review and publish a children's plan with the requirement to review and publish a children and young people's plan.
- 2A(2) requires that the plan set out how the relevant public bodies will co-operate with one another in planning, commissioning and delivering children's services, what actions will be taken on a shared basis and a requirement to set targets to assess the effectiveness of co-operation. This sub-paragraph also links the plan to the specified outcomes.
- 2A(3) sets out that the plan will be reviewed or modified at least every three years.
- Sub-paragraphs (4)-(6) require the Regional Board to consult the relevant public bodies on the plan.
- Sub-paragraph (7) provides a list of organisations currently represented on the Children and Young People's Strategic Partnership who, for the purposes of this Bill, are to be regarded as relevant public bodies.
- Sub-paragraph (8) establishes a duty on the relevant public bodies to co-operate to prepare, review, implement and report on the children and young people's plan.
- Sub-paragraphs (9) and (10) require the Regional Board to monitor the implementation of the plan and provide information on its implementation when requested.
- Sub-paragraphs (13) and (14) require the Regional Board to prepare a report on the implementation of the plan and how the plan and co-operation can be improved.

Children's services planning is already a statutory responsibility in Northern Ireland. It is a statutory duty of the Health and Social Care Board within the Department for Health²¹. This duty is supported by the Children and Young People's Strategic Partnership (CYPSP) established by the Board in 2011. The Partnership is cross-sectional consisting of the leadership of all key agencies who have responsibility for improving outcomes for children and young people including health, social services, education, policing, housing as well as representatives from the voluntary and community sector. In accordance with the duty placed upon the Board, the CYPSP prepares a Children and Young People's Plan²² for NI setting out how integrated planning and commissioning arrangements will be put into place to secure improvements in the 6 high level outcomes for children and young people expressed in the Ten Year Strategy for Children and Young People²³). The legislation requires that the plan is

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- 20 Page 6 Children's Services Co-operation Bill Explanatory and Financial Memorandum. Refers to the Bill as introduced on 8 December 2014
<http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/current-non-executive-bill-proposals/childrens-services-co-operation-bill/>
- 21 The Children (1995 Order) (Amendment) (Children's Services Planning) Order (Northern Ireland) 1998 introduced children's services plans in NI. It placed a statutory duty on the precursor of the Health and Social Care Board (4 Health and Social Services Boards) to prepare and publish plans in respect of services identified in the Children (NI) Order 1995 Order.
- 22 CYPSP Northern Ireland Children and Young People's Plan 2011-2014
http://www.cypsp.org/wp-content/uploads/2015/02/cypsp_action_plan_2011-2014.pdf
- 23 OFMdfM Our Children and young People – Our Pledge A ten year strategy for children and young people in Northern Ireland 2006-2016 <http://www.ofmdfmi.gov.uk/ten-year-strategy.pdf>

reviewed annually²⁴. Outcome monitoring reports are published by the CYPSP at NI, local government district and Outcomes Groups level²⁵.

Clause 5 Definitions

- This clause defines children and young people in accordance with the meaning prescribed in the Commissioner for Children and Young People (Northern Ireland) Order 2003 to ensure that this legislation mirrors existing legislative definitions of children and young people.

In the Commissioner for Children and Young People (Northern Ireland) Order 2003²⁶ a child or young person is defined as a person under the age of 18 or under the age of 21 and disabled or care experienced.

3 Financial implications of the Bill

The Explanatory and Financial Memorandum²⁷ informs that the Bill will have cost implications for departments, the Regional Health and Social Care Board and the 'relevant public bodies' listed under clause 4. These costs:

...may include, but may not be limited to, transitional, implementation and running costs arising from the general duty to cooperate under clause 1, and the reporting requirement under clause 2: for example, administration, IT and staff training costs relative to the development, operation and delivery of new policies, procedures, guidance, as well as recording and reporting systems. Similarly, administration of the shared resources and pooling funds under clause 3 may have cost implications relating to administration, IT and staff training.

4 Human rights and equality considerations

The Explanatory and Financial Memorandum states that the Human Rights Commission and the Equality Commission did not raise any concerns in relation to the Bill's compliance with Human Rights or Equality law²⁸.

24 CYPSP NI Outcome Monitoring Report October 2014
http://www.cypsp.org/wp-content/uploads/2015/02/cypsp_northern_ireland_monitoring-2014.pdf

25 <http://www.cypsp.org/publications/>

26 <http://www.legislation.gov.uk/nisi/2003/439/article/3/made>

27 Children's Services Co-operation Bill Explanatory and Financial Memorandum Refers to the Bill as introduced on 8 December 2014
<http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/current-non-executive-bill-proposals/childrens-services-co-operation-bill/childrens-services-co-operation-bill-as-introduced-efm/>

28 Page 6 Children's Services Co-operation Bill Explanatory and Financial Memorandum Refers to the Bill as introduced on 8 December 2014
<http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/current-non-executive-bill-proposals/childrens-services-co-operation-bill/childrens-services-co-operation-bill-as-introduced-efm/>



Northern Ireland
Assembly

Research and Information Service Briefing Paper

Paper 000/00

27 April 2015

NIAR 210-15

Jane Campbell

Integrated Children's Services

1 Introduction

Private Member's Legislation: The Children's Services Co-operation Bill

The Children's Services Co-operation Bill¹ was introduced to the Assembly by Mr Steven Agnew, MLA on 8 December 2014 and passed its Second Stage on 26 January 2015.

The Bill amends the Children (Northern Ireland) Order 1995² requiring Northern Ireland departments to co-operate with each other to contribute to the achievement of specified outcomes relating to the well-being of children and young people. It also requires agencies to discharge their functions and cooperate with each other in order to contribute to the achievement of the same outcomes, through an amendment to the Children (Northern Ireland) Order 1995.

Integrated children's services internationally

It is increasingly accepted by governments that supporting cooperative interagency working is a good thing. The research evidence on international policy for integrated working in relation to children and young people is limited however. Commentators observe that much of the research to date has focused primarily on the *processes* of integrated working rather than on the measurement of outcomes. As this paper notes, researchers have stressed the difficulty

¹ <http://www.niassembly.gov.uk/assembly-business/legislation/2011-2016-mandate/current-non-executive-bill-proposals/childrens-services-co-operation-bill/childrens-services-co-operation-bill-as-introduced/>

² <http://www.legislation.gov.uk/nisi/1995/755/contents/made>

in drawing solid conclusions from some of the studies. This is because a multitude of factors can influence a child's life experience and well-being and make it difficult to establish a causal link. Furthermore, it takes time for integrated working to become established and for evidence on outcomes to emerge.

Many of the international studies highlight the example of England (see section 2 of this paper) which has taken the lead internationally by setting a national framework underpinned by legislation which aims to integrate services and centre them more effectively around the needs of children, young people and families. A 2010 report commissioned by the CfBT trust examined the evidence from 54 jurisdictions towards integration of children's services. It found that very few European jurisdictions have established or were establishing integrated services along the lines of those introduced in England under its *Every Child Matters* policy³. Similar research commissioned by the Department of Children and Youth Affairs in the Republic of Ireland⁴ found that there are many models of interagency working and cooperation and that collaborative structures may exist and operate at a number of levels. It noted that most rely on influence and voluntary cooperation rather than on mandate –and found very few examples underpinned by specific legislation.

This paper firstly examines England. It outlines the background to the *Every Child Matters* policy framework and how it was implemented and summarises some evaluation studies. Most are early assessments, small in scale and focused on the local rather than the national level. Although the research has little to say about outcomes for children, young people and families it nevertheless finds positive change in the way in which organisations are working.

The following section briefly examines Germany which has a legislative framework requiring cooperation between all agencies dealing with the welfare of children and young people at the local level. The final section of the paper considers the state of Maryland in the US which sought to address the problem of fragmented and hard to access services and change the way in which they are provided, delivered and funded. As a result local jurisdictions have statutory powers to plan, implement and monitor services for children and their families on an interagency basis.

Given the limitations of the research on integrated systems enquirers will not yet find sufficient evidence upon which to judge their effectiveness in improving outcomes for children. It is evident however that a growing number of jurisdictions are aiming to implement and embed holistic integrated systems and this paper provides a closer look at three.

2 England

The Laming Report of 2003 identified that a lack of co-operation was a factor that contributed to the failure of Government in their duties towards Victoria Climbié⁵. Between September 2003 and November 2004 a series of government papers⁶ initiated a new policy framework around which all children's services were to operate in England. Known as *Every Child Matters*

3 CfBT Education Trust An integrated perspective on integrated children's services 2010
<http://cdn.cfbt.com/~media/cfbtcorporate/files/research/2010/r-integrated-childrens-services-2010.pdf>

4 Department of Children and Youth Affairs. A review of international evidence on interagency working, to inform the development of Children's Services Committees in Ireland 2011

5 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/273183/5730.pdf

6 Every Child Matters <https://www.education.gov.uk/consultations/downloadableDocs/EveryChildMatters.pdf>
 Every Child Matters: Next Steps
<http://webarchive.nationalarchives.gov.uk/20130401151715/https://www.education.gov.uk/publications/eOrderingDownload/0240-2004.pdf>
 Every Child Matters : Change for Children
<http://webarchive.nationalarchives.gov.uk/20130401151715/https://www.education.gov.uk/publications/eOrderingDownload/DFES10812004.pdf>

(ECM), this new approach established a multi-dimensional child Outcomes Framework and inspection system with linked performance indicators clustered under five outcomes⁷. The five outcomes, considered central to wellbeing in childhood and later life, were given legal force in the Children Act of 2004. The five outcomes are summarised as enabling children to: *be healthy, stay safe, enjoy and achieve, make a positive contribution, and achieve economic wellbeing*.

The Children Act 2004

The Children Act received Royal Assent on 15th November 2004. The Act gave legal force to the 5 key outcomes expressed in *Every Child Matters*. Section 10 placed a duty on local authorities in England to make arrangements to ensure co-operation between statutory agencies and other bodies (e.g. voluntary and community and private sectors).

10 Co-operation to improve well-being.

(1) *Each [local authority] in England must make arrangements to promote co-operation between—*

(a) the authority;

(b) each of the authority's relevant partners; and

(c) such other persons or bodies as the authority consider appropriate, being persons or bodies of any nature who exercise functions or are engaged in activities in relation to children in the authority's area.

(2) *The arrangements are to be made with a view to improving the well-being of children in the authority's area so far as relating to—*

(a) physical and mental health and emotional well-being;

(b) protection from harm and neglect;

(c) education, training and recreation;

(d) the contribution made by them to society;

*(e) social and economic well-being.*⁸

The Act stipulated that the duty to co-operate was to be delivered by Children's Trusts which would be established in each local authority area and led by a Children's Trust Board with the aim of improving integrated working, including joint planning and delivery of services to all children and young people in its area. In 2005 the Department for Education issued statutory guidance⁹ for Trusts on the duty to co-operate to which all local authorities and "relevant partners" must have regard. Children's Trusts were required to produce a single Children and Young People's Plan – a common strategy detailing how they will cooperate to improve children's wellbeing. Each local authority was also required to appoint a Director of Children's Services.

Changes under the coalition

When the coalition government came into power in 2010 there was a change in policy emphasis and in priorities¹⁰. This was viewed by some as an abandonment of the whole-child

7 http://www.everychildmatters.gov.uk/_files/F25F66D29D852A2D443C22771084BDE4.pdf

8 <http://www.legislation.gov.uk/ukpga/2004/31>

9 <https://www.education.gov.uk/consultations/downloadableDocs/Childrens%20Trust%20Statutory%20Guidance.pdf>
http://webarchive.nationalarchives.gov.uk/20101012083544/http://www.dcsf.gov.uk/everychildmatters/_download/?id=8153

10 <http://www.cypnow.co.uk/cyp/news/1053008/government-clarifies-ban-every-child-matters>

approach “*in favour of a narrow focus on educational standards*”.¹¹ From October 2010 the Department for Education withdrew the Children's Trusts statutory guidance and removed the requirement for each Trust to produce an annual Children and Young People's Plan. The Department defended the changes as a move away from central direction and “heavily prescriptive”¹² statutory guidance towards more flexibility and control. It stated:

*The core principle of a shared commitment to improve the lives of children, young people and families – enshrined in the “duty to cooperate” on local strategic bodies – remains as important as it ever was.*¹³

Local authorities could still set up a Children's Trust Board and publish a joint strategic children's plan, but agencies would no longer be under a formal duty to “have regard” to any such voluntary plan.

Evaluation studies

There is limited research evidence on progress towards integration of children's services at national level, although there is reporting at Local Authority level. There is little systematic collection of data on how integration impacts on children, young people and their families. Most studies focus on the processes of integrated working rather than on the outcomes. In particular there is limited evidence from the perspective of users – children and their families. However, since the initiation of ECM there have been some evaluations studies carried out of the effectiveness of the policy framework.

DfES/DH National Evaluation Study 2004-2007

Under *Every Child Matters* it was planned that Children's Trusts would bring together education, health, social services and other partners, to promote cooperation with the aim of improving children's well-being. To this end a number of *Pathfinder* projects were established and funded by government to help develop and pilot inter-agency working arrangements that would eventually be used by the Children's Trusts. Between 2004 and 2006, 35 of the 150 local authorities in England took part. A national evaluation study of these *Pathfinder* projects was conducted for the Department for Education and Skills (DfES) and the Department of Health (DH) between 2004 and 2007.¹⁴ The study found that the *Pathfinders* had:

- *Acted as a catalyst for more integrated approaches to the diagnosis and provision of services for children*
- *Drawn together a variety of statutory and local services with the aim of enabling them to make a difference to the well-being of children and young people*
- *Begun to develop expertise in joint commissioning of services across traditional organisational boundaries*
- *Sometimes found it difficult to engage partners in key sectors, notably where there are funding difficulties or complex accountability frameworks*
- *Enabled joined-up approaches to workforce development and training*
- *Facilitated the development of new types of professional who are able to work across long-standing organisational and professional boundaries*¹⁵

11 TES A Dangerous Lesson To Forget 25 May 2012 <http://www.tes.co.uk/article.aspx?storycode=6241724>

12 <http://webarchive.nationalarchives.gov.uk/20130903140600/http://education.gov.uk/childrenandyoungpeople/healthandwellbeing/a00202982/anewapproachfor-childrenstrustboards>

13 <http://webarchive.nationalarchives.gov.uk/20130903140600/http://education.gov.uk/childrenandyoungpeople/healthandwellbeing/a00202982/anewapproachfor-childrenstrustboards>

14 DfES Children's Trust Pathfinders: Innovative Partnerships for Improving the Wellbeing of Children Final Report 2007 <http://webarchive.nationalarchives.gov.uk/20130401151715/http://www.education.gov.uk/publications/eOrderingDownload/RR839.pdf>

15 Ibid Page 1

The study authors concluded it was “too early to provide definitive evidence” of the influence of *Pathfinders* on outcomes for children and young people. However it found some promising signs of local improvements, for example improvements in efficiency of services were reported and some areas were working towards reinvesting efficiency savings into preventative work.

2007 OFSTED evaluation

In 2007 the independent Office for Standards in Education, Children's Services and Skills (OFSTED) published “*Narrowing the Gap: the inspection of children's services*”. It reported the findings of Annual Performance Assessments (APAs) of 102 councils and 37 Joint Area Reviews of children's services in England. APAs took into account a wide range of published evidence including data and indicators in addition to each council's review of its progress. Joint Area Reviews assessed the contribution made by the wider area partnerships towards improving outcomes for children and young people. The report highlighted the strengths and weaknesses in the contributions made by the councils and their partners in local areas, making particular reference to each of the five *Every Child Matters* outcomes. OFSTED stated in the report:

*The inspection of children's services has been taking place against a rapidly changing background for local councils and their partners. At this stage, the picture in local areas, as observed through annual performance assessments and joint area reviews, is therefore one of work in progress towards providing better integrated services and improving outcomes for all children and young people. The overall picture is an improving one, with children's services in 107 out of the 139 authorities covered by this report making a good or excellent contribution towards delivering better outcomes for children and young people.*¹⁶

2010 Children's Workforce Development Council evaluation

The Children's Workforce Development Council (CWDC) was established in 2005 by the Department for Children Schools and Families to support the implementation of *Every Child Matters*¹⁷. In 2010 it commissioned a group of academics to review the existing national and local-level research on integrated working in children's services. The study aimed to focus on the effectiveness of integrated working, specifically its impact on outcomes however the report warned that drawing solid conclusions from this type of study is problematic. This is because additional factors such as individual child and family characteristics and other related programmes and policy initiatives can influence a child's life experience and make it difficult to establish a causal link. Furthermore, it takes time for integrated working to be firmly established and for evidence on outcomes emerge. The authors stressed:

*...the evidence from this review would indicate that integrated working does bring about changes that can be expected to increase effectiveness in practice which are likely to lead to better outcomes*¹⁸.

A key finding was that integrated working requires a major change in the structure of organisations, working processes and in cultures. The review found evidence of good progress in this regard over the previous six years however:

...it is still early days and progress tends to be neither linear nor uniform across sectors, regions or agencies. Consequently, organisations and professionals working with children and families are at different stages in the journey to fully embedding integrated working at strategic and operational levels and in relation to practice. Moreover, it would be unrealistic

16 OFSTED *Narrowing the gap: the inspection of children's services* 2007 [http://www.ofsted.gov.uk/filedownloading/?file=documents/surveys-and-good-practice/n/Narrowing%20the%20gap_the%20inspection%20of%20children's%20services%20PDF%20format\).pdf&refer=0](http://www.ofsted.gov.uk/filedownloading/?file=documents/surveys-and-good-practice/n/Narrowing%20the%20gap_the%20inspection%20of%20children's%20services%20PDF%20format).pdf&refer=0)

17 It was dissolved in March 2012

18 Page 9 Children's Workforce Development Council *Integrated Working: a Review of the Evidence* 2010 <http://dera.ioe.ac.uk/3674/>

to expect to find conclusive evidence that integrated working was effective for all children; a more realistic aspiration would be for integrated working to benefit most children in most contexts.¹⁹

In conclusion, the authors noted:

...although the evidence is limited on outcomes for children and families, evidence suggests that overall the direction of travel would appear to be a positive one.

July 2012 NFER evaluation

The National Foundation for Educational Research (NFER) examined the approach taken by local authorities to their Children's Trust arrangements and how they were fulfilling their duty to promote cooperation with partners to improve the health and wellbeing of children and young people. The findings were based on interviews with local authority senior officers, councilors and public health leaders across seven English local authorities.

By the time of the NFER research the policy context in relation to the health and well-being of children and young people had shifted. For example, the Health and Social Care Act 2012, while not yet enacted, would provide for a significant transfer of responsibility for health to local government in England and Wales. In addition, statutory guidance for Trusts and the requirement to produce an annual Children and Young People's Plan had been withdrawn in 2010. Local authorities and partners were still required to have a Children's Trust Board and the wider duty to cooperate to improve children's wellbeing, as set out in the Children Act 2004, remained in force. It was found that the withdrawal of statutory guidance was offering local authorities more flexibility in ensuring that their Children's Trust Board fitted with local Health and Wellbeing Board arrangements to suit their local context. As a result local authorities had begun to choose to implement the changes in different ways with some adapting their Children's Trust Board arrangements to a children's partnership arrangement. In the changing policy context of 2012 the NFER 'snapshot' study concluded that local authorities and partners were:

- *....Building on existing foundations to construct new ways of working to meet children's health and wellbeing needs...Generally, local authorities appeared to have taken advantage of new flexibilities and freedoms around Children's Trust arrangements, for example, by streamlining board membership.*
- *Local authorities and partners have built on existing structures, partnership working and a shared ethos, rather than radically reforming their previous Children's Trust arrangements.*
- *Local authorities and partners remain committed to developing a children's commissioning plan, either through their existing Children and Young People's Plan arrangements or via new plans.*
- *Local authorities and partners are committed to ensuring the Children's Trust Boards (or equivalent); Health and Wellbeing Boards and CCGs are strategic, streamlined and focused on improving outcomes.²⁰*

3 Germany

Services for children and young people in Germany are known as *kinder-und Jugendhilfe*. As in England, recent developments in government policy and legislation for children and young people were greatly influenced by high profile child protection cases. The current German system is intended to be holistic and integrated, with a strong national legislative framework.

19 *ibid* Page 43

20 NFER Local Authorities Approaches to Children's Trust Arrangements 2012
<https://www.nfer.ac.uk/nfer/publications/LGCH01/LGCH01.pdf>

Policy and services for children and young people are designed and promoted at three administrative levels: the Federal, *Länder*²¹ and municipal levels.

Länder of Germany



Federal Level

- Policy for children and young people is, firstly, a statutory national government responsibility situated in the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.²² The Ministry has lead responsibility for the legislation relating to children and young people's services. The guiding principles, structure and responsibilities of the German child and youth welfare system are regulated in this legislation, the "Social Code, Book VIII – Child and Youth Services" (SGB VIII).
- Secondly, there is a statutory cross-cutting responsibility across all Federal Ministries whose policies have a direct or indirect impact on the various aspects of children and

21 The Federal Republic of Germany is a federal state consisting of 16 Länder

22 Bundesministerium für Familie, Senioren, Frauen und Jugend

young people's lives. This includes policy on education, labour market, social, health, justice, interior, regional and urban policies. However, it is recognised that actions in other policy areas such as the environment, transport and economic development also have an impact on the opportunities of children and young people.

Federal State (Länder) Level

- Children and young people's policy concerns not only the Federal Government but also the *Länder*. Each *Länder* is required by statute to establish a Land Youth Office with duties which include:
 - supporting local providers of services through advice and further training
 - providing financial support to voluntary service providers to help develop and expand provision
 - protection of children and young people in institutions

Municipal Level

- The administrative districts at municipal or district level have a statutory responsibility to provide children and young people's services through a Youth Office. The Youth Offices are mandated to carry out and guarantee the duties and services laid down in the *Social Code Volume Eight* (SGB VIII). The legislation states that the administration and work of the Youth Office be carried out by a Committee for Youth Services. The Committee is tasked with coordinating, planning and improving services at the local level. It is required by statute to do this in partnership and cooperation with all organisations involved including statutory and voluntary sectors.

National Strategy for Children and Young People

The Federal Ministry has overall responsibility for a Federal Child and Youth Action Plan²³. The Action Plan for 2005-2010²⁴ specified 6 key outcomes or 'fields of action'. These summarise around 170 measures to improve the situation of children, young people and their families in Germany.

Germany's 6 Key Fields of Action for Children and Young People:

- Equal chances through education
- Growing up without violence
- Promotion of healthy lifestyles and environmental conditions
- Participation of children and youth
- Development of adequate life standards for all children
- Observance of international agreements

- The Federal plan was drawn up in close cooperation between representatives from the Federal level, the *Länder*, the municipalities and Children's Committee, (which includes representatives from statutory and voluntary sectors), experts from NGO's, academia and business. Children and young people were also able to contribute.

Reporting and Evaluation

- Section 84 of Book VIII of the Social Code places an obligation on the Federal Government to report on the situation of young people and what has been done in the field of child and youth services during each legislative period. As well as analysing and taking stock of the

23 Kinder und Jugend Plan des Bundes

24 National Action Plan for a child-friendly Germany 2005-2010 www.kindergerechtes-deutschland.de
http://www.national-coalition.de/pdf/nap-Germany05_englischpdf.pdf

current situation, the report must contain proposals for further development in children and young people's welfare.

- Reports on the well-being of children and young people are produced by independent experts and published every four years.²⁵
- National conferences were held on each of the six fields of action expressed in the national Child and Youth Plan 2005-2010. The participants were drawn from a broad range of social groups and included children and young people.
- A website²⁶ reported on all the activities in implementing the 2005 -2010 Plan.

Outcomes for Children and Young People

Research by the German Youth Institute²⁷ reported on outcomes from the national strategy (the Federal Child and Youth Action Plan 2005-10). It found that the policies and actions had lasting effects beyond the duration of the programme. In particular, the research identified numerous positive effects in the areas of education, health and participation and identified good practice examples²⁸.

UNICEF research for 2013²⁹ ranked Germany sixth in a league table of 29 developed countries according to the overall well-being of their children. Overall well-being was based on 5 key dimensions – material well-being, health and safety, education, behaviours and risks, housing and environment.

4 United States

The State of Maryland

In the 1990's, in order to address fragmented and hard to access services for children and their families, the state of Maryland sought to change the way in which services were provided, delivered and funded. Local jurisdictions (counties) were given statutory powers to plan, implement and monitor services for children and their families on an interagency basis.

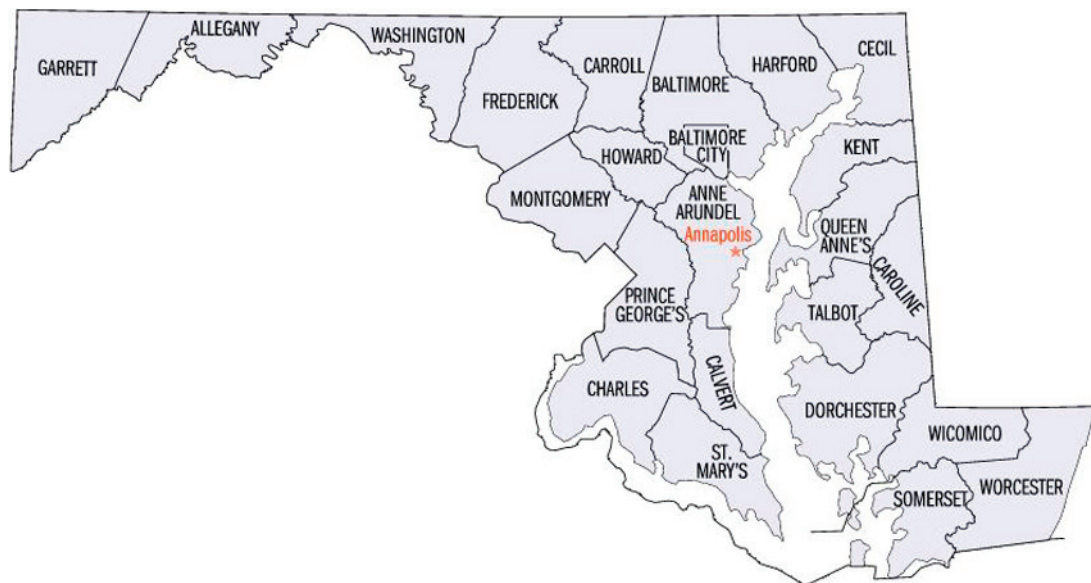
25 Kinder-und Jugendbericht

26 www.kindergerechtes-deutschland.de

27 <http://www.goethe.de/wis/fut/prj/for/jug/en8450228.htm>

28 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fDEU%2fQ%2f3-4%2fAdd.1&Lang=en

29 UNICEF Child well-being in rich countries: A comparative overview Innocenti Report Card 11 2013
http://www.unicef-irc.org/publications/pdf/rc11_eng.pdf

Maryland counties³⁰

Legislation enacted in 1990 and in 2006 required Local Management Boards (LMBs) in each Maryland County to design and implement strategies to achieve a set of clearly defined outcomes for children and young people and their families as articulated in a 5 year strategic plan. *Improving results for children, youth and families* is the overarching aim of all LMBs. Statutory responsibilities of LMBs includes:

- Strengthening the decision-making capacity at the local level;
- Designing and implementing strategies to achieve clearly defined results for families and children;
- Maintaining standards of accountability for locally agreed upon results for children and families;
- Influencing the allocation of resources across systems as necessary to accomplish the desired results;
- Building local partnerships to coordinate children and family services within the jurisdiction to eliminate fragmentation and duplication of services
- Creating an effective system of services, supports, and opportunities that improve outcomes for all children, youth, and families;³¹
- Maryland's children's strategy has 8 Child Well-being Results or outcomes to be achieved through collaborative partnerships:

Maryland's Child Well-Being Results:

- Babies born healthy
- Healthy children
- Children enter school ready to learn
- Children successful in school
- Children completing school
- Children safe in their families and communities
- Stable and economically independent families
- Communities which support family life

³⁰ Map source: en.wikipedia.org

³¹ An. Code 1957, art. 49D, § 2-103; 2007, ch 3, § 2.

- One of the Maryland's local councils – Montgomery Council is responsible for management of the LMBs. It hosts a Collaboration Council whose role is to plan, coordinate, fund and monitor interagency services. The Collaboration Council consists of representatives from statutory agencies, elected office, business and the community.

Accountability

- At state level the Governor's Office for Children (GOC) is required (by statute) to track progress in improving children's well-being. In order to achieve this, the Governor's Office and other child-serving agencies adopted a Results Accountability framework. This approach focuses planning, decision-making, and budgeting on desired results and outcomes. The GOC issues a number of reports each year aimed at tracking the effectiveness of certain interventions and creating the best strategy to improve child well-being
- The Maryland Association of LMBs is required to report annually to the State's General Assembly.
- LMB's are required to report annually on their performance to the Collaboration Council.

Effectiveness

Evaluation has covered the effectiveness of LMBs in carrying out their statutory roles, the impact of LMB programmes, strategies and activities on children and family and local delivery systems.

- Maryland's Results for Child Wellbeing annual reports are available on the Governor's Office website.³² Over time a number of indicators have continued to show positive trends for Maryland's children, including multiple indicators under each of the report's three overarching themes: health, education, and community.

Results 'highlights':

Result - *Children Enter School Ready to Learn*

Maryland's performance in this area has shown marked improvement over time. The percent of children 'fully ready' for school increased from 60% in the 2005-06 school year to 78% in the 2009-10 school year – an increase of 30% in four years.

Result - *Children Successful in School*

Children in Maryland counties have shown marked improvements in reading ability – an important marker for school achievement. Another key indicator, absences from school has shown a similar improvement. Since the school year 2006-07, the absence rate decreased from 14.5 percent to 10.2% in school year 2009-10.

Source: *Maryland's Local Management Boards: Making a Difference for Children and Families*

- A survey of LMB members and partners in 2003 found that LMBs had measurably improved the collaboration among local partners, bringing together stakeholders that had never previously worked together to address the needs of their children and youth.³³
- The table below summarises the effectiveness and impact of LMBs as assessed in a survey in 2013³⁴ in which representatives from government agencies, service providers, community and voluntary organisations, parents and children participated.

32 <https://goc.maryland.gov/wp-content/uploads/sites/8/2014/10/Results-and-Indicators-Revised-Final-Version-1-5.pdf>

33 Systems Change Through the Youth Strategies Grant University of Maryland 2003

34 Maryland's Local Management Boards: Making a Difference for Children and Families
http://communitypartnerships.info/wp-content/uploads/2014/05/MD_LMB_Jan_2011.pdf

	LMB effectiveness carrying out key roles and responsibilities (score is combined effective/very effective responses)	Response
1.	Assess community needs	88%
2.	Build collaborative partnerships	88%
3.	Help to develop programmes that respond to community needs and strengths	85%
4.	Identify and work to close service gaps	84%
5.	Maintain standards of accountability	83%
6.	Develop strategies that achieve clearly defined results for children and youth	81%
7.	Serve as resources for agencies and grassroots organisations	81%
8.	Create an effective system of services, supports and opportunities	79%
9.	Leverage new and existing grants and funding streams	79%
10.	Represent local needs and concerns to local government	78%
11.	Influence the allocation of resources across systems	73%
12.	Represent local needs and concerns to state policymakers	73%
13.	Keep the community informed on progress being made	71%
14.	Engage a diverse representation of individuals across the community to participate in decision-making	71%

	LMB impact (score is combined effective/very effective responses)	Response
1.	Contribute to achieving better results for children and families in our county	87%
2.	Operate programmes that are achieving a high rate of success	86%
3.	Enhance community resources to deliver needed services	86%
4.	Raise awareness about child, youth, family and community needs	86%
5.	Engage a diverse representation to participate in local decision-making about priorities, services and funding	80%
6.	Leverage new and existing grants and funding streams to improve services for children	80%
7.	Engage community stakeholders to take action to make a difference for children and families in their community	79%
8.	Launch new programmes in the county to benefit children and families	79%
9.	Strengthen the decision-making capacity at the local level to set priorities and make funding decisions regarding services to children, youth and families	77%
10.	Increases the capacity of service providers	73%



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