



Northern Ireland
Assembly

Committee for Health

OFFICIAL REPORT (Hansard)

Adoption and Children Bill:
NSPCC; Northern Ireland Commissioner for
Children and Young People

9 December 2021

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Colm Gildernew (Chairperson)
Mrs Pam Cameron (Deputy Chairperson)
Ms Paula Bradshaw
Mr Gerry Carroll
Mr Alan Chambers
Mrs Deborah Erskine
Ms Órlaithí Flynn
Mr Colin McGrath
Ms Carál Ní Chuilín

Witnesses:

Ms Koulla Yiasouma Northern Ireland Commissioner for Children and Young People
Ms Natalie Whelehan NSPCC

The Chairperson (Mr Gildernew): I welcome, via StarLeaf, Ms Natalie Whelehan, the public policy and public affairs manager with the NSPCC. Can you hear me, Natalie?

Ms Natalie Whelehan (NSPCC): I can, Chair, thank you.

The Chairperson (Mr Gildernew): We are also joined, once again, by Koulla Yiasouma, the Commissioner for Children and Young People in the North. Good morning, Koulla. Can you hear me?

Ms Koulla Yiasouma (Northern Ireland Commissioner for Children and Young People): Yes, thank you, Chair, I can.

The Chairperson (Mr Gildernew): Thank you both for your submissions to Committee and for assisting us in our scrutiny of the Bill. I will go in the order that I have you on my list and go to Natalie for opening remarks first and then to you, Koulla. We will then go to members. Natalie, go ahead, please.

Ms Whelehan: Thanks very much, Chair, and thanks a million for inviting us to give evidence to the Committee today. We are really grateful for the opportunity to give evidence on the Adoption and Children Bill. We hope that our input will be useful in your consideration of the Bill.

We very much welcome the introduction of the Bill, which delivers on the Department of Health's long-standing commitment to reform adoption law in Northern Ireland. The Bill also makes a number of

welcome amendments to the Children (Northern Ireland) Order 1995, and we are pleased that the Department has taken this opportunity to make amendments to improve outcomes for looked-after children and young people and those who have left care.

The Bill is extremely complex, and a great deal of the detail of how aspects of it will operate in practice has been left to a number of regulations and rules of courts to be developed after the Bill is made law. It is, therefore, difficult to provide informed comment on the Bill and its outworkings at this stage, but ongoing engagement with key stakeholders will be important in progressing that work.

We welcome many areas of the Bill, and we highlighted those in our written evidence. We do not have comments on all of the clauses of the Bill. Rather, we wish to comment on a limited number of discrete areas that the NSPCC believes warrant further consideration. As we approach the end of the Assembly mandate, it is crucial that those vital and overdue legislative reforms are progressed without delay.

First, I want to come to clause 133, which amends the definition of harm in article 2 of the Children Order to take account of the impact of domestic violence on children. It amends the current definition to include:

"impairment suffered from seeing or hearing the ill-treatment of another".

The requirement for a child to have seen or heard the ill treatment of another coming within the definition of harm under the Children Order does not reflect the approach taken to the child aggravator in section 9 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021. In recognition of the damaging impact on a child of living in a home where domestic abuse is taking place, there is no requirement for a child to have awareness or understanding of the abuse for the child aggravator to apply.

The impact of abuse on children is profound, and the risk of harm to children is not dependent on their awareness or understanding of the abuse. As outlined in our written evidence, children who experience domestic abuse are at an increased risk of physical, psychological and emotional harm and neglect. They can also be detrimentally impacted on by their parents' compromised capacity for parenting. That impacts on all children, including very young children, and threatens the attachment relationship with their parents. It is vital that the definition of harm in the Children Order is cognisant of the corrosive impact on children living in a home where domestic violence occurs, whether or not the child has an understanding or awareness of the abuse. The NSPCC recommends that the definition of harm in the Children Order should be amended to reflect that a child can be severely or adversely impacted by domestic abuse in the home, even if they do not see or hear the abuse taking place.

The statutory recognition of the harm caused by living in a home where domestic abuse is taking place in the Children Order places clear and corresponding obligations on the Government to respond to that harm and to aid the recovery of children who are harmed in that way. Children who have experienced domestic abuse should have a right to access consistent, high-quality and evidence-based therapeutic services to help them to recover from the trauma of that experience. Sufficient emphasis on recovery and support remains lacking for children who are victims of domestic abuse and their families. We would like to see the introduction of a statutory duty on health trusts to provide specialist domestic abuse support for children in the Bill.

The NSPCC knows that, with the right support, children who are affected by domestic abuse can go on to recover and enjoy happy and healthy childhoods. Evidence has identified that children have a better chance of recovering from domestic abuse when they have a strong relationship with the parent victim of the abuse, usually the mother. The NSPCC's Domestic Abuse Recovering Together (DART) service helps children and mothers to talk to each other about domestic abuse and learn to communicate and rebuild their relationships. Evaluations of the NSPCC's DART programme found that mothers' self-esteem and confidence in parenting increased, and they reported more affection towards their children. Children had fewer emotional and behavioural difficulties and reductions were greater among children who had participated in the DART programme than those involved in alternative services.

The provision of sufficient and specialist support services for children will be key to ensuring that the harm caused by domestic abuse is minimised. A statutory duty on health trusts to provide specialist support and recovery services for children affected by domestic abuse and their families would go some way to ensuring that the harm caused by domestic abuse does not define children's futures and that they can recover and go on to lead happy and healthy lives.

Clause 119 introduces special guardianship orders. Those were introduced in England and Wales in 2005, and we welcome that the proposed provisions take account of some of the learning from how they have operated there to date. However, one of the failings identified with the operation of special guardianship orders in England and Wales was the lack of adequate preparation and support for special guardians. We would, therefore, like to see special guardianship support on the same basis and with the same eligibility as adoption support in clause 5 of the Bill.

In light of the well-recognised need for improvements in the educational outcomes of looked-after children and the need for greater permanence and stability in their lives, we welcome clause 122, which introduces a duty on authorities to provide and promote educational achievement and prevent the disruption of education and training. We would be keen to know the extent of that duty and the specific requirements that authorities would be under to ensure compliance. In specifying those requirements, it will be important to interrogate the underlying reasons why disruption to placements and, therefore, education and training continue to occur and to address their root causes, as that is a symptom of wider failings within the care system.

Clause 123 introduces a framework of corporate parenting principles for health and social care trusts. Those are high-level principles, and it will be useful to know what specific obligations will result in the trusts as a result of those principles, as well as any potential consequences where trusts do not act in accordance with those principles. With regards to the principle of helping them to

"gain access to ... services provided by the [trusts] and any relevant partner",

we would suggest the inclusion of "access to suitable and appropriate services that meet the needs of the child". We would also refer to the Children and Young People (Scotland) Act 2014. That introduces a range of duties and responsibilities on corporate parents that might be of assistance in determining how compliance with those principles could be determined.

Clause 121(1) introduces a power for health and social care trusts to provide accommodation to disabled children for short-term breaks outside of the looked-after children's system. We recommend that consideration is given to defining further other categories of children to which that provision could relate. There are a number of groups of children, some of whom I have mentioned in our written evidence, for whom such provision would be beneficial. It will be important to engage with stakeholders in the development of regulations that relate to other categories of children to ensure that all groups of children who require the support are included in order to be able to access it.

Finally, clause 132 introduces statutory advocacy services for looked-after children, former looked-after children, special guardianship children or adopted children where they are making representations in the context of complaints or reviews. That is extremely welcome. However, we seek assurances that advocates will be independent of the statutory sector and regulated. Advocacy should be available to children of all ages to facilitate them to have their voices heard and taken into account in decisions about their lives, in line with article 12 of the United Nations Convention on the Rights of the Child (UNCRC). We would like to see advocacy services being configured under the Bill to allow young people to appoint an independent advocate of their choosing, particularly where they have worked with a particular advocacy service and have a good relationship with an advocate, or where they feel that a specific service is best suited to meet their needs.

A key aspect to advocacy is the right to express views and be heard. We would, therefore, like to see the extension of the provision of advocacy services to situations outside of the limited contexts that are proposed in the Bill in order to assist children and young people in ensuring that their wishes and feelings are heard in all matters that concern them. That is particularly important given the complexity of the care system, the particular vulnerabilities of children in, entering or leaving that system, and the emphasis in the Bill on capturing the views and feelings of children and giving them due regard. The NSPCC would like to see all assistance being given to children of all ages to help them to express their views and feelings at every stage of their journey through the care system. Thank you.

The Chairperson (Mr Gildernew): Thank you very much, Natalie. I will go straight across to you, Koulla, if you want to go ahead, please.

Ms Yiasouma: Thank you very much, Chair. We are running the risk of you hearing some similar evidence. That is the nature of the thing. I will try, as I speak, to take out bits that Natalie has already said. As you would anticipate, I agree with almost everything that she said.

I, too, would like to thank the Committee for the opportunity to give evidence today, and I welcome your commitment to ensuring that the Bill provides the highest standard of care and protection for children and young people. I am mindful of the breadth and depth of the Bill and acknowledge the considerable work that has already been undertaken by members, the Minister and departmental officials to seek to secure the legislation within what is now a very limited window of this mandate. I also want to thank departmental officials for their continual engagement with my office at all stages of the Bill's development.

As you are aware, the legislation that established my office lays out our statutory duty, which is to safeguard and promote the rights and best interests of children and young people. My evidence is not intended to be comprehensive across all clauses of the Bill — and, like I said, I will try not to repeat what you have already heard from Natalie — but will look at key aspects, some of which are already highlighted in my written submission. Before commenting on those, I would like to know the children's rights obligations that are placed upon the Government, statutory agencies and, indeed, the Assembly in that area.

The United Nations Convention on the Rights of the Child sets out minimum standards for children's rights across all areas of their lives. The four guiding principles that flow through the convention are children's right to non-discrimination; their right to survival and development to the highest level; their right to have their best interests as the primary consideration; and their right to have their voice heard in all matters that affect them. Of course, you see those four principles in particular in every aspect of the Bill. Natalie talked at length about the importance of advocacy as outlined in article 12.

Moving on to specific clauses, clause 116 addresses the definition of family proceedings. NICCY warmly welcomes the proposal to ensure that female genital mutilation protection orders are included in the list of family proceedings for the purposes of the Children Order, which will ensure that all relevant orders for the protection and welfare of a child can be made in proceedings.

Natalie has already talked about special guardians. Clause 119 has the potential to give clarity and stability in the lives of children and young people whose care and living arrangements are not covered by other mechanisms. However, as you have already heard, it is crucial that support services, including financial help, are available for carers and children and young people to properly meet their ongoing needs after a special guardian order has been made. Otherwise, having that status could create a disadvantage for those it is intended to help.

NICCY would like the practical implementation of clause 121 to result in stronger partnerships between the statutory and voluntary sectors to provide the services and supports that children need. Clause 121 is really helpful. However, it should be extended to ensure that statutory agencies can bring in partners to ensure the delivery of services.

Natalie spoke about clause 122, but it is worth repeating what she said. Whilst NICCY welcomes the creation of a duty on authorities to prioritise educational achievement for children and young people, its use of the word “promote” is insufficient. The word “promote” is not strong enough to indicate to us how that duty will be implemented or even achieved. It is important to compare what happens with parents and other individuals with responsibility for children. The Education and Libraries Order (Northern Ireland) 1986 places a duty on parents in respect to education. Failure to discharge that duty can result in parents being issued with school attendance orders, supervision orders or other judicial action being taken. However, there is a lack of clarity about how the corporate parent can be held to that same standard. Surely, children who are in the care of the state deserve the same standard and the same rights to education as other children. That clause needs to be strengthened to do just that: to provide a duty on the corporate parent to ensure that children receive efficient education.

I move on to clause 123. Again, we welcome that clause, but, again, we will need to see more detail in regulations that will outline how corporate parents will provide evidence that they have applied the seven principles outlined in the clause and be held to account. Otherwise, that clause will just provide a warm, fuzzy feeling for everybody but will not necessarily deliver tangible benefits for children and young people. I am not averse to warm, fuzzy feelings, but not in legislation.

In clause 125, the need for minimum standards of accommodation for children and young people is imperative. While NICCY welcomes the intent in the clause, we recommend a revision to the draft of article 27(7A) of the Children Order in that clause from:

“The Department may by regulations impose requirements”

to:

“The Department shall by regulations impose requirements”.

We make that recommendation with a view to ensuring that the whole child is taken into account when providing alternative accommodation. The comments that I made about impact in the previous clause stand for that clause too.

Chair, you will be pleased that I am getting there.

The Chairperson (Mr Gildernew): No, you are OK.

Ms Yiasouma: Clause 129 proposes to ensure that care leavers are made aware of services that are available to them. That is really welcome, but, again, for that to be effective, there should be a statutory time frame, during which those young people are directly advised of the services that are available to them. That should be sufficiently in advance of leaving care so that they can plan and effectively avail themselves of such services. As such, a time frame should be included in the regulations.

We then move on to clause 133. Natalie spoke at length about why we need a broader definition of harm. I will just say a few things that will support what she said. The points are worth repeating.

Again, I warmly welcome the interest of members in ensuring that clause 133 provides proper protection for children and young people who are affected by domestic violence and abuse. As highlighted in our written submission, and as Natalie said, the proposal to amend the definition of harm, as set out in the Children Order, was discussed with your colleagues on the Justice Committee during their scrutiny of the Domestic Abuse and Civil Proceedings (Northern Ireland) Act 2021. Members may be aware that the Justice Committee gave detailed consideration to ensuring that harm that can be caused to children affected by domestic abuse was effectively captured in that Act. Following on from that, I welcome the intention of the Department of Health to ensure that the definition of harm in the Children Order will also reflect that children can be deeply affected and harmed by the ill treatment of another, including, but not only, through domestic abuse. We also welcome the intention to ensure that such harm can be considered in relevant proceedings concerning the child, including contact and residence orders.

I repeat the call that you have already heard: the provision should not include the condition that requires a child to have directly witnessed or have heard incidents of abuse. Natalie talked about why that is important, so I will not repeat it. Following discussions with the Department, we understand that it is actively seeking to ensure that the clause is amended to capture the harm to children without such a condition and that the amendment may reflect the definition that is provided in the Domestic Abuse and Civil Proceedings Act. Children do not have to be a direct witness to the harm to be adversely affected by it. We welcome the intention to further explore that, and we ask the Committee to seek further clarification from the Department.

I acknowledge the Committee's commitment to fully scrutinising this really important legislation. I welcome any comments and questions from members on that or any other clause, although I cannot guarantee that I will be able to answer efficiently.

The Chairperson (Mr Gildernew): Thank you both. We do not doubt your ability to do that, Koulla, but, by all means, if there is anything that you want to elaborate on or expand on in writing after the session, we would appreciate that. Maybe, for some issues, that will be a good approach in the interests of time. Whichever works in that regard is fine.

You both touched on clause 122 and the duty to promote educational achievement. How would you do that better, and what practical steps could be taken? What type of thing, in your experience, would achieve that? Before I get the answer, this is a good opportunity to express my interest as having been a social worker previously. I will go to you, Koulla, and then back to Natalie on the duty and ability to better promote educational achievement.

Ms Yiasouma: I do not like the word "promote", as I have said. It is too woolly. We can all promote. It is an encouraging word. We can all encourage children to go to school. We can all encourage services to be available. If my children, when they were school age, had not gone to school, and I had not done enough to ensure that they went, I would have been held legally accountable for that. If we were to place the same duty on trusts as we do on parents, we would have to ensure that, in particular, foster

carers and residential care workers have all the necessary training and skills to be able to get the children in their care into school. We would have to ensure that those children receive the proper therapeutic interventions to be able to deal whatever trauma they had experienced — it is likely that they will have experienced multiple trauma — and get into school. We know that if a child has other issues going on, they are not able to engage in education effectively. However, if they receive those services, they will be able to do so.

It is also about supporting schools to take into account what those children are experiencing. We want to see the completion of personal educational plans — plans in which the young person is involved. Ultimately, excuses such as, "I couldn't get him out of bed this morning" are not good enough for parents or trusts, but we know that we need to support our workers on the ground to discharge that duty. A lot of work has happened in the past 20 years, some of which I have been involved in, but we need to increase that to ensure that the educational experience of our children who are cared for improves dramatically.

The Chairperson (Mr Gildernew): Thank you. I note that there are several concrete suggestions there. That is very useful and interesting for the Committee. Natalie, I will ask you the same question. I will go over the question again; I am conscious that you have dropped in and out a little. What practical steps could be taken to improve educational achievement? I note your view that that should be strengthened. That is a very useful addition to the evidence. Can you outline for us what can be done, practically, to deliver on the need for better educational achievement?

Ms Whelehan: Apologies, Chair. I seem to be having some connection difficulties. If I cut out again, I will just try to get back in.

We know that the outcomes in educational achievement for looked-after children are not as good as we would like. There is a range of reasons for that, and there needs to be an emphasis on meeting the needs of individual children. Some of the proposals in the Bill are about extending support for looked-after children up to the age of 25, if they are in education or training. That will really help. Often, looked-after children have had really disrupted education as a result of the things that have happened to them in life. It is important that educational achievement is supported throughout their lives.

I am aware that the Fostering Network has made some suggestions. I had a look at their written evidence to the Committee. They made some suggestions, from a consultation that they had carried out, which I thought were really good. Their suggestions look specifically at support for special educational needs.

Getting to know the young people who we are talking about, the difficulties that they face and trying to meet those individual needs is important. It will not be a one-size-fits-all solution for these children. Many of them will have faced traumatic experiences. As Koulla said, young people must be involved in the development of personal learning plans and we must make sure that what is proposed in the targets set for each individual child takes into account their individual needs. Targets should be realistic, and the children should be able to meet them. The targets may not conform, necessarily, to the education system that we have in place for all other groups of children and young people. We have to be much more creative about how we meet the needs of these young people. It will involve additional services for children, to meet their individual needs, with their involvement. It must continue beyond what we consider to be the lifetime of their education, for a year, really.

The Chairperson (Mr Gildernew): Thank you. I note, from both of you, the need to include children in this conversation. In our scrutiny of the Bill, we will meet with care leavers and Fostering Network.

I may come back with an additional question, but I want to get to members' questions. For now, I will conclude with a question about clause 133, on the issue of domestic abuse. The Committee has raised it, and there have been concerns raised previously. We are not overly surprised to hear that you concur with that concern. As a social worker, I was hugely aware of the whole toxic trio and the impact that that has on so many people. However, even outside the professional basis, we all know when we walk into a situation where something clearly has happened and, to use the phrase, you could cut the atmosphere with a knife. It is uncomfortable and distressing. Clearly, you do not have to be inside a house or with people to pick up on that. We have to pick up on that repeatedly. We now have a much better understanding of the plasticity of developing brains and the effects of repeated trauma, repeated adrenaline surges and the impact that those have on people.

We will write to the Department about that, to see if they are looking at it. That has been raised by many members and it seems an obvious thing. How can we improve on the Bill? What are your ideas for amendments?

Ms Whelehan: We would like to see the definition reflect that in the child aggravator clause. We do not want to see an obligation for a child to have seen or heard domestic abuse for it to be considered harmful to children. As I said in our written evidence, there is the psychological impact of living with the day-to-day reality of abuse. You have talked about that as well. It has a really significant detrimental impact on a child's sense of self, safety and well-being. Studies that we have looked at estimate that children living in a household with domestic abuse are three times more likely to have a conduct disorder. Children living in a household where domestic abuse is taking place are detrimentally impacted on by parents' compromised capacity for parenting. It impacts on very young children. That is important as well: the attachment relationship with their parents can be threatened by domestic abuse. The requirement for children to be aware of the abuse taking place completely undermines the impact of that abuse on very young children.

One thing that we would like to see is a reflection of the definition in the Children Order that takes account of the Domestic Abuse and Civil Proceedings Act. We would like to see those two marrying up so that there is no obligation on children to have any awareness of the abuse taking place. As I said in our oral evidence, we would also like to see a corresponding obligation on government to respond to that harm because, at the minute, services are very piecemeal for children. There is a tapestry of services that are dependent on funding relationships in the various trust areas. There is varied support for children in relation to their experience of domestic abuse, a lack of central support, piecemeal funding and a real lack of clarity around the evidence base about the services that are being provided.

If we are serious about the impact and the harm of domestic abuse on some children and young people, including very young children and young people, we need to see a response by government to meet those needs and to aid their recovery. I suppose that that is one of the things that, we feel, have been lacking, and we talked about it under the domestic abuse legislation as it went through the Assembly. It was not possible to table an amendment to that legislation, but we would like to see a much greater emphasis on the support for children, given that we will have the statutory recognition of the harm that they suffer under the Children Order.

The Chairperson (Mr Gildernew): Koulla, do you want to add anything to that?

Ms Yiasouma: Yes, just quickly because Natalie has given you a really comprehensive response. Having the narrow definition of having seen or heard binds the hands of social services and other agencies whose job it is to protect. If a child is living in that situation, including babies who cannot articulate whether they have seen or heard anything, you do not always want, as Natalie said, the child to articulate that. You want there to be an assessment of how they have experienced that harm. You do not want to have a conversation, "Tell me what you saw or heard, and I will assess whether you were harmed or not, and, if you didn't see or hear anything, I can't make that assessment". That is not helpful to those who are charged with understanding the impact, particularly the adverse impact, that that has had on children and young people. It is right that, if there is a family where there is such harm, there is an automatic assessment and understanding of how that harm has impacted on the child, and we should not have a narrow definition of whether they witnessed that harm.

Also, as Natalie has said, there should be an automatic triggering of services that will be able to address whatever trauma or experience that child has had and how they need to get over it. The way that it is currently defined is not helpful to people who are trying to assess that impact because the first thing that you have to ask is, "Tell us what you saw. Tell us what you heard", rather than "How are you? What's going on? How are you feeling?". Those are really the conversations. I should declare that I am an ex-social worker, but I have taken the pill and I am fine now. Those are the conversations that we should have, not, as I said, a straightforward, "What did you see and hear?". That is to support what Natalie has said.

The Chairperson (Mr Gildernew): Thanks, Koulla. I am glad that you are fine now. I am still in recovery, but I will get there.

I will go first to our Deputy Chair, Pam Cameron.

Mrs Cameron: Good morning, Natalie and Koulla. I really appreciate your attendance at the Committee and the evidence that you have given so far. I apologise, Natalie, because I have been kicked out of the link two or three times already, so, if you have already gone over my questions, tell me to shut up and I can read it in Hansard.

The Chair has talked about the requirements on trusts to promote educational achievement and to fulfil that role of corporate parent. I appreciate some of your commentary around that. Do you know what useful arrangements are in place in other jurisdictions? What, do you think, would be an appropriate penalty for trusts that are deemed to act contrary to those duties?

Ms Yiasouma: I will jump in first. That is the crux: how do you hold a corporate entity to account for something? What will you do? Will you place a supervision order on the chief executive, the chair or the Minister? We do not want to get into ridiculous scenarios, but we need something that holds them to that standard. How we do that I do not know. Are we talking about judicial reviews (JRs)? Are we talking about fining them? I do not want to see less money going out of the system. Are we talking about putting them in special measures? I am not sure, to be honest, Pam. Those children need to have the same expectation that they will achieve in education as other children have.

I have not looked at what is going on across the water for a while; Natalie, working for a national organisation, may know more than me. We have seen foster carers being given a sum of money to support the education of the children in their care. That support often includes digital devices, access and things like that. We need to see something similar happening in the residential care space. We need to ensure that children and young people have access to the space and the digital devices that they need to do their homework, that, as I said, they have access to all the supports necessary and that staff are able to provide that support.

When I was working on this, I was aware that, across the water, council areas had a virtual head or principal whose job it was to have an overview of the achievement of the children who were being looked after in his or her council area. I am not sure how that has developed, but, again, it is about asking, "Are we carefully monitoring how our children are achieving?", and, as Natalie asks, "Are we taking the trauma into account?". Is it reasonable to expect children to achieve the standard of five GCSEs at age 16, bearing in mind the enormous trauma and disruption that they have experienced? Should we extend that for some children, as appropriate? It is not necessary for all — others will be flying because education is their safe space — but we should allow that some children will need mandatory education up to the age of 21, 22 or maybe as high as 25 because of the trauma that they have been through. As Natalie said, we need to use the personal learning plan and ask each child, "What will work for you? How can we do this? Is it practical or therapeutic? Do you just need somebody to stand by you every morning to make sure that you get out of bed?". Every parent has had that experience. It is about the notion of a trust behaving as any reasonable parent would and what that means. We talked about that in the principles of corporate parenting. We are talking about the practical ways of making sure that children in their care receive a good education.

Sorry, that was long-winded and not concrete, but that is where we are with it.

Ms Whelehan: I will come in on that, Pam. We have had conversations with our colleagues in jurisdictions across the UK. Lots of initiatives are happening at local authority level, of which some are successful and others are not. The crux of the matter is to treat individual children in their own right and to look at and respond to each child's needs. The difficulty with that, Pam, is that it tends to be more resource-intensive. It is about having that adult whom they know, can rely on and can come to and who will be the one who, as Koulla says, is there to get them out of bed in the morning if that is the issue. It is about initiatives that look at the whole child and meet their needs.

How do you expect a child who is suffering trauma to achieve in education if you do not address that trauma first? It is about changing the targets for young people who are looked after, in recognition of the fact that they may have suffered trauma and that there has been disruption in their lives. It is about trying to respond to each individual need; allowing that journey to continue for a longer time; looking at the challenges that individual children face — for example, if they have special educational needs or additional needs of any kind — and ensuring that those needs are met. Nurture rooms work particularly well for children who may have suffered attachment issues as a result of disrupted parenting. There are a range of initiatives that work well for looked after children. There will not be a one-size-fits-all approach, but it is very much about the child being at the centre of the response.

Certainly, I can talk to my colleagues in England and Wales again and come back to the Committee with additional information, if you are particularly interested in that, Pam. If there are initiatives across

the nations that you want to have a look at, I can come back to you on that. There are some, but the most successful ones put the child at the centre and try to meet the child's needs and to meet the child where they are. As Koulla said, those targets of five GCSEs will not always work for looked-after children — we know that — but it is about ensuring that the system is flexible enough to respond to the child's needs.

Mrs Cameron: Great, thank you. If you could gather any information and send it to us, I would appreciate that. It would be useful.

Chair, may I ask another question?

The Chairperson (Mr Gildernew): Yes, go ahead.

Mrs Cameron: Do you believe that the Bill writes a blank cheque, as it were, in delegated powers for the Department and, by extension, the trusts, and which specific arrangements that are currently reserved, do you feel, should be stipulated in the Bill?

Ms Yiasouma: Pam, I am not sure that I know how to answer that question. I do not see the Bill as writing anyone a blank cheque. What specific powers are you thinking of? I am trying to look at Natalie to see if she is any the wiser, but I did not see anything in the Bill that made me think that it gives them a bye ball on anything. It is not strong enough, and regulations in a number of areas will need to be tightened. As I said, some clauses are a little woolly, but that relationship between the Department, the trusts and other relevant authorities in discharging some of the duties in it, including education, definitely need to be strengthened.

I want to quickly go back to education. Some really good work is happening in Northern Ireland around the education of looked-after children, particularly in the Belfast area, where there is a formidable advocate for that stuff, Anne-Marie Bagnall, who is employed by the Education Authority (EA). It warrants the Committee hearing from her, even if it is in writing. To go back to your question, I am not sure that I understand it, Pam. That is me showing my ignorance.

Mrs Cameron: That is OK. Natalie, do you want to come in on that?

Ms Whelehan: Can you repeat your question for me, Pam? I could not hear it.

Ms Yiasouma: I am glad that it is not just me.

Mrs Cameron: You answered the first part of my question: you do not believe that the Department is writing a blank cheque to the trusts, by extension, when it comes to the delegated powers. The second part was about which specific arrangements, you feel, should be stipulated by the Bill that are currently reserved, but, if you do not believe the first part, then you do not need to —.

Ms Yiasouma: Sorry, Natalie. How the Department holds the trust to account is critical in all of that. That is what I mean by "tightening up". I do not see it as a disproportionate relationship, but Natalie may know more. Natalie is cleverer than me on those things.

Ms Whelehan: No, I do not really see it that way, Pam, to be honest with you. I see a real opportunity in the Bill for much greater pooling of resources. When it comes to the Department's responsibility for certain functions and transferring those to the trusts, you talked about a blank cheque, but I do not really see it that way. I am aware that there are resources that flow from some of the things that we as the NSPCC are asking for, such as the statutory duty on health trusts to provide specialist support services for children who have been harmed by domestic abuse. If I was asked about that, I would give this answer: as a Government, we need to be much more creative and to look at the Children's Services Co-operation Act (Northern Ireland) 2015 and how we pool resources and meet the needs of children.

It remains to be seen whether the transfer of functions from the Department to the trusts will be more effective in meeting the children's needs, but, if the Department feels that there is a good rationale and that it has a good reason for that, that is fair enough, as long as the resources go to the children who need them, the children who need the services get them when they need them and those services are fit for purpose. I do not have an issue with that. It goes back to your point about educational attainment and what will work there. Some of the things that will work there for children, particularly the most

traumatised, require funding. If the Department of Health or individual trusts do not have a budget for that, there is an obligation on the other Departments to come together and pool their resources to meet the needs of those children, particularly when it comes to education, as some of the responsibility rests with the Department of Education. We have an issue not with the structures but with ensuring that the structures facilitate meeting the assessed needs of individual children and that they get the help that they need when they need it.

Mrs Cameron: Lovely. Thank you.

Ms Bradshaw: Thank you, ladies, for coming to the Committee this morning. Apologies for the delay; the sound was off.

My first question relates to Natalie's comment that it is difficult to inform, given that some of the provisions will be in regulations. I would like you to speak a wee bit to that and to any concerns you have about the fact the draft foster care regulations are still not through. That is my first question.

Ms Whelehan: Thank you, Paula. When I was doing my written evidence, I was conscious that I wanted to be as comprehensive as possible in our response to the Committee. As I went through the Bill, I got a bit frustrated, because I kept seeing references to "regulations" and "rules of court", so it was difficult to get to the bottom of how it will all operate in practice. With a Bill of that size, it is hard to avoid that. It is important that it is on the statute book sooner rather than later, so I will not make a song and dance about it, if you like.

In the explanatory and financial memorandum (EFM), just to entertain myself, I did a search for the word "regulations" and found 209 references to it. That is how often things will be deferred to later down the line. It is a substantial reform of adoption legislation, so perhaps that cannot be helped, but it puts us in the position where we are second-guessing, to a certain extent, some of its outworkings. We are more than willing to be involved in this, but it will be really important that key stakeholders and children themselves are involved in the development and the process of the legislation as it moves forward.

Your other question, Paula, was about the fostering regulations. We know that they were consulted on in 2014. In our written evidence, we raised the fact that we would like to see them moving forward. The reason for the urgency is that we have seen a real increase in the number of looked-after children in Northern Ireland. Since the introduction of the Act, there has been a 30% increase in the number of looked-after children in Northern Ireland and, since September 2019, over the pandemic, we have seen a 6% increase. The most up-to-date figure from this week is that there are approximately 3,500 looked-after children in Northern Ireland, which is high. We need to do everything we can to improve the lives of looked-after children, including legal reform. That should include the expedient introduction of the foster care regulations to develop standards for foster care that are complementary to the Adoption and Children Bill. We see it as a key opportunity, given the development of the Bill. As I said, those were consulted on in 2014 but have not been progressed. We would call for them and support them.

Ms Bradshaw: Thank you, Natalie.

Chair, I have a question for Koulla on the UN Convention on the Rights of the Child. You will be aware that the Bill of Rights Committee has stalled — for want of a better phrase — its work and there is the potential that we will not get a bill of rights through in this mandate. I know that you have given evidence to that Committee. We possibly have an opportunity here to strengthen some of the protections for women, notwithstanding what you said to Pam about not wanting it to become litigious for people to assert their rights. Is there anything that we can do to strengthen the Bill; for example, around the harmful practices that you mentioned? Do you want to speak to the human rights element of it?

Ms Yiasouma: Did you have anything particular in mind when you were thinking about that, Paula? We have talked about how the Bill can be strengthened, but what particular right were you thinking of?

Ms Bradshaw: You were talking about the full range of harmful practices. It is more about that element of the convention and protection for the child in that regard.

Ms Yiasouma: I think I know where you are going with that, and I am happy to answer that question. As you know, I am clear that the bill of rights in Northern Ireland is an incredibly important

development. The fact that we have been waiting for so long is a disgrace and gives us no cause to be proud or complacent. The bill of rights in Northern Ireland should fully incorporate the UN Convention on the Rights of the Child, to ensure that children have all their rights in legislation, so that they can have better outcomes. That will mean that we will listen to what the UN Committee says and that we will implement those rights.

I assume that you are referring to is the UN Committee's consistent call, since it started examining the UK Government and, de facto, the Northern Ireland Government, that we should ban the defence of reasonable chastisement to an offence of common assault. I assume that that is what you are referring to when we talk about "harmful practices". That should have happened years ago in Northern Ireland. When the defence was introduced in 2006, that was a disgrace, and it is not something that any of us should be proud of.

We should take any legislative opportunity that presents itself to make an amendment that repeals that part of the miscellaneous provisions. You will be aware that NICCY, the NSPCC and a range of other NGOs have actively worked for an amendment to the Justice (Sexual Offences and Trafficking Victims) Bill, which is at Committee Stage with the Justice Committee. We still believe that, in view of potential amendments around positions of trust, there is scope in the Bill to include such an amendment. It is a straightforward amendment.

We also believe that the Assembly will follow what the people of Northern Ireland have been telling us since 2017. Some 67% of people are in favour of a change to the legislation, and that number has probably increased in the last four years. We should take any opportunity that presents itself to protect our children from that sort of harm. We know that physical chastisement in that way can, although not always, lead to physical harm and to children being placed on the child protection register. It can lead to aggressive and antisocial behaviour, and it upsets and frustrates parents. There is no evidence that such behaviour does any good. If we have all that evidence staring us in the face, I do not understand why we do not protect our children.

Ms Bradshaw: Thank you. I was not necessarily making a politically loaded statement, per se. I am not precious about whether it goes through the Justice (Sexual Offences and Trafficking Victims) Bill or by way of the Adoption and Children Bill. I am not sure whether it falls within the scope of either Bill, to be honest with you, given any consultation that I have had around it. However, I think that either this Committee could look at that, or the Justice Committee could put a notice on the Justice Department to consult, if it does not fall within either Bill. It is certainly on my radar.

I have another question, Chair, but I will ask it if you have time at the end.

Mr McGrath: Thank you to both presenters today; I appreciate hearing the updates.

I have a question for each of you. May I start with Natalie? In your written submission, you suggested that trusts should have a statutory duty to provide that specialist support. Can you give us a sense of what there is at present and what is missing? What is your assessment of how we could use the Bill to strengthen that?

Ms Whelehan: Yes, Colin. As I said in my opening statement, the NSPCC provides the Domestic Abuse, Recovering Together (DART) service. That is a really successful service. The NSPCC provides very evidence-based services, everything is evaluated etc and it has had very successful outcomes. Under the DART service, mothers and children meet weekly for group sessions that last two hours and take part in activities in separate groups. They talk about domestic abuse and its impact on children, and they do activities together to understand domestic abuse, how they are feeling and how to keep themselves safe. It is about building that relationship back up again, because we have lots of evidence that children make a better recovery from domestic abuse when they have a stronger relationship with the victim/survivor of abuse, who is, generally, the mother. That is the focus of the service offered by the NSPCC. In Northern Ireland, we only offer that service in our Belfast office, and we are unsure whether we will be able to continue doing so in the long term.

There is a varied picture of support when it comes to the other services that are provided for child survivors of domestic abuse. I looked at a number of websites, and there are some services for children, but it depends very much on where you are based and the relationship that charities or organisations have with their health and social care trusts. There is a tapestry of services: support for children depends on funding relationships and is very varied. There is no central support as such, and funding is piecemeal, so individual groups tend to make bids to funding bodies and deliver

programmes of a sort. However, the evidence base for those services is unclear, which is not good enough for children who have suffered domestic abuse. We know the impacts; the evidence on the impact of domestic abuse on children's lives and on their outcomes is absolutely clear.

If we genuinely want services that are trauma-informed and respond to the needs of children and to the impact of the trauma that they have suffered, there must be access to specialist support services for those children that automatically kick in. We cannot have a statutory recognition in the Children Order that the harm caused to children from living in a home where domestic abuse occurs is actual harm without a corresponding obligation on Government. We want a much greater focus on recovery so that there is a clear duty to step in and meet the needs of those children. Where harm is recognised, there has to be a corresponding response. That is what we would like to see happening.

Mr McGrath: So, we need improved services and consistency in the access to them across the board.

Ms Whelehan: Absolutely. There should be guaranteed access.

Mr McGrath: OK. Any time I had to describe the Children's Commissioner, "warm and fuzzy" were always the terms that were at the top of the list, so I was delighted to hear them referenced today. *[Laughter.]* Koulla, there are two things that I want to check. Sometimes, it is just a single word that is important; in this case, the words are "duty" or "promote".

Ms Yiasouma: Yes.

Mr McGrath: The Committee has the power to table an amendment to change a word. Do you have any other examples of where there is a strong duty to be carried out and the impact of that versus the term "promote"?

In your answer to Paula's question, you referenced the full range of harmful practices. When we talk about rights and charters, we all know what we mean, but the general public do not. Do you have examples of those harmful practices to give people a flavour of what we are trying to amend?

Ms Yiasouma: OK. Thanks for that. I am warm and fuzzy, I will have you know. I have just thought about the Hansard report.

It is interesting because we have been in front of the Education Committee to talk about use of the word "promote". That Committee has been concerned that the word "promote" is too strong for the Integrated Education Bill, but it is a woolly word. When we are talking about statute, we need words that are very clear. I have not searched for examples, but I should have done the search Natalie did to look at how many times words like "may" are in the Bill. Clause 125 states:

"The Department may by regulations",

around standards of accommodation. Actually, the Department should make regulations. As we have already said, it should state, "the Department shall by regulation impose requirements". There is no point in having legislation if you are not using words that are quantifiable.

Again, that is why I welcome the idea of trying to codify what it means to be a corporate parent under the principles in clause 123. The problem is that they have put the principles down, which are great, but they have not said how we are going to implement them. How is a child going to know that they have experienced people acting in their best interests and that their voices have been heard? That is the essence of the problem. Whether we address that in regulation or in the Bill, I am not sure, but my advice is to look at every "may" and ask whether it should be "shall". I learned that back in 2003 when we were doing the Children's Commissioner legislation, although little did I know I would be trying to implement it. So, the word "may" is not helpful in law; "shall" is, particularly when you want to hold people to account.

Talking about the breadths of harm, in clause 116, we rightly put in female genital mutilation (FGM) protection orders. That implements a recommendation from the CEDAW Committee, which identified other possible harmful behaviours, such as child and forced marriage, polygamy and so-called honour crimes.

When we are looking at definitions of harm and how we protect our children, we need to be sure that we understand where they are likely to be harmed in 2021. Again, that includes online harm, and work

is being done across the water on that. Those are just some of the things that come to mind, Colin. Again, we can have a think about it and maybe come back to the Committee.

Mr McGrath: Thank you.

Ms Ní Chuilín: Thank you, Natalie and Koulla. I want to refer to clauses 122, 123, 125 and 133. We have already discussed definitions of harm. On physical harm to children, I hate using the word "smacking" because it almost undermines the impact of the action and the trauma that it causes, but it needs to be legislated for. It would be preferable if the Justice Minister could lift that and take it, but if not we should try to do something because not doing so would send all the wrong messages.

I completely agree with Koulla about the use of "may" and "shall" in legislation; it was one of the first things I learned when I came into the Assembly. "May" means the Minister or Department will do something if they are minded to, whereas "shall" means that they must do it. So, I completely get that point in relation to the Bill.

Aspects of the other clauses that I mentioned concern me in relation to the codification of corporate parenting. For example, children who are in residential care. There are a couple of residential care providers in my constituency. A long time ago, there were issues with young people, particularly teenage children, leaving residential care to go into the cars of people who were causing them harm. The social workers did everything to get them out bar jumping into the cars. When it came to the police getting the young people back, whether a crime had been committed was always a vague area. Is the Bill an opportunity to strengthen protections for those young people?

The other issue that I want to talk about is the consultation with children with disabilities and their parents, guardians and carers to ensure that there is a duty rather than regulation. Autism is just one example of many where the services that are provided for children and young people depend on how good or robust the trust is. I want to get your view on that.

The last thing that I want to say is that we need a statutory duty for trusts on the definition of harm. We used the example of domestic violence, but, as Natalie and Koulla outlined, when it comes to getting the right support at the right time, the process is very much piecemeal. Some really good people work in the trusts, but the system that they work within is so convoluted, complicated and bogged down with bureaucracy that I go straight to the community and voluntary sector as my first point of contact, because I want to get people the right help at the right time. In parallel to that, I want to try to get people help on a statutory basis. That is really difficult in 2021, and COVID has compounded that difficulty. It would be really good if you could let us know if there is anything that we have missed out in any of the clauses.

Finally, the point that —

The Chairperson (Mr Gildernew): Let us take those ones, Carál, because I need to be fair to other members.

Ms Ní Chuilín: OK.

The Chairperson (Mr Gildernew): If members have additional questions — there have been some indications — they should send them to the Clerk, and we can forward them to the witnesses.

Ms Yiasouma: I will quickly jump in. Carál, it is hard to disagree with anything that you said. Going back to what I said about clause 123 on corporate parenting principles, which is where my "warm, fuzzy" comment came in, the clause is fine but the issue is how we implement the principles. Who is the corporate parent? Is the corporate parent the trust or the statutory agencies that are tasked with protecting the children, including the police, education providers and the justice system? When we begin to look at who the corporate parent is, we look at who has a duty of care to children.

The PSNI has travelled some distance to get closer to discharging its safeguarding role, as opposed to its detection of crime role. I am not sure that there is anything on the PSNI that I want to see in the Bill. It is a matter of ensuring that the PSNI understands its safeguarding role and that it has certain powers if a child is at risk. As I said, those conversations on that have been ongoing with the PSNI.

I will move on to the provision of services, particularly for children with a disability. Looking across the piece, I have often said that the biggest shame of our system, during the pandemic and as we come

out of it, has been the way in which we served families of children with disabilities. The parents of those children predicted that situation would occur back on 20 March 2020. The system is under enormous pressure, Carál. It is not a system that does not want to respond; it is a system that is not able to respond because of the pressure. The big thing that I want to say to the Committee is that when we talk about health reform, we cannot forget about reforming children's social care and particularly, but not exclusively, services for children who are cared for and children with disabilities or special education needs.

Do I want to see a duty to assess and implement the outcome of that assessment? Yes, I 100% do. The absence of such a duty is a flaw in the Children Order and speaks to what Natalie said about children who are victims of domestic violence. For every child who is deemed to be a child in need, there is a duty to assess but not a duty to provide. We need to have that duty to provide. I can see that the Chair is getting a bit nervous about time, so I will say no more.

The Chairperson (Mr Gildernew): Do you want to add anything, Natalie?

Ms Whelehan: Just to support what Koulla said and reiterate the NSPCC's support for movement and legislative reform on equal protection. We are way behind on equal protection: I do not want to take up a huge amount of time talking about it, but we need to make progress on that and on the abolition of the defence of reasonable chastisement, because it is a public protection issue when it comes to children and young people. We are allowed to assault children and they do not enjoy the same protection from assault as adults, which is quite awful in this day and age, particularly given the impact of the pandemic on children and young people. Some 62 countries have changed their laws, and we are way behind. We really need to see progress being made on that.

Physical punishment is not effective in changing children's behaviour, and it is incredibly damaging to children. Huge swathes of evidence have come forward about the impacts of physical punishment on children's mental health and cognitive development etc, and it is also one of the key risk factors for physical abuse. So, there is an obligation on us all to ensure that we do whatever we can, whenever we can and as urgently as possible, without putting pressure on anybody or falling out about what comes within and without the scope of various pieces of legislation. This is 100% about protecting children. I could not agree with you more, Carál: we need to move on that immediately. If there is any potential for equal protection to be considered within the scope of the Bill, I urge the Committee to do whatever it can within its power to move that forward to protect our children. Doing that is vital, and we do not need to rehearse the reasons why today.

The Chairperson (Mr Gildernew): Thank you, Natalie.

Ms Flynn: Colin and Carál asked two of my three questions, but I will go back to them quickly.

Colin asked Natalie about the statutory duty on health trusts to provide specialist domestic abuse support. Natalie, it is really worrying that there is clearly a postcode lottery for the availability of services, depending on where someone lives. Has a statutory duty to provide those specialised services been implemented elsewhere?

Carál touched on my second question when she asked Koulla about the codification of the corporate parenting responsibilities. Koulla and Natalie may want to come back to the Committee in writing on this, but do you have any practical suggestions on how to hold those corporate parental responsibilities to account? I know that you said there were some issues with, for example, the trusts and the PSNI.

My final question is for both witnesses, and it is about clause 121 and the short-term breaks. In her briefing notes, Natalie talked about broadening the scope of the definition so that other categories of children could get short-term breaks. Do you have any thoughts on who that broader category of children could include? In her written correspondence, Natalie gave the example of homeless children and 16- or 17-year-old young people who are homeless. Could you be any more specific about who else could be included within that group of young people?

Ms Whelehan: I will answer the question about the duty on health and social care trusts that we are proposing. We have been working very closely with our colleagues in England and Wales on the development of the domestic abuse legislation over there. There is a similar duty there, but it is not exactly the same. The domestic abuse legislation in England and Wales places a statutory duty on local authorities to provide support to adult and child survivors in accommodation-based services. That

is not what we are looking for here, but it is very similar in that it places a statutory obligation on their equivalent of our health and social care trusts. We would like to see a similar duty, but one that focuses on specialist services and on recovery for children, because all of the evidence shows that that is something that we do not have that across the board in Northern Ireland. That would make a massive difference to children's recovery and their future outcomes in life. There are places that we can look to for similar duties, but we would like to see them tweaked for Northern Ireland so that we have a duty that reflects what is missing here and our particular circumstances.

On practical suggestions for corporate parenting, I referred to the Scottish legislation from 2014. In Scotland, a really comprehensive guide was produced — I am happy to forward that to the Committee — that outlines how we might define and determine what the obligations mean in terms of the corporate parenting principles. It is definitely worth us having a look at that and, as a society, having more conversations.

There are lots of places that we need to work on to get to the end of the discussion in the Bill. As I said, loads of it will be determined down the line through regulations, rules of court and guidance etc. We need to get to the bottom of what we mean by corporate parenting principles: what are the obligations on the trusts here and what are the consequences if they are not complied with? We have Scotland to look to, which would be an excellent starting point.

I made some suggestions about short-term breaks based on my experience of groups of children and young people whom I felt might benefit from them and from having conversations with other contributors who are interested in the development of the Bill. We felt that homeless 16- and 17-year-olds may be one group that might benefit from being able to access short-term breaks, particularly where time and accommodation are required to allow for an arrival at a permanent solution. They might also benefit children who need step-up or step-down support, such as those who require post-adoption support and those who are on the edge of care. We need more flexibility across the system. That, fundamentally, goes to the heart of the response to children that the NSPCC would like to see. It is about meeting children, wherever they are, and short breaks are a really good example of that.

The system should be able to respond and meet the needs of children for short periods of time and provide them with support, if that is something that would help them. There needs to be ongoing engagement on who those other categories of children are. We should consult on that to make sure that we do not forget about other categories of children that other organisations may immediately think of, but which I would not think of, to ensure that all children who require the support are included and are able to access it. That is a conversation that I would very much welcome and like to be part of.

Ms Yiasouma: On the issue of clause 123 on corporate parenting principles, how do you prove that they make a difference? By engaging with the young people who experience the services. We have been doing a lot of work with the Departments on children's rights impact assessments so that, in everything that they do, they understand children's rights. If we are talking, through the Bill and other things, about good advocacy services, I note that there will not be a report published on the implementation of the Children Order, which is something that needs to be looked at. In a report on the implementation of the Children Order, I would like to see comprehensive review by children and young people of how they, individually and collectively, experience those seven principles so that we can look at reforming the services. That needs to be done in a realistic and proper way because just because a child says that they want chips for dinner every night does not mean that that is in their best interests. So, we need to do the whole balancing thing. You need to ask the young people who experience those services whether they are being promoted with high aspirations to secure the best outcomes and whether they feel safe and have stability in their home life. That is how we can evidence whether those corporate parenting principles make one jot of difference to the lives of children and young people.

Ms Flynn: That is great. Thank you both very much.

The Chairperson (Mr Gildernew): The issues of kinship adoption and kinship fostering, and their benefits, were raised. I raised them particularly around the cross-border issue. Living here in a border community, we see families living on the same road or even on the same farm but technically in a different jurisdiction. Do you see value in us doing everything that we can to ensure that kinship adoptions are as available as possible and that they are in the child's best interests?

Ms Yiasouma: That speaks to work that we did around Brexit and cross-border communication. Geography or jurisdictional issues should never interfere with progressing a child's best interests. We

know that kinship fostering and adoption are often the best outcomes for children and young people. It is my understanding that we are looking at the cross-border issue, particularly around health and social care. When people can get in a car, train or bus to reach a service, that is much easier than getting on a plane or a boat. I would always advocate strong links across the border as well as across the sea.

The Chairperson (Mr Gildernew): And from your perspective, Natalie?

Ms Whelehan: I support that. The Department of Health had been looking at kinship. When departmental officials gave evidence to the Committee, they said that they had looked at kinship orders and felt that they did not fit for Northern Ireland. I would like more information from the Department as to why that is the case.

The majority of children who are not living with their parents are in kinship arrangements. The Children's Commissioner has been working on this issue for some time. For us, it is very much a case of meeting children's needs: that is the bottom line. Kinship arrangements work really well. It is about formalising that a bit so that carers get the support and help that they need. There is huge value in kinship arrangements. As long as they are seen to meet children's needs, that is fundamentally what we are all about. They are part of the solution.

The Chairperson (Mr Gildernew): Thank you both very much for attending. You gave us useful perspectives and made useful suggestions. Members have a couple of outstanding questions; indeed, I have one that I did not have time to ask. If you are content, we would appreciate it if we could forward those via the Committee Clerk and maybe get a response from you to factor in.

Ms Yiasouma: Absolutely.

The Chairperson (Mr Gildernew): For now, good luck, and thank you for attending and assisting us this morning. All the best.