



Northern Ireland
Assembly

Children's Services Co-operation Bill
Annotated Marshalled List of Amendments
Consideration Stage
Tuesday 29 September 2015

Amendments tabled up to 9.30am Wednesday, 23 September 2015 and selected for debate

The Bill will be considered in the following order-

Clauses and Long Title

Clause 1 [*Question that clause 1 stand part was negatived*]

The Members listed below give notice of their intention to oppose the question that clause 1 stand part of the Bill.

Mr Steven Agnew

Ms Megan Fearon

Mr Chris Hazzard

Mr Alex Attwood

Amendment 1 [*Made*]

New Clause

After clause 1 insert -

‘Well-being of children and young persons

1A.—(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—

- (a) physical and mental health;
- (b) the enjoyment of play and leisure;
- (c) learning and achievement;
- (d) living in safety and with stability;
- (e) economic and environmental well-being;
- (f) the making by them of a positive contribution to society;
- (g) 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).

(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.’

Mr Steven Agnew

Ms Megan Fearon

Mr Chris Hazzard

Mr Alex Attwood

Amendment 2 [Made]

New Clause

After clause 1 insert -

‘Co-operation to improve well-being

1B.—(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.

(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).

(4) “Children functions” are any functions which may contribute to the well-being of children and young persons.’

Mr Steven Agnew

Ms Megan Fearon

Mr Chris Hazzard

Mr Alex Attwood

Amendment 3 **[Made]**

New Clause

After clause 1 insert -

‘Children and young persons strategy

1C.—(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.

(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;
- (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—

- (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—

- (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—

- (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 the strategy, the Executive must adopt a new one.

(8) Subsections (2) to (7) apply to any new strategy.’

Mr Steven Agnew

Ms Megan Fearon

Mr Chris Hazzard

Mr Alex Attwood

Clause 2 **[Question that clause 2 stand part was negatived]**

The Members listed below give notice of their intention to oppose the question that clause 2 stand part of the Bill.

Mr Steven Agnew

Ms Megan Fearon

Mr Chris Hazzard
Mr Alex Attwood

Clause 3 **[Question that clause 3 stand part was negatived]**

The Members listed below give notice of their intention to oppose the question that clause 3 stand part of the Bill.

Mr Steven Agnew
Ms Megan Fearon
Mr Chris Hazzard
Mr Alex Attwood

Amendment 4 **[Made]**

New Clause

After clause 3 insert -

‘Sharing of resources and pooling of funds

3A.—(1) This section applies to a children’s authority for the purposes of exercising any functions in accordance with arrangements under section 1B (co-operation).

(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 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.’

Mr Steven Agnew
Ms Megan Fearon
Mr Chris Hazzard
Mr Alex Attwood

Clause 4 **[Question that clause 4 stand part was negatived]**

The Members listed below give notice of their intention to oppose the question that clause 4 stand part of the Bill.

Mr Steven Agnew
Ms Megan Fearon
Mr Chris Hazzard
Mr Alex Attwood

Amendment 5 [Not moved]

New Clause

After clause 4 insert -

‘Children and young persons plan

4A.—(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.

(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.’

Mr Steven Agnew

Mr Alex Attwood

Amendment 6 **[Made]**

New Clause

After clause 4 insert -

‘Report on the operation of this Act

4B.—(1) For each reporting period, the Executive must prepare a report on the 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 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 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) how children’s authorities and other children’s service providers have co-operated with each other in the provision of children’s services;
- (d) how children’s authorities have exercised the powers conferred by section 3A;
- (e) how the well-being of children and young persons has improved.

(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,
- (b) any other ways in which the well-being of children and young persons could be improved, and
- (c) any ways in which the children and young persons strategy might be revised in order to contribute to those improvements.

(5) The Executive must prepare a report under this section—

- (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
- (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.

(8) The Executive must—

- (a) lay the report before the Assembly, and
- (b) publish it in such other manner as the Executive thinks appropriate.’

Mr Steven Agnew

Ms Megan Fearon
Mr Chris Hazzard
Mr Alex Attwood

Amendment 7 [Made]

New Clause

After clause 4 insert -

‘Guidance

4C.—(1) The Office of the First Minister and deputy First Minister may issue guidance to children’s authorities, or to any particular children’s authority, on the exercise of functions conferred by this Act.

(2) A children’s authority must have regard to guidance issued to it under this section.’

Mr Steven Agnew
Ms Megan Fearon
Mr Chris Hazzard
Mr Alex Attwood

Clause 5 [Question that clause 5 stand part was negatived]

The Members listed below give notice of their intention to oppose the question that clause 5 stand part of the Bill.

Mr Steven Agnew
Ms Megan Fearon
Mr Chris Hazzard
Mr Alex Attwood

Amendment 8 [Made]

New Clause

After clause 5 insert -

‘Interpretation

5A.—(1) In this Act—

“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,

- (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,
- (vii) the Northern Ireland Housing Executive,
- (viii) the Police Service of Northern Ireland, or
- (ix) the Probation Board for Northern Ireland;

“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;

“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 (but does not include a children’s authority);

“well-being” has the meaning given by section 1A.

(2) A person falls within this subsection if services are provided to or in respect of the person by, or on behalf of, or under arrangements made with, the Regional Health and Social Care Board or a Health and Social Care trust by virtue of—

- (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—

- (a) is under the age of 21 years, and
- (b) is a disabled person within the meaning of the Disability Discrimination Act 1995.

(4) The Office of the First Minister and deputy First Minister may by regulations make such amendments to the definition of “children’s authority” as it thinks appropriate.

(5) Regulations under subsection (4) are subject to negative resolution.’

Mr Steven Agnew

Ms Megan Fearon

Mr Chris Hazzard

Mr Alex Attwood

Amendment 9 [Made]

New Clause

After clause 5 insert -

‘Commencement

5B.—(1) This Act comes into operation on the day after the day on which it receives Royal Assent.

(2) The first strategy under section 1C 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.’

Mr Steven Agnew

Ms Megan Fearon

Mr Chris Hazzard

Mr Alex Attwood

Amendment 10 **[Made]**

Long Title

Leave out from first ‘Northern’ to end and insert ‘co-operation among certain public authorities and other persons in order to contribute to the well-being of children and young persons; to require the adoption of a children and young persons strategy; and for connected purposes’

Mr Steven Agnew

Ms Megan Fearon

Mr Chris Hazzard

Mr Alex Attwood