

Departmental Response to NDNA Review of NICCY Recommendations

Recommendation 1

The statutory functions ascribed to the Commissioner meet the Cabinet Office requirements and therefore must be retained to satisfy the requirements of the Children and Young People (Northern Ireland) Order 2003.

Departmental Comment and Action – Accepted

The Department accepts the rationale for this recommendation and is cognisant that the integrity of the respective founding legislation remains intact.

Recommendation 2

A proposed change of status of Commissioner to become an Officer of the NI Assembly.

Departmental Comment and Action – Not Accepted

The Department recognises the rationale behind the authors' recommendation and referred the matter to the Assembly Commission.

The Assembly Commission does not believe that the Commissioner should become an Officer of the NI Assembly.

Recommendation 3

An amendment to the 2003 Order to facilitate NICCY taking an "own motion" case while not being a victim.

Departmental Comment and Action – Not Accepted

The Department is not convinced that there is currently adequate evidence of disadvantage to embark on legislative change.

Recommendation 4

The term of the Commissioner's office changing from four years, renewable, to a single term of seven years.

Departmental Comment and Action – Not Accepted

The Department accepts that a change to the term appointment would allow the Commissioner to focus on longer-term strategic aims, outputs and outcomes. However, this would require a legislative change which would cause it to pass into the next Assembly mandate.

Recommendation 5

A statutory requirement on the Commissioner to report to the NI Assembly on the progress made by the NI Executive in protecting the rights and best interests of children

Departmental Comment and Action – Not Accepted

The Department does not accept that the Commissioner is disadvantaged by not having such a statutory requirement. Under Article 8 of the 2003 Order, the Commissioner has a general power to make recommendations to anybody or person.

Recommendation 6

A requirement for the Executive to provide a comprehensive response to the report in a timeframe of no more than six months.

Departmental Comment and Action – Not Accepted

The Department does not accept that the Commissioner is disadvantaged by not having such a statutory requirement. Such an amendment carries resource and budget implications for the Executive, and it is noted that similar provision has not been provided elsewhere.

Recommendation 7

Placing a requirement on government to consult with NICCY before progressing legislation, strategies or policies which impact on children and young people.

Departmental Comment and Action – Not Accepted

The Department does not accept that the Commissioner is disadvantaged by not having such a requirement. The Department considers that provision is already in place in existing legislation.

Recommendation 8

Removing “duplication clauses” from the 2003 Order.

Departmental Comment and Action – Not Accepted

The Department does not accept that the Commissioner is disadvantaged by such statutory requirements. The Department considers that it should be sufficient for NICCY to alert the Northern Ireland Human Rights Commission (NIHRC) to any alleged abuse of Human Rights and provide advisory support. The Department notes that similar provision is not provided elsewhere.

Recommendation 9

We recommend that The Executive Office (TEO) should continue to appoint the Commissioner which, by virtue of requiring the endorsement of the First and Deputy First Ministers, will confer added political legitimacy on the appointee.

Departmental Comment and Action – Accepted

The Department accepts the rationale for this recommendation and has considered it noting that any change to the appointment process is a decision which lies with First and deputy First Minister.

Recommendation 10

We recommend that the Department of Communities (DfC) should engage with TEO when Ministers and an Executive are in place to consider whether, in addition to appointing the Commissioner, TEO should also be the sponsor Department for NICCY. Whichever Department sponsors NICCY, the new Partnership Agreement should be focussed on organisational strategy and demonstration of impact.

Departmental Comment and Action – Accepted

The Department accepts, and is engaging with TEO on, this recommendation.

Recommendation 11

Notwithstanding decisions about sponsorship arrangements, we recommend that consideration is given to whether the Commissioner should remain as a freestanding Corporation Sole or become a Statutory Office of a Department.

Departmental Comment and Action – Accepted

The Department accepts the rationale for this recommendation and will give consideration to whether the Commissioner should remain as a freestanding Corporation Sole or become a Statutory Office of a Department.

Recommendation 12

In view of the importance of Audit and Risk Assurance Committee (ARAC) should the Commissioner remain a Corporation Sole, we recommend:

- that the sponsor Department is included in the appointment arrangements for ARAC members;
- the Terms of Reference (ToR) are reviewed annually.
- an effectiveness review is undertaken annually;
- NICCY agrees an annual work programme with the Committee;
- regular meetings of the Internal Audit (IA), External Audit (EA) and the Department continue but in the absence of the Commissioner/Accounting Officer or other NICCY staff; and
- DfC and NICCY consider using the NICS IA group to provide IA services when the current contract terminates.

Departmental Comment and Action – Accepted

The Department accepts the rationale for these recommendations in relation to the importance and operation of NICCY's ARAC.

The Department as part of its response to these recommendations is providing additional support through the Chair of the Departmental ARAC to share best practice and learning with ARAC Chair counterparts in NICCY.

Recommendation 13

We recommend that NICCY establish an Advisory Board in consultation with the Department in order to provide the Commissioner with independent advice and review.

Departmental Comment and Action – Accepted

The Department supports the rationale behind, and will give further consideration to, the recommendation.

Recommendation 14

We recommend that the Department give consideration to the current senior management structure which currently has two posts at NICS Grade 5 level.

Departmental Comment and Action – Accepted

The Department accepts the rationale for this recommendation.

To ensure that the objectives of these recommendations are fulfilled the Department will work with partners to explore restructuring.

Recommendation 15

There could also be the potential for efficiency savings if the Commissioner were to be designated a Statutory Officer of a NI Department. While we would recommend that consideration is given to the Commissioner becoming a Statutory Officer of the Department, particularly in terms of efficiency, this could have implications for the Commissioner's independence and capacity to effectively hold government to account.

Departmental Comment and Action – Accepted

The Department accepts the rationale for these recommendations in relation to the potential for efficiency savings; however, it also recognises the need for the Commissioners to maintain their independence when fulfilling their statutory duties.

Recommendation 16

In the event of hybrid working becoming the norm, we would recommend that opportunities are explored for finding efficiencies in NICCY's accommodation costs.

Departmental Comment and Action – Accepted

The Department accepts these recommendations and supports exploration of opportunities for finding efficiencies.

Recommendation 17

Looking ahead we recommend that NICCY revise and develop the outcome framework to inform a more pro-active (formative) approach to evaluation and impact reporting.

Recommendation 18

This would involve NICCY clearly identifying and defining those outcomes that are within their remit and resource to deliver.

Recommendation 19

In addition, identifying that good relationships with key decision makers can be a key factor affecting successful influence on policy/practice development, we would recommend that NICCY include the concept of 'relationship building' as a key outcome.

Departmental Comment and Action – Accepted

The Department supports the rationale behind these recommendations.

The Department will work with the Commissioners and their staff to identify and develop an outcomes-based framework within the delivery remit and resources available.