

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

Children's Services Co-operation Bill Response pro forma

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

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

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

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

¹Byrne, B. and Lundy, L. (2011) Barriers to Effective Government Delivery for Children in Northern Ireland 2011, NICCY.

Clause	Comments (200 words)
<p data-bbox="185 145 472 172">2. Co-operation Report</p> <p data-bbox="185 217 539 244">Please provide comment on:</p> <ul data-bbox="185 292 539 786" style="list-style-type: none"> <li data-bbox="185 292 539 531">• The requirement for OFMDFM to publish periodically a report on the progress of departments towards achieving the specified outcomes <li data-bbox="185 579 539 786">• The requirement for other Northern Ireland Departments to co-operate in the preparation and publication of the report 	<p data-bbox="577 145 1989 272">There appears to be some confusion from MLAs regarding the reporting process recommended within the Children’s Bill in relation to the Co-operation Report. Some have concerns over this being ‘bureaucratic’ and ‘onerous’.</p> <p data-bbox="577 344 2040 472">We disagree with this conclusion. There are reporting mechanisms already in place which, if amended slightly, would ensure streamline reporting and avoid duplication when reporting on co-operation to achieve the specified outcomes detailed within the Children’s Strategy.</p> <p data-bbox="577 544 1480 571">The following are just two examples of current reporting mechanisms:</p> <ul data-bbox="629 651 2040 890" style="list-style-type: none"> <li data-bbox="629 651 2040 730">• Progress reports are required from each Government Department on a <u>quarterly basis</u> to report on how they are progressing to achieve the priorities outlined within the Programme for Government.² <li data-bbox="629 754 2040 890">• The Child Poverty Act 2010 requires an <u>annual report</u> to detail the progress which has been made towards fulfilling the statutory duty of eradicating child poverty by 2020. Each Government Department is required to submit reports to OFMDFM. <p data-bbox="577 962 2040 1137">Our opinion is that the reporting mechanisms outlined within the Children’s Bill should be kept as stated and that those tasked with obtaining progress reports for the Programme for Government and Child Poverty Report are provided with guidance to, at the same time, obtain information on co-operation that has taken place to achieve the 6 high level outcomes within the Children’s Strategy.</p>

² <http://www.northernireland.gov.uk/index/work-of-the-executive/pfg-budget-economic-strategy/pfg/strategic-online-report-2011-2015.htm>

Clause	Comments (200 words)
<p data-bbox="185 145 555 209">3. Sharing resources and pooling funds</p> <p data-bbox="185 252 555 280">Please provide comment on:</p> <ul data-bbox="185 323 555 603" style="list-style-type: none"> <li data-bbox="185 323 555 603">• The enabling power which will permit Northern Ireland departments to establish pooled budgets and shared resources to achieve the six outcomes in clause 1 	<p data-bbox="577 145 2047 427">CiNI fully supports legislation to create an enabling power to permit government departments and agencies to pool budgets and jointly commission services. The manner in which government departments are currently funded creates a number of inhibitors to collaboration and cooperation. The majority of funding is provided and allocated for the delivery of services specific to each department and to meet statutory responsibilities, rather than for achieving outcomes. There are internal administrative and cultural challenges to sharing funds as well, as departments can be territorial about financing, particularly in a time of shrinking budgets.</p> <p data-bbox="577 480 2047 715">Creating a mechanism for pooling budgets would make it easier for departments to share staff and resources, jointly commissioning services, and work collectively towards shared outcomes. Ultimately, a more collaborative approach to resource management should deliver savings through lower levels of duplication, greater investment in prevention rather than in the consequences of problems, and better levels of information sharing among relevant bodies.</p> <p data-bbox="577 783 2047 1066">There is evidence of good practice in relation to pooling budgets/resources. For example the Delivering Social Change Signature projects have a total value of £58.45 million, which incorporates pooled resources of Executive Departments such as DHSSPS, DE, DEL, DSD and DoJ. The Sharing Resources and Pooling Funds under the Children’s Bill will enhance the work underway and will help achieve better outcomes. In the current economic situation of limited resources a preventative approach and pooling of budgets is important to ensure that limited resources are targeted in a cost effective manner.</p> <p data-bbox="577 1134 2047 1273">It is our view that the pooling of budgets and resources to achieve the 6 High Level Outcomes from the Children’s Strategy will, as the then Finance Minister noted, ‘Reduce future costs in the context of a tightening budget environment, even beyond the current budget period.’³</p>

³ NI Executive Press Release (2012) available online at <http://www.northernireland.gov.uk/index/media-centre/news-departments/news-dfp/news-releases-dfp-june-2012/news-dfp-260612-executive-agree-allocation.htm>

Clause	Comments (200 words)
<p data-bbox="185 172 450 236">4. Children’s Services Planning</p> <p data-bbox="185 280 539 309">Please provide comment on:</p> <ul data-bbox="185 354 539 1107" style="list-style-type: none"> <li data-bbox="185 354 539 561">• The requirement for the Health and Social Care Board to review and publish a children and young people’s plan, including: <ul data-bbox="286 571 528 778" style="list-style-type: none"> <li data-bbox="286 571 434 600">○ Content <li data-bbox="286 608 479 671">○ Review mechanism <li data-bbox="286 679 528 778">○ Co-operation between public bodies <li data-bbox="185 826 528 890">• The public bodies listed at Clause 4 (7) <li data-bbox="185 930 539 1107">• The duties placed on the Health and Social Care Board particularly with regard to monitoring and reporting 	<p data-bbox="577 172 2029 608">The requirements contained within the bill are not new. The Health and Social Care Board set up the regional Children and Young People’s Strategic Partnership (CYPSP) which is responsible for the statutory process of Children’s Services Planning and which operates as a cross-sectoral strategic partnership consisting of the leadership of all key agencies who have responsibility for improving outcomes for all children and young people. The agencies represented include health, social services, education, local government, policing and housing, including representatives from the voluntary and community sector. The purpose of the Partnership is to put in place integrated planning and commissioning across agencies and sectors, which is recorded through the Children and Young People’s Plan, aimed at improving wellbeing and the realisation of the rights of children in Northern Ireland. The Bill will ensure this work continues.</p> <p data-bbox="577 679 2047 1222">In respect of specifying public bodies listed at Clause 4, these are bodies that deliver public services. It is important that those bodies are specified to ensure the coordination of the delivery of services to achieve the 6 High Level Outcomes. To ensure greater flexibility if other bodies are identified in future, they can be specified in subordinate legislation without having to introduce new primary legislation. Moreover, we can see no reason for concern regarding the duties placed upon the Health and Social Care Board (HSCB). The HSCB, which was established on 1st April 2009, is <u>directly accountable to the Health Minister for translating his vision for health and social care into a range of services</u>. The HSCB is also required to establish arrangements at a regional and local level that ensures close strategic and operational partnership with key stakeholders both within the HSC sector and wider public sector in <u>meeting the objectives of the Minister</u> as well as overseeing the agreed publication of performance information. The very idea that the Health and Social Care Board could ‘usurp ministerial authomomy to set policy direction’ is totally unfounded.</p>

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

No.

Do you have any other comments? (200 words)

Policy Intent, outcomes and operation

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

Good Policy Making

As outlined within the OFMDFM Guide to Policy Making⁴ it states that, ‘Good policy-making will be based on evidence setting out what the need is and potentially evidence surrounding how best to intervene to meet the need also.’ The evidence is overwhelming that shows Departments do not work in co-operation when it comes to the needs of children and young people. We are concerned therefore that one MLA suggested that ‘we need to consider whether some poor experiences legitimise the need for legislation.’ This goes against the very idea behind the origins of policy making which can come from various sources including evidence, public opinion, as well as from a review of review of existing policies and mechanisms which do not meet the needs of service users.

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

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

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

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

⁴ <http://www.ofmdfmi.gov.uk/practical-guide-policy-making.pdf>