

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

Children's Services Co-operation Bill Response pro forma

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

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

Organisation Name	Northern Ireland Commissioner for Children and Young People
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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>The detrimental effects of a lack of effective joined-up working across government departments in NI, has been widely documented therefore NICCY welcomes this Bill and fully supports the provisions it seeks to introduce.</p> <p>In monitoring provision for children and young people in NI, NICCY has consistently highlighted the absence of effective inter-departmental/agency working in its advice to Government. This advice has been substantiated through research commissioned by NICCY¹ and evidence collected through the Office’s work and work of other agencies. While NICCY recognises the existence of good practice, collaborative working arrangements between departments can be ‘dependent upon goodwill’ and positive working relationships, thereby ‘resulting in inconsistency of practice. ‘A failure to co-ordinate strategies can also result in a fragmented approach to policy development and implementation’.²</p> <p>The six specified outcomes in the Ten Year Strategy were widely consulted upon and agreed by key stakeholders in 2005/6. However in the absence of effective collaboration between departments, effective delivery of the Strategy’s objectives to meet the rights and needs of children and young people has been seriously impeded. The introduction of duties outlined in this Bill would contribute significantly to successfully achieving the specified outcomes.</p> <p>The mechanism for amending the Outcomes appears appropriate and NICCY would suggest that while the <i>detail</i> of these may be amended, the six specified outcomes effectively encapsulate the key elements necessary for children and young people’s wellbeing.</p> <p>237</p>

¹<http://www.niccy.org/Publications/policyandresearchreportsandpapers/PolicyandresearchReportsbytheme/government/BarrierstoEffectiveGovernmentDeliveryforChildreninNorthernIreland>

² Ibid.

Clause	Comments (200 words)
<p data-bbox="188 196 472 225">2. Co-operation Report</p> <p data-bbox="188 268 539 296">Please provide comment on:</p> <ul data-bbox="188 339 539 839" style="list-style-type: none"> <li data-bbox="188 339 539 584">• The requirement for OFMDFM to publish periodically a report on the progress of departments towards achieving the specified outcomes <li data-bbox="188 627 539 839">• The requirement for other Northern Ireland Departments to co-operate in the preparation and publication of the report 	<p data-bbox="577 272 1966 384">NICCY strongly concurs with the proposed requirement for effective, regular reporting on the implementation of co-operative working. This is vitally important in order to demonstrate the efficiency and effectiveness of collaborative working arrangements and to identify challenges or obstacles to the achievement of the six high level outcomes.</p> <p data-bbox="577 437 2047 676">NICCY is aware of MLAs' concerns regarding reporting requirements being 'onerous' and 'bureaucratic', however we would challenge these perspectives. Currently, each Department is required (under the Child Poverty Act 2010) to provide reports to OFMDFM detailing the progress made towards eradicating child poverty on an annual basis and OFMDFM reports on the high level outcomes against a series of strategic indicators which are updated annually. Furthermore, the Children and Young People (Scotland) Act 2014 requires local authorities and relevant health boards to report on delivery of children's services plans on an annual basis.</p> <p data-bbox="577 729 2033 841">The proposal in the Bill to implement a 3-yearly reporting cycle is therefore comparatively less onerous than current requirements and indeed may prove to be an under-estimation of the level of reporting required. Mr Agnew has indicated that 3 years was proposed to enable systems and processes time to 'bed in'.</p> <p data-bbox="577 893 1984 1005">NICCY would suggest that current reporting mechanisms relevant to the Bill's proposals, are examined and amended appropriately to streamline reporting and avoid duplication. The involvement of other departments is critical towards ensuring accurate monitoring of progress in achieving outcomes for children and young people.</p> <p data-bbox="577 1058 629 1086">236</p>

Clause	Comments (200 words)
<p data-bbox="188 252 555 316">3. Sharing resources and pooling funds</p> <p data-bbox="188 360 555 387">Please provide comment on:</p> <ul data-bbox="188 432 555 711" style="list-style-type: none"> <li data-bbox="188 432 555 711">• 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="577 284 2045 400">NICCY agrees that the proposal to create an enabling power for Departments to share resources and pool funds is positive and sensible, particularly given the significant budgetary constraints confronting government departments. In this context, it is critical that scarce resources are targeted in a cost effective manners/as efficiently as possible.</p> <p data-bbox="577 451 2045 687">Currently, budgets are allocated to individual departments with limited scope for these to be reallocated across departments or jointly shared. Departments are also reluctant to incur expenditure addressing an issue, where another department may reap the benefits or savings. Reshaping resource allocation through pooling budgets, and sharing staff, services and other resources will provide opportunities for a greater focus on prevention and early intervention spending and strategies, avoid duplication of provision, thereby achieving more efficiencies, promote more integrated working practices and more effective information sharing between departments and agencies.</p> <p data-bbox="577 738 2045 855">Current good practice examples of shared funding and other resources could be analysed to inform future collaborative practice. The Delivering Social Change projects which involve pooled resources from five departments will provide useful evidence in this regard.</p> <p data-bbox="577 906 2045 978">Ultimately, a realisation of this objective would reflect a more child-focused, holistic approach and support, much more effectively the achievement of the six high level outcomes.</p> <p data-bbox="577 1062 629 1090">202</p>

Clause	Comments (200 words)
<p>4. Children’s Services Planning</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The requirement for the Health and Social Care Board to review and publish a children and young people’s plan, including: <ul style="list-style-type: none"> ○ Content ○ Review mechanism ○ Co-operation between public bodies • The public bodies listed at Clause 4 (7) • The duties placed on the Health and Social Care Board particularly with regard to monitoring and reporting 	<p>These proposals reflect some of the current arrangements in place. The Children and Young People’s Strategic Partnership (CYPSP), established by the Health and Social Care Board (HSCB), involves a wide range of key statutory, voluntary and community agencies which have responsibility for delivering services to improve outcomes for children and young people. Many are included under Clause 4 (7) of the Bill. The CYPSP seeks to implement integrated planning and commissioning across agencies and sectors, through a CYP Plan, aimed at improving the wellbeing and realisation of rights of children and young people. Whilst demonstrating positive collaborative working, the CYPSP is dependent on the goodwill of agencies and good working relationships.</p> <p>NICCY noted concerns of MLAs during the recent NIA debate on the Bill about the ‘transfer of control’ to the HSCB and potential ‘usurping of ministerial autonomy to set policy direction’. However the Office does not believe there is any evidence to support these. The HSCB was established by the Health Minister (2009) and ‘remains directly accountable to the Minister for <u>translating his vision</u> for health and social care into a range of services’,³ and furthermore, the Board’s functions are delivered ‘in line with Ministerial objectives’. Therefore, there are clear governance and accountability structures in place which require the HSCB to regularly report to the Minister and to work closely with him and his officials in carrying out its functions.</p> <p>In scrutinising the Bill, it is important to note that during the recent NIA debate, Mr Agnew indicated that the HSCB is content with the role which the Bill would place upon it.</p> <p>263</p>

³ <http://www.hscboard.hscni.net/about%20us/20%20The%20Role%20of%20the%20Health%20and%20Social%20Care%20Board.html#TopOfPage>

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

NICCY does not have any proposals for significant amendments to the Bill.

As highlighted above in relation to Clause 2; Co-operation Report, the rationale underpinning the requirement for a 3-yearly reporting cycle is acknowledged, in terms of allowing departments time to accommodate and embed new mechanisms, approaches and working practices. However NICCY would suggest that if the Bill is passed, consideration should be given to the introduction of more regular reporting requirements, so that evidence of the impact of a statutory duty on departments to co-operate in the delivery of services for children and young people, can be disseminated effectively and efficiently. Identifying potential challenges, gaps and barriers at an early stage will evidently enable solutions to be found and implemented more expediently and effectively.

NICCY would suggest that key stakeholders in the departments and agencies who will be most directly impacted by the Bill, and responsible for delivering services through joined up working practices, will be best placed to suggest amendments to refine the practical outworking of the legislation.

Do you have any other comments? (200 words)

The United Nations Convention on the Rights of the Child (UNCRC)

NICCY bases all of its work on the UNCRC . General Comment 5 issued by the Committee on the Rights of the Child highlights the importance of visible, cross-sectoral co-ordination across Government towards the recognition and realisation of children’s rights.⁴

NICCY Research into joined up working practices

Reference is made in this submission to research commissioned by NICCY in 2011, into barriers to effective government delivery for children. The project analysed key structural barriers to effective delivery, including the effectiveness of joined up working practices across government. NICCY would recommend the full Report to the Committee in their consideration of the Bill, however would draw their attention, particularly to Section 3.5, pp.42-46; Co-ordination and Joined-Up Government. This explores various mechanisms utilised to improve joined-up working and includes the views and experiences of key stakeholders. It draws attention to the ‘silo mentality’ existing among some departments, evidence of ineffective strategy development and fragmented approaches to policy development and implementation⁵.

NICCY recently commissioned further research into best practice in inter-departmental working for children and young people. Building on the previous research, this project is examining characteristics of effective collaborative working practices across government and public bodies, drawing on examples and case studies from other jurisdictions. The project is due for completion mid May 2015.

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⁴ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G03/455/14/PDF/G0345514.pdf?OpenElement>, VI, 27.

⁵ [http://www.niccy.org/uploaded_docs/2011/Publications/QUB%20Barriers%20Report%20-%203%20Nov%2011%20\(body%20pages\).pdf](http://www.niccy.org/uploaded_docs/2011/Publications/QUB%20Barriers%20Report%20-%203%20Nov%2011%20(body%20pages).pdf)

