

## Speech by Maireád McCafferty, the Chief Executive from the Northern Ireland Commissioner for Children and Young People at the introduction of Steven Agnew's (MLA) Children's Services Co-Operation Bill on 12 January 2015.

*\* Please check against delivery \**

Thank you to Stephen for the invitation to the launch of his PMB and for the opportunity to reiterate our support for his Children's Services Co-operation Bill.

Stephen is and has been an MLA who has always promoted and been active on issues affecting C&YP in NI and this Bill is to be welcomed.

It is widely recognised that effective policy development and service delivery require efficient inter-departmental working. A recent report by the Institute for Government comments:

*"Practice suggests that services work best when they work collaboratively, deal with the 'whole person', and start with their needs. [2014, p.6]<sup>1</sup>*

This observation applies particularly to children and young people, where often a wide range of government departments and agencies are involved in meeting a diversity of needs.

We have all been aware for some time now that joined up working and greater cooperation among our Govt depts and their agencies was and indeed is needed.

Back in 2011 NICCY published research into 'Barriers to Effective Govt delivery for Children in NI' – this highlighted that

<sup>1</sup><http://www.instituteforgovernment.org.uk/sites/default/files/publications/Connection%20Policy%20with%20Practice%20final.pdf>

*'While there is evidence of good practice of joined up working at intra-agency level, this is not always replicated at central govt level... the 'silo' mentality that exists among some individual govt depts is thought to sometimes impinge upon the outworking of strategies, policies and action plans on cross-cutting issues impacting across Children's lives. Joined up working between depts can at times be dependent upon goodwill and the existence of good working relationships between individuals, resulting in inconsistency of practice.*

It is to ensure that co-operation and co-ordination in the planning, commissioning and delivery of services becomes the 'norm' - which makes this Bill so important. We need to embed such an approach into daily practice.

NICCY has considerable evidence where a lack of co-operation and co-ordination has been apparent and I will return to this shortly.

The Committee on the Rights of the Child emphasised the importance of visible crosssectoral co-ordination to recognise and realise children's rights across Government. General Comment No.5 provides State parties with information regarding their obligations in relations to General measures of implementation of the Convention on the Rights of the Child. It states that governments should seek to promote the full enjoyment of all rights in the UNCRC by all children, - including through legislation and the establishment of coordinating and monitoring bodies and so on. Commenting specifically on interdepartmental working and proposals for how this might be achieved, it states

*'There are many formal and informal ways of achieving effective coordination, including for example inter-ministerial and interdepartmental committees for children.*

Significantly other jurisdictions have legislation putting in place a statutory duty for depts and/or their agencies to work together to plan and deliver children's services.

### **In England & Wales**

The Children Act of 2004 places a requirement on local children's services agencies to cooperate to promote the well-being of children and young people. The 2005 Children and Young People's Plan Regulations further place a duty on all children's services authorities to prepare, publish, consult on and review children's and young people's plans, which must include a statement referring to the integration of services provided by the authority and its partners to improve the well-being of children and relevant young people.

Since the 2009 Apprenticeships, Skills, Children and Learning Act' Schools and colleges have also been subject to a statutory duty to co-operate and children's trusts were given a statutory footing for the first time.

### **In Scotland**

In Scotland, the 1995 Children (Scotland) Act permits local authorities to request that other authorities collaborate with them in order that they can carry out their functions. The Act states that upon receipt of a request to collaborate, an appropriate person is required to comply, providing this is compatible with their own statutory or other duties and obligations. In addition, the 2003 Local Government in Scotland Act permits local authorities to invite, maintain and facilitate a process of collaborative community planning between local authorities and public bodies.

**In NI NICCY has frequently highlighted** an absence of effective joined up working between government departments and agencies such as:

### **Transitions for young people with disabilities**

In a review of transitions to adult services for young people with learning disabilities, commissioned by NICCY, a recurring issue highlighted by parents and other stakeholders was the need for an integrated planning service between education and health and social care. Currently there are two separate planning and delivery processes for transition which occur at different stages in a young person's life. There have been repeated calls for an integrated multi-agency planning process for transition.

We know the regional transitions sub group of the CYPSP has been considering this issue. However, linked to this there are inconsistencies in the services and support provided across Northern Ireland and the same report identified many gaps in relation to planning and services along with variations in practice.

### **Early Years Strategy**

The NICCY report on Barriers to Government Delivery for Children and Young People highlighted the example of the Early Years' Strategy as a matter where departments failed to co-operate effectively.

The draft Early Years' Strategy identified strong partnerships and relationships as key success factors in the delivery of the draft Early Years' Strategy, however the Strategy did

not provide any detail regarding how such partnerships would operate or what form they would take.

### **The Safeguarding Board**

The Safeguarding Board Act (Northern Ireland) 2011, which aims to strengthen child protection arrangements in Northern Ireland, places a statutory duty to co-operate on the Board and its committees and sub-committees. However, the legislation does not place a corresponding duty upon government departments to work collaboratively in relation to safeguarding.

### **Custodial Arrangements and Management of placements of Young People in Youth Justice System**

NICCY has provided advice to government on a number of occasions in relation to custodial arrangements for children and young people. In a response to a consultation on custodial arrangements in February 2014, the Office underlined the importance of effective inter-agency relationships being in place in order to promote and support positive partnerships and to ensure an accurate understanding of different roles and responsibilities. Also, where potential weaknesses exist, it was proposed that these should be quickly identified and addressed. NICCY also emphasised the need to work holistically considering a range of children and young people's needs, including for example, mental health needs or drug addiction. The importance of an effective exchange of information between the youth and adult systems was also emphasised alongside effective continuity in the provision of health and wellbeing services required by individual young adults.

NICCY has also been aware of the lack of a range of alternative, suitable, readily accessible accommodation for young people discharged from Woodlands Juvenile Justice Centre. It is recognised that the provision of alternative accommodation to young people on bail is a complex issue, again requiring a number of government departments to prioritise the issue and to collaborate effectively in order to provide suitable and supported accommodation for young people who are often extremely vulnerable.

### **Other Examples**

As well as the examples listed above, the 'Barriers to Effective Delivery' Report highlighted a range of consultation responses relating to a variety of issues affecting children and young people, where NICCY and non-governmental organisations called for the need to establish a statutory duty to cooperate.

These included:

- Care Matters (2007);
- Families Matter (2007);
- Children and Young People's Action Plan (2008);
- Delivering the Bamford Vision (2008) and;
- The Way Forward for Special Educational Needs (2009)<sup>2</sup>

### **Recent collaborative working proposals**

NICCY is currently working in a number of areas where again, effective, collaborative working practices will be key to ensuring children and young people are given access to necessary supports and services, A number of examples are described below.

### **Guardianship and separated children subject to immigration controls**

NICCY is currently working to improve provisions for separated children and young people who may be subject to immigration controls in Northern Ireland. The Guardian role itself aims to support the joint working of professionals as it is intended that this independent person(s) will support children and young people by overseeing and co-ordinating the complex services and processes in which they are involved i.e. immigration, criminal justice, compensation, mental health, welfare, and education.

### **Child Sexual Exploitation**

The terms of reference of the Child Sexual Exploitation (CSE) Public Inquiry were to examine the effectiveness of current cross-sectoral child safeguarding and protection arrangements and measures to prevent and tackle CSE. The need for more effective interagency working and information sharing was a constant theme raised by respondents throughout the public Inquiry and has led to a number of recommendations in this regard.

<sup>2</sup>[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), p.45.

*This includes Recommendation 9 calling on the Department of Justice should establish an inter-agency forum drawn from across the criminal justice sector and third sector stakeholders to examine how changes to the criminal justice system can achieve more successful prosecutions of the perpetrators of CSE.*

### **NICCY's casework e.g.s - Special Educational Needs**

The co-operation between Health and Education in the area of Special Educational Needs is often lacking and this results in delay and detriment being incurred for children and young people.

#### **Case example 1:**

NICCY acted for a young person who was a wheelchair user. She attended a mainstream school and was academically very able. However, she struggled in the afternoons to keep her concentration. Her medical practitioners believed that this was because she needed to have physio input during the school day.

The issue then arose as to how she could access physio when at school and which department had the duty to provide same. Education offered a Classroom Assistant who could help her educationally but it was felt by the young person and her family that she needed a Physio Assistant who would be able to do the therapy directly with her each day.

Eventually and after a long delay and a number of high level meetings, including the young person it was agreed that the Trust would send a physio into school once per week to provide the necessary therapy to the young person.

#### **Case example 2:**

**We have had numerous examples of young people whose educational provision was being held up waiting on a diagnosis from the Health Trust.**

An example is a young boy who ADHD and a suspected brain injury which caused him to have special educational needs as his concentration and behaviour were affected. The parents sought educational provision for him and in the course of this they obtained a private report which diagnosed the child as being autistic. This private report was provided to education who indicated that while they acknowledged the contents of same they recommended that the parents seek a Trust diagnosis from the ASD team within the Trust. The Trust diagnosis was likely to take some time.

Meantime the ELB made provision for the boy based on the formal diagnosis of ADHD but were awaiting the Trust diagnosis when they would then review the provision.

### **Health services re ADHD**

NICCY's legal dept were contact due to concerns about the treatment a 16 yr old was receiving. He was diagnosed with ADHD when he was 4 yrs and receiving treatment from CAMHS as he could be volatile and become violent towards himself and others. The YP's mother initially made contact as CAMHS were about to discharge him, not transferring him to adult services. His social worker had already asked CAHMs to make a referral to adult services.

The mother wanted to know why he could not simply be transferred to adult services instead of going through another referral process. He is prescribed medication which can only be distributed from the hospital, his GP cannot prescribe this.

He had been brought home by the PSNI a few times and she was afraid he would become involved with the criminal justice system and believes that only the understanding of the PSNI Officers were the reason he had not been charged thus far.

In one instance the mother had to bring her son to A&E Mum contacted me very upset, she and her son were in the local A&E, where they had been all night. Her son was very distressed and agitated; he had been mixing his medication with alcohol. He was threatening suicide and had threatened to kill his younger brother. The hospital could not keep him and the hospital social worker was trying to get CAMHS to come and assess him. His own social worker could not be contacted. NICCY staff called CAMHS and advised they should attend the client and assess him regarding a safety plan. After refusing, CAMHS did attend the hospital and suitable alternative accommodation was organised as the client's son could not go back to the home because of the threats to his younger brother. He was given an emergency appointment for the following day with a psychiatrist at CAMHS to be reassessed.

### **Mental health and youth justice**

We had a case involving a young person detained in Woodlands. He had very serious mental health problems, posing a serious risk to himself and others – he was assessed as being at high risk of self harming and was actively suicidal. He was shortly to be released but no exit strategy had been agreed nor community care / support package put in place as the numerous organisations involved were not working together and there was disagreement about who had responsibilities for the numerous issues. Several roundtables were required to take input from and agree roles of HSCT, Probation,

DAMHS, CAMHS, YJA, JJC staff, PSNI and several levels of Social Services.

**These** are just some examples which highlight the need for a statutory duty to co-operate.

Having developed an integrated services model in my previous job and begun to see the very real benefits to agencies and more importantly the impact on C&YP and families, I know such co-operation is vital.

In order to develop a greater understanding of effective cross-departmental and interagency working practices and to inform the Office's advice this Bill, NICCY is commissioning research and it is anticipated that this Report will describe structures, processes and procedures employed in cross departmental /interagency working in other jurisdictions and provide examples of good practice.

NICCY's role is to 'safeguard and promote the rights and best interests of C&YP'. It is undoubtedly the case that such co-ordination and co-operation are a significant component in contributing to our realisation of these.

NICCY believes that a statutory duty to co-operate in the planning, commissioning and delivery of children's services can and will have a very positive impact leading to improved outcomes for C&YP in NI. It is vital that we realise this opportunity to put co-operation on Children's Services on a surer, statutory footing.

**Thank you**