



Northern Ireland
Assembly

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

OFFICIAL REPORT (Hansard)

Children's Services Co-operation Bill:
Mr Steven Agnew MLA and Mr Ross Brown

14 January 2015

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mr Alex Attwood
Ms Megan Fearon
Mr Alex Maskey
Ms Bronwyn McGahan
Mr Stephen Moutray
Mr Jimmy Spratt

Witnesses:

Mr Agnew	MLA - North Down
Mr Ross Brown	Green Party

The Chairperson (Mr Nesbitt): We welcome Steven and Ross Brown, researcher for the Green Party. Do you have some opening comments, Steven?

Mr Steven Agnew (Northern Ireland Assembly): I will be brief, Chair, because this is the third time that we have been in front of the Committee. You have the Bill so I will not go through it in detail. To give you an update on the progress since the last time we were in front of the Committee, probably most significantly, after the launch of the Bill this week, we met with OFMDFM and have now agreed to cooperate on the Bill and in getting it right. We now have common cause in the principles and, assuming that it passes Second Stage, we have agreed to look at potential future amendments that can address some of OFMDFM's concerns. Indeed, if there are concerns in other Departments, we will look at how we can address those and try to take that forward together, where possible, in a manner similar to what took place with the Human Trafficking Bill.

The Committee may already be aware that, as well as the support that we now seem to be getting from OFMDFM, we have had support indicated either specifically for the Bill or for the principle of a statutory duty from the Agriculture Minister, the children's sector, fronted by children in Northern Ireland, the Children's Commissioner, Criminal Justice Inspection, UNESCO, the Children and Young People's Strategic Partnership, the Children's Law Centre and, previously, from this Committee in 2008, when it called for a statutory duty to cooperate. So, as you can see, the principles are supported. Having done a lot of work to get it to this stage, assuming that it goes through the Assembly, the debate has been confirmed for 26 January. Assuming that the Second Stage debate goes through, we are very much in the process of working with others to try to get the Bill progressed but to get as well-drafted legislation as possible.

The Chairperson (Mr Nesbitt): OK. Thank you very much. Obviously, that is a very positive development if you are saying that you have a common cause with the Department. Could I just ask for clarification though, Steven? I think that the Department was expecting a revised version of the Bill some time around November. So, I suppose the question is this: did OFMDFM see the Bill as it was presented to the Assembly?

Mr Agnew: We have tried to include the Department or, at least, liaise with the Department as much as possible — sorry, the Office — in producing the Bill. I will be completely candid about the time delays. We had some issues with the drafting services, to the extent that one of the earlier drafts included reference to the department for social justice, which does not exist. We had things in the Bill that we did not ask for that we had to get written out. We had policy changes, but, as I said, this is my third time in front of the Committee. I had my first meeting with the Bill Office close to three and a half years ago. Part of that has been trying to get it right through working with others, but part of that is difficulties in drafting services.

The Chairperson (Mr Nesbitt): So, was that a yes or a no?

Mr Agnew: I am trying to remember which was the last draft that OFMDFM saw. It might be able to confirm it, but I believe that it was draft 10.

The Chairperson (Mr Nesbitt): The one that was presented on 8 December.

Mr Agnew: The final Bill was draft 10.

The Chairperson (Mr Nesbitt): But you are not sure whether OFMDFM had seen that prior to its introduction?

Mr Agnew: As I said, they saw a late version, but I cannot recall whether it was the most recent version.

The Chairperson (Mr Nesbitt): OK. To emphasise, you are now saying that, as of today, engagement with OFMDFM is as good as you would hope for.

Mr Agnew: As I said, that is as good as we could make it, without the drafting expertise that the Departments have. That is from working with the Bill Office and our legislative team.

The Chairperson (Mr Nesbitt): You need buy-in from a huge number of public bodies. What about the Minister of Health, Social Services and Public Safety and that Department?

Mr Agnew: We have not had an update on the position from when we first asked and the response was that cooperative working was already happening and that legislation was not required. As I said, part of the engagement work that we will be doing in conjunction with OFMDFM will, again, involve meeting the Department. We have met officials, and, at that time, it was stated that they believed that cooperative working was already happening and legislation was unnecessary.

The Chairperson (Mr Nesbitt): When was that?

Mr Agnew: It was 2012, I believe.

The Chairperson (Mr Nesbitt): So, you have not spoken to the current Minister.

Mr Agnew: We have not spoken to the current Minister. We did meet officials from the Department of Health, Social Services and Public Safety, who — Ross can correct me if I am wrong — were looking for an update from us more than giving the Minister's position.

The Chairperson (Mr Nesbitt): What about the Commissioner for Children and Young People?

Mr Agnew: We have worked with that office consistently through this. It commissioned a report from Queen's University, 'Barriers to Effective Government Delivery for Children in Northern Ireland'. One of its recommendations was for a statutory duty to cooperate. Mairéad McCafferty, the chief executive and current commissioner, spoke at the launch of the event, not only in support of it but, indeed, to

explain why the Children's Commissioner was in support of it. We have had its support throughout, and we have engaged with it. It has been campaigning for this for some time.

The Chairperson (Mr Nesbitt): There are a large number of public bodies listed at clause 4(7). I will not go through them all, but, to give a flavour, it is every health and social care trust, every district council, the Housing Executive, the Police Service, the Probation Board, the Council for Catholic Maintained Schools and so it goes. Can you give us a broad flavour of where you are with all of the people who will have to buy into this if it becomes law?

Mr Agnew: To give some background, those specific bodies were referenced. I suppose that the purpose of clause 4 is to strengthen the work that is being done by the Children and Young People's Strategic Partnership (CYPSP). There is a lot of evidence of it making a huge step forward to improve integrated working. The list here is reflective of its membership. It does not completely mirror its membership because some of its members do not exist in legislation, which is why, for example, we have the whole Department of Justice as opposed to just the agencies that are members of the CYPSP. You cannot refer in legislation to a body that does not exist in legislation, so we had to, I suppose, go a level higher.

On support from those bodies, I believe that the Department of Justice is supportive. We have not got that in writing —

The Chairperson (Mr Nesbitt): Why do you believe that it is supportive?

Mr Agnew: If the member does not mind me saying so, at the launch of the event, Mr Chris Lyttle, Deputy Chair of this Committee, said that he and the Minister, who is from his party, were supportive of the Bill. I take that as a kind of fairly reliable witness.

The Chairperson (Mr Nesbitt): We shall take the Deputy Chair's silence as confirmation.

Mr Lyttle: I will come in after you, Chair.

Mr Agnew: On the Education Authority, our engagement at this point has been with the Minister. The Minister has said that he is relaxed about legislation to cooperate and that, if it is the Assembly's will, he will not be opposed to it. I suppose that it is fair to say that, similar to the Health Minister, he would question whether it is necessary and would argue that the Education and Health Departments are cooperating. I suppose, in answer to both of those Ministers, I would say that that is certainly not the evidence that is coming forward to us from the children's sector and statutory agencies such as the Northern Ireland Commissioner for Children and Young People (NICCY). We sent a consultation document to each of the councils. I believe that only one responded.

Mr Ross Brown (Green Party): Limavady Borough Council responded. I would just like to flag up that all the consultation responses that we received — 27, I believe; perhaps slightly more — were in favour of the duty to cooperate. Some of the bodies, including Limavady council, did respond.

Mr Agnew: I suppose, in the interests of time, it is fair to say that each of those bodies are represented on CYPSP, which itself supports in principle a statutory duty to cooperate. As members of that corporate body, I suppose implicitly each of the members have been implicated. As I said, the consultation document went out to, if I remember rightly, over 300 organisations or consultees. Not all responded. So, to some extent, as individual organisations, we do not know the view for every case. But, as I said, the CYPSP as a corporate body supports a statutory duty.

The Chairperson (Mr Nesbitt): OK. I think that covers the consultation piece. I would like to ask about the detail of the Bill in a minute, but other members would like ask questions.

Mr Spratt: Thank you, Steven, for the presentation. Given that there is cooperation between Departments — it might not be perfect; it is never perfect in government — I am a bit unclear as to the need to bring in another bureaucratic process. What investigation have you made into collaboration between various Departments on these issues?

Mr Agnew: There has been evidence of some good practice of cooperation. I suppose what I would say is that the idea of the legislation is to make good practice common practice. The work of the CYPSP is the most often cited example of inter-agency working, but CYPSP itself would say that, first,

it works at an agency level, and often the cooperation is not happening higher up at the interdepartmental level. It would also say that it relies on a lot of goodwill. While CYPSP sits within the Health Department and there is a duty on the health agencies to cooperate with external agencies, there is not a reciprocal duty on them to equally cooperate. It currently is a situation based on goodwill. Cooperation is not a core duty of these organisations unless they sit within health. I suppose the rationale is that, when resources are stretched, core duties are what you do, and cooperation becomes something that is nice to do, but it is not a core function. It is really about embedding that.

I would argue that the legislation proposes to reduce bureaucracy. I always give the example of early intervention. As a member of the all-party group on children and young people, we had a presentation from CYPSP, which identified five funding streams for early intervention strategies. That is five sets of administration. The organisations that apply for that funding have to make five separate applications to do the same type of work and to achieve the same outcomes. That is administratively burdensome both for the organisations providing the funding and the organisations that receive the funding. The idea of the Bill is that, if you had cooperation between those Departments, and they chose to align budgets or, preferably, as the Bill would provide for, pool budgets, you could have one set of administration for one pot of funding to which organisations could apply.

It is actually about reducing administration. Indeed — this is something that I have just come across recently but can provide to the Committee — if you look at some councils in England, Barnsley and Brighton and Hove were audited, and there is evidence that integrated working has made considerable improvements in efficiency. In 2008, the Audit Commission awarded three stars out of four in its assessment of Barnsley Council in relation to value for money. The detail is in evidence that I can provide to the Committee. That was a direct result of integrated services.

Mr Spratt: On the possible suggestion that the Bill could lead to increased bureaucracy, and perhaps even duplication of reporting, what way do you think that concern could be covered in the Bill?

Mr Agnew: It is an important point, and we have discussed it with officials. There is nothing in the Bill that says that the reporting must be discrete. For example, there is already required reporting on the 10-year strategy for children and on the child poverty strategy. There is nothing in the Bill that says there must be discrete reporting; it is specifically reporting on how Departments are cooperating. That could be done, for example, within an already-existing report as an extra section to specifically talk about achieving the high-level outcomes that are in the 10-year strategy, or, indeed, the requirements of the child poverty strategy. In that reporting, they could also report on how they are cooperating, so while it is a bit extra, I would say it is not without good cause.

The other thing I would say is that, in clause 4, specifically on the children's services plan, currently there is a requirement to review and report every year. We propose a period of three years, so that would actually reduce bureaucracy. I think that it is fair to say that some of the consultation responses that we got back said that they believed the reporting should be every year. We recognised that one of the objections that we could face on the Bill would be unnecessary bureaucracy. We believe that three years is a more reasonable time to allow systems to bed in and to do a proper review. We want to avoid unnecessary reporting; we do not want Departments to spend so much time reporting on what they are doing that they are not doing what they should.

Mr Spratt: Earlier, you said that OFMDFM now agreed with you and that you were now cooperating with the Department on the Bill. Does that mean that you were not cooperating before?

Mr Agnew: We were certainly engaging. I suppose, at that point, it was our intention to produce a Bill and, at the time, we had not been given support by OFMDFM. But we were certainly listening to each of the Departments. We consulted with them on any concerns they might have. Indeed, we took into account the concerns of this Committee and there have been redrafts. In particular, I remember Mr Maskey's concern about the power of OFMDFM on pooled budgets, which has been addressed in the redraft. So, we have been working with other Departments, but I think that this is the first time that we are working in common cause.

Mr Spratt: Finally, in relation to clause 4 in its current form, could just clarify again what engagement you have had with the Department of Health, Social Services and Public Safety, and, indeed, the Health and Social Care Board, the Public Health Agency, and the Children and Young People's Strategic Partnership, to name just four?

Mr Agnew: Sure. On the Health Department, we have written to the Minister, who gave the response that I outlined earlier. We then sought a meeting, and we met a senior official from that Department. I suppose that I will accept that it has maybe been remiss that we have not yet met the Health and Social Care Board, but we intend to take that forward now, in conjunction with OFMDFM officials, to get detailed feedback from it, particularly on clause 4. In terms of the Children and Young People's —

Mr Spratt: Just on that, given that you are putting a clause in, would it not normally be good practice to consult those bodies before you put the actual clause in place?

Mr Agnew: I accept that. I suppose that I will confess to some inexperience. I thought that, in meeting the Health Department and seeking its engagement, if it felt that the board was required to be at that meeting, it would have done so. I appreciate now, learning through the process of this Bill, with the level of arm's length of the Health and Social Care Board, that it should have been —

Mr Spratt: I think that weakens some of your arguments.

Mr Agnew: I would not say that it weakens the arguments, but I agree that it is remiss in the Bill. To get the Bill right, it is something that we need to take forward and we intend to do that. I hold my hands up to that.

Mr Spratt: Have you met the other bodies?

Mr Agnew: You mentioned the CYPSP. We met it on a number of occasions, either specifically on the Bill or in engagement through the all-party group on children and young people. As I said, a lot of this is based on evidence from the work of Ann Godfrey, formerly of the CYPSP, who was integral in establishing that body. It is also based on based on evidence that we have received from the CYPSP.

Mr Spratt: And the Health and Social Care Board, and the Public Health Agency, which already have an extremely heavy workload? I understand that they are not within our bailiwick but, obviously, we are responsible for the Bill. Given the amount of duplication and all the rest of it, and given that one of the aims of the Stormont House Agreement is to reduce the public sector, what do you have to say about increasing bureaucracy?

Mr Agnew: The purpose of this Bill is to reduce duplication.

Mr Spratt: I do not see that in any part of it so far, I have to say.

Mr Agnew: I will give you an example of where duplication has taken place and where I see the Bill, through cooperative working, reducing that. We currently have both health and education doing parallel planning for children and young people either with special educational needs, disabilities, or where other support is required throughout their education. The NICCY report on transitions highlighted that parallel planning and the duplication of work, but also the impact that was having on young people. Young people with special educational needs, autism in particular, often find transitions very challenging, traumatic and stressful. That is specifically in the report. Two Departments are separately planning for such a transition from child to adult services within each Department at different stages, different times and separately. That is both duplicating their work but also increasing it because, potentially, they decide transition to adult services at different stages. That means the young person having to go through different transitions at different times, increasing, as I said, stress and trauma.

Mr Spratt: I accept your argument on that, but do you not think that the Bill, as it is laid out presently, is ambiguous on that? In fact, if the aim is to decrease bureaucracy and workloads generally, and to create a better outcome for the public at the end of the day — I am sure that is the aim of the Bill — would you not agree with me that it would be better, rather than being ambiguous on the issues, to have that clearly stated in the legislation?

Mr Agnew: Certainly, in the explanatory and financial memorandum, it is explicitly stated. I am not sure that it is required in the legalisation to state that; I am not sure what purpose that would have. If we look at research from the Republic of Ireland in 2006 —

Mr Brown: 2011.

Mr Agnew: Sorry, 2011. The research from the Republic of Ireland says that one of the most direct outcomes of integrated working and cooperation is actually the benefits to staff. Certainly, the purpose of the Bill and cooperative working is not necessarily to benefit the agencies but, in benefiting staff in terms of better working and performance, ultimately the consequence is better outcomes for children.

Mr Spratt: I am sure that you do not want to put something on the table that will create a paradise for lawyers.

Mr Agnew: Certainly not. That is not the intention. It is intended to be a spur to drive cooperation. If we look across the regions, England brought in a statutory duty to cooperate in 2004. I think I am right in saying that, in 2011, it widened the scope of the cooperation required by bringing in schools. In 2014, it added a duty to cooperate in special education needs legislation. Equally, Scotland followed suit in the Children and Young People (Scotland) Act 2014. The evidence is that not only does it improve integrated working but, as I said, I will share with the Committee the evidence that it actually improves the use of resources. I do not want to say that it will save money, because saving money suggests that we will spend less money on children. But what it does mean is that more money can be spent on delivering front-line services to children than on bureaucracy. While I appreciate your concerns, all the evidence suggests that, where cooperative working has taken place, it actually reduced the administrative burden. Again, equally, there is evidence on pooled budgets. Integrated services combined with pooled budgets is probably the most efficient way, in practice, to deliver these sorts of services.

Mr Spratt: I have to say that you have not decreased my concerns at this time, but that it is not to say that I could not change my mind.

The Chairperson (Mr Nesbitt): Can I pick up on a point? Steven, as you said, the genesis of this is the Children Act 2004, which basically created a framework. You are trying to create a framework that basically says, "You have to do this as a statutory duty." As I understand it, in around 2010, a lot of those provisions were scaled back in England and Wales and, actually, the introduction of flexibility was seen to be a better way to deliver. Are you swimming against the current tide?

Mr Agnew: No, I disagree. What happened in England was that the statutory duty kick-started cooperative working. I think it is important to note that the statutory duty remains in England. Subsequently, the requirement to have trusts and extra bodies, which this Bill does not propose, was withdrawn. However, the children's trusts, which were those extra bodies, remained on a voluntary basis in the majority of cases. They were not required but they were retained. Indeed, children's planning, which was a statutory duty and became voluntary, was largely maintained. The work that the legislation in England kick-started continued, but it was the legislation that kick-started it. In repealing the requirement for the children's trusts, which this Bill does not propose, and the requirement for children's planning, they did not repeal the statutory duty. As I said, much of the work that was kick-started by the legislation continues.

The Chairperson (Mr Nesbitt): Your Bill is predicated on achieving six specified outcomes, which are defined in the Bill. They are the same specified outcomes that are in the children and young people's strategy, which runs from 2006 to 2016. The Department, I believe, will soon consider the strategy post 2016. What if they change the outcomes?

Mr Agnew: This is the advantage of us working hand in hand with the Department. If OFMDFM is minded to change those outcomes in the future strategy, they can be part of amendments that we can bring forward jointly at Consideration Stage.

The Chairperson (Mr Nesbitt): What if it happens post this Bill becoming law?

Mr Agnew: Then the outcomes can be changed by order, but, as I said, if we are working in collaboration, we both know the direction of travel. Working together, that process can be done, but I would not envisage substantial change to those outcomes. I think that the mood has been more around clarification as to what they mean, rather than major changes to what the outcomes should be.

Mr Brown: I just want to say one thing on the point that you made about swimming against the tide of the legislation. Last year in England, they introduced the Children and Families Act 2014, which introduced a stronger duty to cooperate when it comes to special educational needs. I would also just

flag up what Steven said about the Children and Young People (Scotland) Act 2014. They brought in a very strong statutory duty to cooperate.

Mr Lyttle: As Steven alluded to earlier, I spoke at the launch event and gave my support for the principles of the Bill, not least because an Alliance Assembly manifesto commitment was to support legislation to improve cooperation between Departments and to include a statutory duty to cooperate. So I welcome the Bill and principles therein. I think that cooperation, particularly in a multiparty Executive, is absolutely vital.

To speak to some of the concerns that Jimmy raised, I think that better coordinated resources should lead to more efficient resources and should, hopefully, lead to savings and avoid duplication. I think, on the children's services issues and outcomes that you identified, that is particularly important. I also think, in relation to building a shared future and a united community in Northern Ireland, cooperation is vital as well. Indeed, the previous presentation and evidence session is a good example of why cooperation is vital in that you have OFMDFM as a Government Department setting targets for other Departments to deliver, without any great allocation of resources or pooling of budgets. Delivery against some of those targets is invariably very slow or non-existent. I think that can be transferred to a lot of the issues relating to children and young people as well.

I have two questions. Is there any reason for the focus on children's services, rather than a general statutory duty to cooperate across Departments? I should say that I welcome particular aspects of the Bill in relation to the duty to review and report, and enabling the pooling of budgets. This Committee has pretty stark experience of OFMDFM's non-adherence to requirements to report on some of the issues that you mentioned; child poverty, for example. My second question is how much of an improvement do you think a statutory duty in relation to those issues is going to make?

Mr Agnew: Your first question was why not have a general duty. I think that the evidence and research provided by the children's sector on this was key. Of course we want working across our Departments. This might be the bridge to that on wider issues. But the evidence and drive was coming from the children's sector. The creation of the CYPSP had been a first step in this direction. As an MLA from a single-Member Assembly party, I thought that this was achievable and I would need that outside support. As I say, I think that it was key that the evidence was there. That is where the drive and the evidence came from. I suppose, to be perfectly honest, it is also where a lot of where my own passion comes from.

On the second question on how much this will improve things, we have seen a number of attempts to improve cooperation in children's services. I think the children's champion was one example, but, again, that was relying on an individual and putting a lot of responsibility on an individual within each Department to act as children's champions. We saw the ministerial subgroup for children and young people. It did not meet; the evidence was that it was officials rather than Ministers who met on many occasions. That was progress, but it was not meeting and, to some extent, it fell by the wayside. Now we see Delivering Social Change as a step towards making that happen.

The evidence is that legislation in England worked. As I said, it kick-started that integrated and cooperative working to the extent that Scotland decided to follow suit, even though the evidence was that there was quite a lot of good integrated working in Scotland. They still felt that it could be improved with legislation. I think legislation makes a difference. Indeed, in our discussions with officials from various Departments, a number of them said, "If this becomes our duty and core to what we do, we will do it, because it will become our job to do it."

It goes from being a nice thing to do — as I said, there is good practice — to making that good practice systemic. At the minute, good practice relies on individuals driving it forward, almost going against their core duties and going outside their remit to make cooperation happen. It will become something that they are required to do and will provide a framework. For those who want to cooperate, it provides a better framework to do so. For those who are reluctant to cooperate, it makes it a requirement and gives them the shove that they may need to start working in a different way.

In times of limited resources, we cannot keep doing things in the way we have always done them just because it is the way we have always done them. That has been some of the feedback that I have had: "It is just not how we do things." Well, I would say the way we do things is not working. There is ample evidence from the Children's Commissioner and the Children's Law Centre that shows where a lack of cooperation is failing children. I do not think that can continue.

Mr Lyttle: In closing, I agree. I think that there is a raft of issues where we need to see greater cooperation. Perhaps that duty will give people, in addition to a push, the freedom and the culture that they need to enhance that cooperation. I look forward to working with you on the Bill.

Mr Maskey: Thank you, Steven and Ross. I apologise for having to go and get my computer before IT closes for the day. Obviously, we have looked at this. You know that our party's view is that we are very sympathetic to being able to support the Bill and very keen to support the principles behind the Bill to ensure that there is maximum and full cooperation across all Departments, in this case on the delivery of services for children. But there are a couple of causes for concern. You mentioned Delivering Social Change, which we see as a very important delivery model. We would like to see much more definitive work done around, say, the pooling of resources, how that is done, what it actually means, and whether we can get a budget line for that.

The big point of concern that we have is around clause 4. I keep harking back to the review of public administration a number of years ago, when there were great hopes of reducing bureaucracy and all the rest of it. We have not even begun to look at the whole world of quangos, which have, in fact, considerably increased since 1998. That, to me, is the reverse of where we should be going. Clause 4 certainly appears to give a lot of authority to an arm's-length body. To be very honest, that gives me big concerns. That is a circle that I would ultimately want to see squared because, if you read the clause in detail, you see that it continually and increasingly gives more authority to the Health and Social Care Board to start determining what has to be done. I think that takes away from the authority of Departments.

I agree absolutely with the principle of ensuring cooperation. We want to support a Bill that would put requirements on people to do that, but I want to see that stopping short of giving someone else authority, particularly in this case, an arm's-length body. That takes away from democratic accountability rather than increasing democratic accountability. I wonder whether you can address any of those concerns. My view would be that giving the authority to an arm's-length body and increasing that authority on an ongoing basis so that it can determine and modify plans means that it can, basically, dictate to Departments. For me, that takes it out of democratic control. That is a big cause of concern to me and my party. That is the main thing.

I have a general comment around the requirement to cooperate. This Bill is designed to create a requirement to cooperate, but it does not actually require anyone to do anything differently or better. You could ask yourself, "What is the point?" You will require people to cooperate. I could go and tick a lot of boxes to say that I am cooperating, but I might not be doing anything better. Could you address what appears to be that deficit?

Mr Agnew: I will start with the issue of clause 4 and the power given to the Health and Social Care Board. We looked at a number of options. As I have said, the purpose of clause 4 was to strengthen the work of CYPSP, taking into account what had been said about the requirement for goodwill and trying to put cooperative working, where goodwill existed, on a statutory footing. The aim was to move it from good practice to systemic practice. We looked at ways to do that. One of the things that we looked at doing was specifically referring to CYPSP. We could not do that. It would have been much easier to refer to it in the Bill but it does not exist on a statutory footing. It is, I suppose, a body within the Health Department. We could refer to relevant public bodies. You have to then list those, and that seemed like a good starting point. That is probably the area of the Bill where the most concern has been raised with us. We are willing to work with others to see whether there is a better way to place the statutory duty of cooperative working on agencies. On the concern that it gives too much power to the Health and Social Care Board, my understanding and reading of the Bill — certainly my intention with it — is that the reporting will go through the Health and Social Care Board. Each of the agencies will have to report on how they are cooperating. It does not give the Health and Social Care Board any power of dominion over them other than the requirement that they report through it and cooperate. Outside that, the Health and Social Care Board cannot direct them, and the Bill does not give it the power to do so. I would also say that the duty is reciprocal, as there is a duty for the agencies to cooperate. As I said, the reporting will go through the board, which will compile a report. The board will also produce the children services plan, but that currently happens. So, that does not give it any additional power but simply replicates what is in the children order.

Mr Maskey: It is maybe just the way that it is written, but what would happen if the board felt that it wanted to make a change to all or part of the services plan? According to what I have read, the only requirement on the board is that it should go out to consultation, which indicates that it could change

the services plan. That is my reading, and it gives me cause for concern. That might need to be clarified or redrafted.

Mr Agnew: I will certainly look at that. I think I am right in saying that the Bill would not change the way in which the children's plan would be produced and drafted. The only extra requirement is in the review and reporting element, which the agencies would have to cooperate in the delivery and production of. I do not believe that it gives the board any additional powers in that regard, but I will double-check that and come back to the Committee.

Mr Brown: I should flag up that a lot of what is being proposed in clause 4 is already in legislation. It is a modification to take into account the existence of the CYPSP. Because we could not put it into statute, although we could have, essentially, we are saying that, because it does not exist in law, we said that we will put down all the public bodies that are in it and require them to cooperate to produce the plan. Much of that good work is taking place at the moment anyway, so I do not think that the clause will radically change an awful lot of the planning process, which is good at the moment. However, the delivery perhaps needs to be improved.

Mr Agnew: I should also say that, when we met the Department of Health to discuss an earlier draft of the Bill, the officials raised concerns about clause 4. They said that there may be other ways to do what we are trying to do and that they would come back to us with alternative proposals. They have not, as yet, done that. However, if through future engagement they can and are willing to do so, we would certainly be happy to look at other vehicles.

I should be very clear. The Bill is the best that we could make with our legislative team. However, now that we are working with OFMDFM and other statutory agencies, we think that if the Bill can be improved at further stages, assuming that it passes Second Stage in the Assembly, we are keen to do that.

Mr Maskey: As I read it, it would affect a number of Departments — that is the whole purpose of the Bill. You referred to OFMDFM and the Health Department. Have any of the other Departments engaged with you on the Bill?

Mr Agnew: The Minister of Agriculture has indicated her support for the statutory duty. We had a very positive engagement with one of her officials and, subsequently, in a question for written answer, the Minister put on record her support for it. I mentioned that the Education Minister has stated that he is relaxed about the idea of a statutory duty. He certainly did not say that he was supportive, but was clear that if it was the "House's will" — I think that I quoted him correctly — he would not seek to stand in the way.

Mr Maskey: If it was the will of the House, he would not have much choice, like any Minister.

Mr Agnew: Yes, those were his words, not mine.

Mr Maskey: I am talking specifically about clause 4. Everybody is quite satisfied — I am certainly satisfied — that, in principle, everyone would like to endorse what you are doing here, but —

Mr Agnew: As I said, I contacted each Department and each Minister to seek a meeting. Some came back to me, and others did not. I took it that those who did not come back to me had no concerns at that point. I suspect that, now that we have a Bill and particularly if it goes through Second Stage, other Departments might take more of an interest. I have spoken as best as I can about those Departments that have chosen to engage at this point.

Mr Attwood: As I did at the launch of the Bill on Monday, I acknowledge the work that you and the children's sector have done in getting the legislation to this point. I am mindful that there is little more than 40 sitting weeks between now and purdah. On the other hand, this is the time when Bills from across government tend to get accelerated. However, if the legislation that is meant to be taken forward as part of the Stormont House Agreement is taken forward, you can anticipate that it will be a very packed, even overpacked, legislative programme in those 40 or 45 weeks.

I also recognise that, more and more, government are putting into law requirements for various public bodies to either cooperate or have regard for one another. A stream that runs through the local government legislation in anticipation of the new councils going live in May is an obligation for

councils, Departments and other bodies to have regard to one another. I think that it might actually go a bit further than that, but I cannot recall at the moment.

I also hope that your Bill will be given an added impetus in the context of the reduction in the number of Departments so that an opportunity will be taken to tighten up how Departments and others do their business. There is a danger in bigger Departments that things can get lost and fall between the cracks. Where children are concerned, that could be remedied by the duty to cooperate. Your Bill may also be a catalyst for naming children and the responsibilities for them in a full ministerial portfolio. I say all that because, as I said at the event on Monday, based on the research that OFMDFM commissioned from the Institute for Fiscal Studies (IFS), the scale of childhood poverty that we will face by 2020 in relative and absolute terms necessitates something like that duty as one of many interventions to mitigate what we are about to face.

I welcome that OFMDFM and DARD are showing some authority by backing the Bill. My only question is whether, after OFMDFM said on Monday that it will work with you on it, you have met officials or had meetings at a political level? What does that actually mean? Does it mean that it will apply resource and staff to help you with it? Is it saying that it is its ambition, as it is yours, to get the legislation passed in this mandate? Has there been political approval, as opposed to officials being told to go away and talk to Steven Agnew about the Bill? Is it all that it should be, rather than — I do not want to say warm phrases, but is it all that it should be?

Mr Agnew: I am certainly very encouraged. The meeting on Monday included officials, Ministers and special advisers. The junior Ministers indicated their support for the principles of the Bill. I am always keen to make the point about the principles of the Bill.

From the meetings, my understanding of what working together will look like — obviously, you will hear from officials after me — is that we will hold joint meetings with stakeholders and hear feedback on aspects of the Bill, and, where there are concerns, we will seek to table joint amendments. I anticipate how some of these things will work. Some of the amendments that come forward might not be joint amendments, but the purpose of the joint meetings is to have people working in tandem as much as possible. As we saw with Lord Morrow's Bill, it may be that we will table amendments that OFMDFM will not support, or there may be OFMDFM amendments that I, the Department of Health, the Minister or whoever will not support. Where we have common cause on amendments, what OFMDFM can bring to the table that we cannot is expertise and drafting services that we do not have access to. I am certainly very encouraged by that. Including that on Monday, we have had two meetings already. I certainly see a willingness to be positive and to give support to taking this forward. We will look to address together rather than separately concerns that members and officials have raised here.

Mr Attwood: Good.

The Chairperson (Mr Nesbitt): We have just one question of clarification.

Mr Spratt: It is just a very small point, Steven, and I am sure that you did not mean it in the way that it could be taken up. When you were answering Mr Maskey's questions on clause 4, you said that this was the best that we could do with "our legislative team". I am sure that you did not mean that other legislatures have better legislators than the Northern Ireland Assembly.

Mr Agnew: No, I meant our legislative team, as in the Green Party's. I will put that on the record.

Mr Spratt: I just wanted to clarify that, because officials do not have the right to come back.

Mr Agnew: I should also put on record our absolute thanks and indebtedness to the Assembly's Bill Office for the work that it has done. The Bill would not be here without that.

The Chairperson (Mr Nesbitt): Ross and Steven, thank you very much. As we are going to scrutinise this, could I just ask that, if there are amendments and developments in your liaison, not least with OFMDFM, you keep us abreast of those in a timely manner?

Mr Agnew: Absolutely. I fully intend to, Chair. Thank you.