



Northern Ireland
Assembly

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

OFFICIAL REPORT (Hansard)

Children's Services Co-operation Bill:
OFMDFM Officials

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 Maskey
Mr Stephen Moutray
Mr Jimmy Spratt

Witnesses:

Ms Margaret Rose McNaughton Office of the First Minister and deputy First Minister
Mrs June Wilkinson Office of the First Minister and deputy First Minister

The Chairperson (Mr Nesbitt): You will have noticed that June Wilkinson and Margaret Rose McNaughton were listening to the previous session. Sorry for the lateness of the time this afternoon, Margaret Rose, but that is where we are. Do you want to make any comments, or are you happy to go straight to questions?

Ms Margaret Rose McNaughton (Office of the First Minister and deputy First Minister): I have a few general comments to make on our views on the Bill, if the Committee would like to hear those in the first instance. Some members referred to some of our concerns. At the outset, I will say that we absolutely agree in principle. The information that has come back from Departments to date suggests that people would certainly welcome the duty to cooperate. It is about how it is done and ensuring that the bureaucratic process on reporting is as minimal as possible. We in OFMDFM will be working very closely, as Steven said, with him and his stakeholders from now on, providing, of course, that the Bill goes through its Second Reading on 26 January.

We welcome the Bill, and, when junior Ministers met Steven this week, they offered their support for its general principles. However, they also raised their concerns. Setting aside the drafting issues with the Bill, the need to ensure that it works as a matter of law and the ironing out of any legal problems with it — Steven alluded to some of those when he talked about the need for clause 4 and whether it could be taken forward through other forms of subordinate legislation — the Ministers signalled that they want to see the Bill improved to ensure that it meets its own objectives and that that may require significant amendments. So, we would flag up at this stage that there are likely to be significant amendments and that those will probably come on the whole issue of what the Bill is about, which is the planning, implementation and monitoring of children's services.

I think that, if everybody is clear on the policy intent, which is that it is for people in public services to cooperate in planning, implementing and monitoring, we have a good starting point. We will probably

want to put forward amendments that suggest a restructuring of the Bill in that format. These are just our initial thoughts at this stage. We have quite a lot of work to do with Departments, stakeholders and the Committee, and then, of course, it is subject to our Ministers agreeing all this. I will just put that caveat on it.

We have concerns about clause 4. Our reading of the Bill suggests that it places substantial powers on the Health and Social Care Board. We are a bit anxious that there has not been that much consultation with the Health and Social Care Board, yet we have a Bill that would potentially give it a lot of power over other Departments and, indeed, the Executive. So, I think that there is a concern there about the democratic accountability of the Executive and the Ministers. That sounds a bit negative, I know. Setting those things aside, we generally support the principles of the Bill, but we will want to bring forward some fairly substantial amendments.

The Chairperson (Mr Nesbitt): OK, that is very useful; thank you. You heard Mr Agnew say at least twice that, on Monday, he and you, as a Department, found common cause. Notwithstanding the caveats that we understand and that you just detailed, can you endorse that language? Have you, as a Department, found "common cause", or do you need to qualify that statement?

Ms McNaughton: I think that all the Departments have said that they would welcome the intention that all Departments work closely together. Where common cause is concerned, there are probably areas in which Departments know themselves that we could be working much better and much closer together. The concern is how we do it and whether we will be sure that whatever legislation we put in place will make a difference to children. I think that that is the important part in all this. Whatever Bill we bring forward has to do what the policy intention is. As the Bill stands and is written, we do not think that it actually does that.

The Chairperson (Mr Nesbitt): Is that the same concern as Mr Maskey expressed about being able cooperate all day without actually achieving anything?

Ms McNaughton: That is exactly right. When you look at the reporting procedures, you see that that is another area that gives us a bit of concern. There is nothing in the Bill that is specific about what we are reporting on. Where are the actions and targets, or is this just another reporting format that we go through anyhow for the UN Convention on the Rights of the Child (UNCRC) and for child poverty? If another reporting structure is brought in and put in its place, we will want to be very clear in any amendments that we bring forward that we can bring in the reporting that we are already doing so that we can have them all together.

The Chairperson (Mr Nesbitt): So, there is a danger — I will not put it any stronger than that — that this is more guaranteed input without guaranteed output and outcomes.

Ms McNaughton: There is that concern, yes.

The Chairperson (Mr Nesbitt): Could you clarify the minor mystery of whether the Department saw the Bill before it was introduced to the Assembly on 8 December 2014?

Ms McNaughton: We saw it at the very end of November. We wrote to Departments on foot of the draft to advise them that it was likely to be introduced.

Mr Spratt: Thank you, Margaret Rose. I have concerns about the increase in bureaucracy and the duplication in reporting. You will have heard my questioning about that. We are going into a period where we are ultimately trying to have better outcomes and moneys going to the coalface, as opposed to creating more quangos, bodies or whatever, because it seems that sometimes the answer to everything is a new quango. I know that some parties are very keen on that, but we are certainly not. We want to see the number of those reduced dramatically. What are your views on the very real possibilities of increased bureaucracy and duplication?

Ms McNaughton: We would hope to propose an amendment that suggests that, if developing a plan still sits with the Health and Social Care Board, it would provide a monitoring report that would go perhaps to OFMDFM, which would add any further analysis to it and then forward it to the Executive. We would try to incorporate in that the other monitoring or information gathering that we are doing on child poverty and the UNCRC, thereby bringing them all together. If the strategic objectives or outcomes set out in the Bill remain the same, I can say that we are already reporting on the progress

that is being made on all of those. As I said, we are already reporting on the UNCRC, so I hope that our amendments would try to bring all those together, rather than having another layer of reporting that we would have to do.

Mr Spratt: Which is actually duplication. So, are you saying that you are concerned about duplication as well?

Ms McNaughton: We would hope to remove duplication by doing that. We would like to have it in the Bill that the reporting structure is put in place would deal with those three main areas.

Mr Spratt: I want to ask about clause 4. You said that some of the Departments had not responded. Has the Health Department responded? Is it concerned about some of the issues, particularly those on the Health and Social Care Board? Is there not a real danger — you heard me say this as well — of creating another paradise for lawyers, which would be seen or done in a way that would undermine the Executive or Departments?

Ms McNaughton: Yes, we have a concern about that. If you placed, for example, the Children and Young People's Strategic Partnership (CYPSP) on a statutory basis, what would happen to all the non-statutory functions that it already carries out? Do we lose that, or is there another organisation in the board that has to carry out those functions? The fear would be that another body, although not a quango, would be set up in the board to take that forward. So, I think that there is a danger that, if Ministers cannot prioritise the issues that they want to take forward and the board is doing that for them in its plan, lawyers can take to judicial review whatever those aspects are that people are not content with. Do you want to say a wee bit about that, June?

Mrs June Wilkinson (Office of the First Minister and deputy First Minister): There were concerns across Departments that the drafting was very general. We would seek to make it more specific so that we would have targeted outcomes that will achieve and make a difference. That was very key, but, at the moment, the outcomes are not specific enough. Departments had a concern about the absoluteness of duties, and again, we would want to achieve cooperation in a way that makes a difference. That would be very relevant in the context of increasing not bureaucracy but effectiveness. That is the challenge for us.

Mr Spratt: Are there any opportunities to increase the existing reporting structures and collaboration on issues between Departments, rather than using a legislative process like this? Is there not an opportunity to strengthen it to include children and young people? We are all agreed on the principles, but I would have very serious concerns about it in its present format.

Ms McNaughton: As we go through the process, talk to Departments and go through each of the clauses with them, that would be one of the issues that we would want to raise. What other ways can we do what we want to without having to take it forward through specific legislation?

Mr Lyttle: It is helpful to hear about your concerns. I do not think that any of them sound insurmountable, but it is helpful to hear what they are. How do you see the Bill assisting the children and young people's strategy, for example, or impacting on it?

Mrs Wilkinson: The Bill will very much strengthen the new children and young people's strategy as we take the old one forward to its conclusion. The key to the strategy is cross-departmental work, so something that legislatively strengthens that would be very effective. I would want to make sure that that is included as we consult on the strategy and develop it with Departments and the sector.

Mr Lyttle: I would like to think so as well. I have a degree of sympathy for OFMDFM's children and young people's unit at times, given the wide range of issues that that area covers and the number of Departments that you need to have working together to report back to you to coordinate on the issue. I genuinely hope that that would also be the case.

This morning is one good example of Departments working together. The Health Department's Public Health Agency (PHA) pools funds with DRD to create the active schools travel programme. We know that the cost of childhood obesity in Northern Ireland is huge, so I think that that is a good example of where Departments come together to cooperate and pool funds in a way that, hopefully, is a positive use of resources and a preventative spend. There are other issues as well. For example, the Department for Employment and Learning has created the NEETs youth forum and the NEETs

strategy. I would like to think that, when those concerns have been addressed, this is an enhancement that will help those in the Executive to work together.

The Chairperson (Mr Nesbitt): I have three quick-fire questions to finish, if I may. It may be too early to ask whether there has been any assessment of the funding and resource costs to your Department if this goes through?

Ms McNaughton: No. That was one of our other concerns. We need to find the resource.

The Chairperson (Mr Nesbitt): That is OK; that is down the road. There was mention of pooled resources. Let us say that the Bill becomes law in the 2015-16 financial year. What would you put in? What would a reasonable budget to a pooled resource be?

Ms McNaughton: At this stage, the Bill just enables Departments to pool resources. There is no mandatory pooling of resources in the Bill at this point. I do not think that we would suggest that it would become a mandatory requirement. In England, for example, where Departments are working on particular programmes or issues, each decides their requirements themselves.

Mrs Wilkinson: My one goal at the moment is that they may pool resources once they identify the reason for doing it. My goal with the Bill would be to ensure that there is correct management audit and accountability in that clause so that, if Departments choose to go down that route, it is done effectively.

The Chairperson (Mr Nesbitt): OK. So, I am hearing you say that, if this became law, you would consider pooling resources but need convincing on a case-by-case basis that it makes good sense.

Ms McNaughton: That is probably it, yes.

Mr Lyttle: I have just one quick supplementary question. I would also hope that that would be positive. Are there instances where you have programmes or targets set and you could deliver a very good programme if you could get your hands on money from somewhere elsewhere but for bureaucratic reasons it is not possible to access the funds, even though they are very similar in the outcomes they seek to achieve? Could this help to overcome that?

Mrs Wilkinson: Delivering Social Change has already shown that there is the opportunity to move money around, and we have quite effectively done that. A number of other initiatives in OFMDFM move money to other Departments to help to ensure that the funding is where it can be delivered. That exists on an informal basis.

Mr Lyttle: The accountability of how that is done is really important. I agree with you on that.

The Chairperson (Mr Nesbitt): Finally, is it the junior Ministers' intention to respond at Second Stage?

Ms McNaughton: Yes, absolutely. That is on the 26th.

The Chairperson (Mr Nesbitt): June and Margaret Rose, thank you very much indeed.