

**Barnardo's NI Response to the  
Adoption and Children (Northern Ireland) Bill Consultation  
April 2017**

Barnardo's NI is the largest children's charity in Northern Ireland. We work with almost 11,000 children, young people and families across more than 40 different services and programmes and in over 200 schools. We provide a wide range of services, from working with disabled children, minority ethnic families, looked after children and care leavers, to offering family support and early intervention. We believe that every child deserves the best possible start in life, and our service provision reflects that philosophy.

Barnardo's NI welcomes the opportunity to comment on the Adoption and Children (Northern Ireland) Bill Consultation. Our comments are informed by our extensive experience of working with children and families in Northern Ireland, particularly those who are marginalised and by consultation sessions we carried out with children and young people at the request of the Department of Health. Many of the comments made in this response echo the recommendations offered in *Access All Areas NI*, the currently in-production report developed by a coalition of organisations, led by Barnardo's NI, which support young people leaving care.

Our responses to specific areas of this Bill are provided below:

**1) Establishing RCYPSP in statute and the Department's proposal relating to the structure, membership, chairing arrangements, objectives and functions of the RCYSPS and the duties and powers to be conferred on it**

In its current format the CYPSP is an effective non-statutory, bottom-up mechanism. We are not clear as to why it is considered necessary to put CYPSP on a statutory footing and what added value, if any is to be achieved. The consultation document accepts that "placing a statutory partnership within a non-statutory arrangement may be problematic". We are concerned that if CYPSP is put on a statutory footing, an excessively strong statutory partnership will be created that is not necessarily in the best interests of vulnerable children and young people. We are concerned also that the representative voice of the community and voluntary sector, currently existing within the CYPSP structure will be diluted and even lost.

However the consultation document clearly states that "RCYPSP will consist of senior representatives of children's authorities and other children's service providers". We draw attention to the definition set out in the Children's Services

Co-operation Act (Northern Ireland) 2015 (hereafter the CSCA) that “other children’s service provider” means:

any person or body, of whatever nature, who provides a children’s service or is engaged in activities which contribute to the well-being of children or young persons (but does not include a children’s authority) (*section 9 CSCA, 2015*).

Therefore we recommend in the spirit of partnership and co-operation the membership of the proposed RCYPSP should not be excessively skewed towards the statutory sector because this is not in the best interests of children and young people, it is not in the spirit of this consultation document nor the CSCA. The CSCA is clear that partnership is an underpinning principle required to achieve children’s well-being:

Every children’s authority must, so far as is consistent with the proper exercise of its children functions, co-operate with other children’s authorities and with other children’s service providers in the exercise of those functions (*CSCA, sec 2[1]*).

We recommend any terms of reference for the proposed RCYPSP explicitly state that there will be equal representation from children’s authorities and other children’s service providers. This aligns with another requirement set out by CSCA that the Executive’s report on the operation of the act must include statements on:

how children’s authorities and other children’s service providers have cooperated with each other in the provision of children’s services (*CSCA, sec 5(3)c*).

We recommend in order to effectively meet the requirements of the CSCA, careful consideration must be given to the proposed structure and membership of RCYPSP and the rationale behind putting it on a statutory footing. Requiring membership of senior representatives from children’s authorities and other children service providers indicates the proposed structure will be resource heavy, expensive and top-down. Given that the membership of RCYPSP is intended to be mirrored at a local level, it is critical that an effective structure is developed. We urge greater detail, further clarification on the proposed structure and proportionate and meaningful representation of / engagement with the voluntary and community sector, as required by the CSCA.

## **2) Establishing RCPP to operate under the auspices of the RCYPSP**

As noted above, we are concerned about the proposed blending of two very different entities - one is on a statutory basis and the other is not. We highlighted above our concern regarding the representative capability of the voluntary and community sector. It would appear that our concern regarding the skew towards statutory representation is borne out in the proposed representation on the RCPP at a strategic level. Proposed membership only includes ‘[a]gencies which have an explicit statutory duty to protect children and young people’ as well as consideration to including NSPCC (given its statutory duty). The proposal to mirror membership at a local level further excludes ‘other

children service providers'. For the reasons highlighted above this approach is not consistent with the spirit of co-operation that is set out in the CSCA.

### **3) Corporate Parenting should be introduced in legislation in the north of Ireland**

We support the proposal to introduce in legislation the term "corporate parent" and to bring Northern Ireland in line with Scotland and legislation that is underway in England. Young People in and leaving care depend on their corporate parents to give them the best start in life and to be in receipt of continuing support into adulthood as any good parent would provide. We welcome the introduction of corporate parenting into legislation, which will formalise and provide accountability for the existing requirements.

### **4) Statutory corporate parenting should be guided by the statutory principles set out in the Children and Social Work Bill**

When introducing the term corporate parenting into legislation in Northern Ireland, we agree with the proposition to be guided by the statutory principles set out in the Children and Social Work Bill. For former care experienced young people we recommend consideration be given to extending the age limit a further year, bringing the age limit up to 26 and in line with Scotland.

### **5) Responsibility of corporate parents should be extended to bodies other than HSC bodies, similar to the approach taken in Scotland**

We support extending the responsibility of corporate parenting beyond HSC bodies and urge the Department to take a similar approach to the one taken in Scotland. We recommend all bodies with a corporate parenting responsibility recognise and be accountable for their role in corporate parenting. We recommend they are required to take this role seriously and to put in place all necessary measures to proactively support young people into adulthood and to assess the impact all policies may have on these children and young people. The six overarching recommendations contained within Access All Areas (NI) identify key components required for responsible corporate parenting.

### **6) Other bodies that corporate parenting should be extended to**

In Northern Ireland, a vast expertise on care experienced children and young people exists both within the statutory and voluntary sectors. We recommend the Department is initially guided by the named bodies written into the Children and Young People (Scotland) Act 2014 and then draws upon for example the Barnardo's NI led coalition of organisations that produced the Access All Areas Northern Ireland report (currently in press) to aid care leavers, and other organisations with a specific remit for Looked After Children.

### **7) GEM scheme should be placed on a statutory footing**

The GEM scheme works for those who are eligible because it means young people in foster care do not have to leave their homes at age 18, provided they meet the criteria of being in or moving into education, training or employment

(ETE). Under these arrangements, nearly a quarter of care leavers remained with their foster carers in 2015/16 (DoH, 2017). Although there is some flexibility within the criteria, in practice there has been limited use of its application to date either for those not in foster care, not in ETE or older than 21. We recommend that GEM is placed on a statutory footing to ensure its long term sustainability and investment. However, we strongly recommend that the GEM scheme or something similar is made available for all young people leaving care regardless of their engagement in ETE, and that this scheme be extended to provide support for young people aged up to and including 25 years old.

### **8) Services should be extended to include care leavers up to the age of 25, on request**

We believe the state has a unique responsibility to ensure that care leavers are appropriately supported through the transition from care into adulthood and we recommend the age limit is extended to at least 25. Regarding ‘...on request’, we are cognisant that sometimes vulnerable young people may not be in a position to opt-in or request services even if it is in their best interests. Many care leavers remain very vulnerable and isolated post 21, particularly those not in education, training or employment and/or those who may have additional or complex needs. Later adverse events may render a care leaver - who might have been doing well - vulnerable and struggling. Young people in and leaving care may take longer to reach milestones that may be considered normal in the non-care experienced population, meaning they require further and additional support.

Rather than care leavers needing to request support up to age 25, care leavers should simply be entitled to it, they should be able to choose to opt-out rather than being required to opt-in. Even if they have opted-out, care leavers should be able to return to the Trust for support, should they need it, at any point, up to at least age 25. We recommend that Trusts (as the primary corporate parent) should be required to take all reasonable steps to keep in touch with care leavers up to at least age 25, so that young people are reassured that they can avail of support, should they wish, even if they have previously opted-out.

### **9) HSC Trusts should be required to promote a child’s educational achievement and prevent disruption of training**

We agree with the proposal to require HSC Trusts to promote care experienced children and young people’s educational achievement. We urge also that this requirement is extended to all other bodies with a corporate parenting responsibility. Despite initiatives to support the educational attainment of care experienced children and young people, they are consistently out-performed by their non-care experienced peers. In 2014/2015 the majority (83%) of the general population gains five or more GCSEs at A\*- C compared to less than a third (27%) of children and young people in care (DoH, 2016). Furthermore having a statement of Special Educational Needs continues to be more prevalent among the looked after children of school age (27%) compared with the general school population (5%) (DoH, 2016). Care leaver statistics highlighted that care leavers continue to have a higher proportion of young people coping with disability (15%) than the general population (6%), further highlighting the corporate parenting responsibility of HSC bodies and others to be supportive

parents who need to recognise the value of fulfilling educational potential and the challenges that have to be overcome.

In addition we recommend corporate parents recognise the critical importance of good emotional health and well-being for care experienced children and young people. We recommend all necessary measures are taken to ensure they receive the support they require be in a position to be able to fulfill their educational potential and be on an equal par with their non-care experienced peers.

Measures that could be taken to narrow the gap between care and non-care experienced children and young people include achieving an increased understanding of the educational barriers they face. Actions include:

- reviewing and addressing the educational support needs of those who typically struggle when progressing through education, training or employment - in particular those in special education, those in residential care and those who are living independently;
- researching the reasons and impact of suspension and expulsion from school of children and young people in care;
- monitoring and reporting on the implementation and impact of PEPs and the effectiveness of the guidance for practitioners who have to plan and implement them; and
- developing and delivering corporate parenting training across all professionals working in schools/colleges to understand the experiences of young people within the care system and the impact that being in care can have on their educational pathways and opportunities.

**10) Providing a child with accommodation, a HSC Trust should be required to ensure, so far as is reasonably practicable and consistent with the child or young person's welfare, that their education or training is not disrupted.**

We agree with this proposal because we are acutely aware of the complex and multiple challenges faced by care experienced. Measures that could be taken include recognising and responding to the unique needs of care experienced young people within educational, training and employability programmes by:

- expanding provision of educational support for care experienced young people to age 25;
- providing transitional support to care experienced young people within relevant employability and training programmes, and in mainstream education;
- extending training credits for care experienced young people to 3 years;
- retaining Essential Skills Level Two training within Pathways and supportive employability programmes;
- ensuring that all young people have access to comprehensive and holistic careers advice that reflects their care and pathway plan and includes up to date accurate advice on essential skills equivalency, where relevant;
- ensuring all government departments offer opportunities to care experienced young people for employment, training and apprenticeships; and

- providing guidance on apprenticeships that ensures care experienced young people are included in groups requiring additional support and discretion.

### **11) Place PEPs on a statutory footing in the north of Ireland**

We support the proposal to place PEPs on a statutory footing in Northern Ireland. The most recent DOH statistics showed 87% of school aged children in care - and had been in care for 12 months or longer - had a PEP and 90% of these had their PEP reviewed in the previous six months (DOH, 2016). In contrast only a third (34%) of care leavers aged 16-18 in 2015/16 had a completed PEP and of these, only 34% had their PEP reviewed during the previous 12 months. Putting PEPs on a statutory footing will ensure all looked after children have a continuous record and will help to put in place the support they need to fulfil their educational potential.

### **12) A disabled child being provided with accommodation for respite/short break purposes should not become looked after**

We agree with the proposal to end the requirement for a disabled child availing of accommodation for respite/short break purposes to become looked after. In developing this response and at the request of the Department of Health, we engaged with disabled children and young people to seek their views on being 'LACed' for the duration of a short break. Young people involved with our Disabled Children and Young People's Partnership (DCYPPP) service told us of the benefits to be accrued from short breaks and how they disagreed with the practice of being required to be deemed in care during respite/short breaks. They explained how the terminology of LAC is complex and has multiple meanings and they felt it is too broad to explain respite/short breaks. The associated stigma and labelling was believed to be unwarranted and unnecessary. They also noted the difference in child and adult services, explaining how the transition into adult services, upon turning 18, had meant reduced frequency of breaks and quality of activities.

The other consultation session was with service users from a Barnardo's NI Family Support Service that provides respite for children and young people with learning disabilities, many of whom are non-verbal. Despite the communication barriers including not being able to articulate the concept of being LAC – it was relayed that short breaks are enjoyable, provide opportunities to play, to be with friends and to have one's own space.

### **13) Lifting the restriction on making cash payments in exceptional circumstances**

We agree with the proposal to lift the restriction on making cash payments and welcome the emphasis that is being put on ensuring the best interests of the child are met. Making direct payments to young people provides an opportunity to empower and support their development into adulthood. One of the young people who informed our children's consultation response explained how she has one-to-one support through self-directed support payments and this enables her to get out and about and attend age-appropriate activities close to home.

## **Concluding comments**

Barnardo's NI commends the Department for developing this draft Bill and providing the opportunity to consult on the proposals it contains. There are a number of key points we have commented on notably, urging proportionate and meaningful recognition of the voluntary and community sector's role in the children's partnership arrangements. Currently the CYPSP structure is an effective mechanism and we urge that the partnership and collaboration between the statutory and voluntary sectors is built upon, to ensure that the best interests of the child are prioritised. As set out in the CSCA there is a duty on every children's authority to co-operate with other children's service providers who contribute to the well-being of children or young people.

We also welcome the proposals to introduce corporate parenting into legislation, to extend the remit of those with corporate parenting responsibility and to providing on-going support to care experienced children and young people up to at least 25. We welcome the Departments focus on enabling care experienced children and young people to achieve and fulfil their educational potential. We would however urge the Department to be minded of ensuring the emotional health and wellbeing of care experienced children and young people is at all times prioritised and supported. We contend that this is a particular area and key building block that the Trusts can provide a parenting responsibility that is often a given for non-care experienced peers.

We welcome and support the proposals to end the requirement for disabled children who avail of short breaks to come into the looked after system. This sentiment was strongly supported by the young people who we consulted with and who informed this consultation response. DCYPPP are a group of young people who always advocate on the importance of receiving feedback on what has happened as a result of them providing and sharing their views on matters that affect them. Feedback from the Department, on what happens next regarding their contribution to this consultation, would be appreciated and welcomed.

We hope our comments are useful and Barnardo's NI is happy to engage further as this important and encouraging piece of legislation develops.

### **For more information, please contact:**

Julia Buchanan  
Assistant Director, Policy  
Barnardo's NI  
[julia.buchanan@barnardos.org.uk](mailto:julia.buchanan@barnardos.org.uk)  
028 9067 2366

Or

Susan Kehoe  
Research and Policy Officer  
Barnardo's NI  
[susan.kehoe@barnardos.org.uk](mailto:susan.kehoe@barnardos.org.uk)  
028 9067 2366