

These notes refer to the Children's Services Co-operation Act (Northern Ireland) 2015 (c.10) which received Royal Assent on 09 December 2015

Children's Services Co-operation Act (Northern Ireland) 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

A commentary on the provisions follows below. No comment is made where the wording is self-explanatory.

Section 1: Well-being of children and young persons

Section 1 acts as a purpose section, making clear that the Act is designed to improve the well-being of children and young persons. It also defines the key concept of "well-being", drawing on language used in the Children's Strategy and the Northern Ireland Act 1998. In addition, subsection (3) stipulates that in interpreting "well-being" regard must be had to the United Nations Convention on the Rights of the Child.

Subsections (5) and (6) allow the Office of the First Minister and deputy First Minister (OFMdFM) to modify the meaning of "well-being" by means of subordinate legislation which would have to be approved by the Assembly.

Section 2: Co-operation to improve well-being

Section 2 requires all "children's authorities" (defined as Departments and other key statutory bodies) to co-operate with one another and with "other children's services providers" (defined in section 9) in the exercise of any functions which may contribute to the well-being of children. The Executive is obliged to make arrangements to promote such co-operation and the children's authorities must co-operate with the Executive in that task.

Section 3: Children and young persons strategy

Section 3 imposes a statutory obligation on the Executive to adopt and maintain a children and young persons strategy to improve the well-being of children and young persons. The strategy must include the outcomes to be achieved, as well as the actions that will be taken, the measures to be used to assess progress and the timeline within which the outcomes should be achieved.

The Executive must consult children and young persons, parents and guardians and children's representative bodies, in preparing the strategy.

The section also sets out the procedure for publishing, amending or replacing the strategy.

Section 4: Sharing of resources and pooling of funds

Section 4 is an enabling power, allowing the pooling of budgets and sharing of resources with a view to co-operating under the Act and could be used, for example, to support actions contained in the strategy.

Section 5: Report on the operation of this Act

Section 5 requires the Executive to prepare and publish a report on actions taken by the Executive and departments towards achieving the outcomes set out in the strategy; the progress achieved; the extent to which children's authorities and other children's services providers have co-operated with one another and pooled budgets and resources; and how the well-being of children and young persons has improved. The report must also identify opportunities for further co-operation, other ways in which well-being could be improved and any resulting revisions required to the strategy. The first report must be published within eighteen months of the first children's strategy being published; reports thereafter are required at intervals of no more than three years.

Children's authorities are required to co-operate with the Executive in preparing the report and OFMdfM must lay a copy of the report before the Assembly.

Section 6: Programme for government

In preparing a programme for government, the Executive is required, by section 6, to take account of the most recent report under section 5.

Section 7: Guidance

Under section 7, OFMdfM may publish guidance on the Act, to which the children's authorities must have regard.

Section 8: Regulations relating to section 4

Section 8 gives the Department of Finance and Personnel the power to make regulations governing the children's authorities' use of the powers, under section 4, to pool budgets and share resources.

Section 9: Interpretation

This section defines children and young people largely in accordance with the definition in the Commissioner for Children and Young People (Northern Ireland) Order 2003, to ensure that this legislation mirrors existing legislative definitions of children and young people. It also defines "children's authority", "children's service" and "other children's service provider" for the purposes of the Act.

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Section 10: Commencement

Under section 10, the Act became law from the day after it received Royal Assent and the first strategy was required to be published within 12 months of that date.

Section 11: Short Title

This section sets out the title of the Act, which is the Children's Services Co-operation Act (Northern Ireland) 2015.