

## CONSULTATION RESPONSE QUESTIONNAIRE

### Background

The aim of the consultation is to seek views on the detail of the Bill. The paper also highlights legislative reform relating to adoption and children which has taken place in Scotland, England and Wales over the last decade and seeks views on whether these reforms should be implemented in the north of Ireland.

### Questionnaire

The questionnaire can be completed by a member of the public or it can be completed on behalf of a group or organisation. Part A provides an opportunity to answer questions relating to specific recommendations that are made throughout the consultation. Part B provides an opportunity for respondents to give additional feedback relating to any equality, human rights or regulatory impacts of the recommendations that are contained in Chapter 4.

### Freedom of Information Act 2000 – Confidentiality of Consultations

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. **Before** you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

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This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. For further information about confidentiality of responses please contact the Information Commissioner's Office or see their web site at: <https://ico.org.uk>

I am responding: as an individual

On behalf of an organisation (please tick box)

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Date:  
28 April 2017

**RESPONSES MUST BE RECEIVED NO LATER THAN 5pm on Monday 10<sup>th</sup> April 2017**

**In writing to: Family and Children's Policy Directorate  
Department of Health  
Room A3.3, Castle Buildings  
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Or by email to: [adoption@health-ni.gov.uk](mailto:adoption@health-ni.gov.uk)

## Part A

### Chapter 1: Section 2

#### Independent Reviewing Officer (IRO) (Pages 13 – 14)

Do you consider that an IRO service should be put in place?

Yes  No  Undecided

If yes, do you consider that such a service should be introduced on a statutory or non statutory basis?

#### Comments

We believe it is important to ensure that the IRO service is independent, as a balance to the responsibilities & powers held by the Trusts - also that the Regulator should operate consistently across the NI jurisdiction, being respectful to local needs & demographic variations, but ensuring equity and also benchmarking practice against evidence based benchmarks.

It would seem reasonable & cost effective perhaps for the RQIA to subsume the IRO Role.

## **Adoption Support Agencies and Adoption Support Advisers (Page 14-16)**

Please provide your views on whether a distinct Adoption Support Adviser role should be established?

The Consultation Document at 1.2.7 et seq infers that the decision to establish distinct Adoption Support Agencies has been negatively determined on the basis of perceived adequacy of existing equivalents, mainly in the voluntary sector, and the relatively low volumes of adoption in NI year upon year.

We are not sure that this is the best decision.

Please also provide your reasons.

1. There is patchiness of coverage and lack of consistency of practice across different Trust areas in Northern Ireland
2. We are unsure as to what mechanisms are proposed to monitor quality and safeguarding in the various agencies quoted.

We would propose that the right to equity of support at a sufficient level of quality, efficacy and responsiveness needs to be considered on a Regional basis and a means to ensure consistent advice & support must be available to all children & families.

## Chapter 1: Section 2

### Adoption Support Services (Page 16-17)

Do you consider that the Department should create a duty to provide services assessed as needed?

Yes  No  Undecided

If yes, should such a duty apply in respect of all individuals or be restricted to particular categories of people?

#### Comments

On balance the Scottish approach seems to be a more holistic one, though inevitably the costs of providing services according to assessed need are likely to be higher or at least more transparent. ( The E&W model perhaps has the hidden costs accrued from failure to provide specific support services when need was identified).

It would be wise, if resources are scarce, to concentrate on those children assessed to be in the higher categories of need.

Which categories of people should the duty apply to?

#### Comments

As above -ie greater need should receive higher priority and concentration of focussed assessment and support.

## Chapter 1: Section 2 (Page 17-21)

### Special Guardianship Orders)

Do you consider that the introduction of SGOs in the north of Ireland should be strengthened to ensure that children are placed with carers with whom they have a prior relationship, established by living with the carer prior to an SGO being sought?

Yes  No  Undecided

If so, which of the options outlined at paragraph 1.2.22 do you consider should be applied?

In general, these seem wise (ie residence for a period before SGO) and allow for the ongoing assessment of the child's developmental and relational needs in a naturalistic family setting. However, for very young children, especially in the first 18 months of life, very careful consideration needs to be given to the child's attachment formation; disruption at this critical stage is very likely to result in anxiety and developmental regression or chronic relational difficulties becoming fixed.

Are there any additional requirements you would like to see in place?

Involvement of infant mental health or therapeutic LAC Services during the early adoption period; degree of intervention determined by individual assessed need.

## Chapter 1: Section 2

### Special Guardianship Orders: Panels (Page 21-22)

Do you consider that Panel consideration of proposed special guardianship order applications involving looked after children should be established in law?

Yes  No  Undecided

If not, please give your reasons.



**Chapter 1: Section 2**

**Care Plans (Page 23-24)**

Do you agree that the Court should be required to consider the permanence provisions of the care plan only?

Yes  No  Undecided

Do you agree with the definition of “permanence provisions” included in clause 122?

Yes  No  Undecided

If not, please give your reasons.

We agree that it is important to avoid undue delay BUT in some cases where the variables are complex, it may be wise to allow time to explore the range of options.....permanency is not achieved by placement breakdown consequent upon rushed decision making.

**Accommodation of children in need etc. (Page 26-27)**

Do you agree that a disabled child being provided with accommodation for respite/short break purposes should not become looked after?

Yes  No  Undecided

If you disagree, please give your reasons and outline how you consider such arrangements should be treated.

In general appears `least restrictive` in principle as long as the child`s welfare is safeguarded.

**Removal of the restriction of making cash payments only in exceptional circumstances (Page 27-28)**

Do you agree that the restriction on the making of cash payments in exceptional circumstances should be lifted?

Yes  No  Undecided

If not, please provide your reasons.

Again this is an improvement from restricted practice and a welcome move forward.

**General duty of authority to promote educational achievement (Page 28-29)**

Do you consider that a HSC Trust should be required to promote a child's educational achievement?

Yes  No  Undecided

Do you consider that, in providing a child with accommodation, a HSC Trust should be required to ensure, so far as is reasonably practicable and consistent with his welfare, that the child's education or training is not disrupted?

Yes  No  Undecided

Are there other measures which could be introduced to support a child's educational achievement?

Very broadly enhanced funding to schools/ educational establishments to facilitate these children's needs and to safeguard the budget for the rest of the school population;

Creation of CAMHS/TTLAAC Service linkage to schools & Special Education Departments;

Provision of Consultative Services & Training to Schools ....At present these services do not exist in a coherent form, though all Trusts have the potential to develop them ....Investment will be required to make it happen as well as effective leadership.

## Contact / No Contact Orders (Page 29 – 32)

Do you agree that the duty on a Trust to endeavour to promote contact should not apply where it is assessed that such contact would be contrary to the child's welfare?

Yes  No  Undecided

If not, please explain why.

It is difficult to give a valid answer to this very important question without a very firm grasp of the research and evidence base underlying the issue of contact, its benefits and those cases associated with actual or potential harm.

We would advise the Panel to consult with independent experts in the field and very carefully assess the LEVEL of evidence upon which this decision is being made AND to consider outcomes in the widest sense - ie short and long term and transgenerationally.....no mean task.

Do you agree with the provision included in the Bill which introduces the two new post-adoption contact orders outlined?

Yes  No  Undecided

If not, please give your views on what, if any, post adoption contact arrangements should be introduced?

In general we agree, though in practice a number of cases may test the balance ...The child's welfare remains paramount, but it is nigh on impossible to control all of the potential influences on a child's wishes and at times conflicted feelings about their origins and identity.

**Appointment of Guardians Ad Litem (Page 32)**

Do you agree with the proposed amendment to enable Guardians ad Litem to be directly employed, rather than admitted to a Panel?

Yes  No  Undecided

If not, please explain your reasons why.

Over restriction of recruitment could lead to a reduction in variety of personnel appointed to Panels, with the unfortunate consequence of difficulty in matching guardians to the needs of particular children.

**Regulation of Fostering Panels and introduction of a review mechanism for an agency’s determination in relation to foster parent (Page 33-34)**

Do you agree with the proposal to place fostering panels in Northern Ireland on a statutory basis?

Yes  No  Undecided

Comments

Do you agree with the introduction of an independent review mechanism to enable independent reviews of decisions made by fostering panels?

Yes  No  Undecided

Comments

## Chapter 2 – Other policy areas on which we wish to consult, with a view to including in the Bill

### 2.1 Adoption Support Services; Duty to provide information (Page 35-37)

Do you agree that the Bill should be amended to introduce a duty on an adoption authority to provide information about support services?

Yes  No  Undecided

If you do not agree, please give your reasons.

### 2.2 Provision of accommodation for children by voluntary organisations

Do you agree that Articles 74 and 78A of the Children Order should be repealed?

Yes  No  Undecided

If not please state your reasons and provide any examples of where a voluntary organisation may need to provide accommodation for children without the prior involvement of a HSC Trust

We are not sure it is wise to create a monolithic structure based totally on Trust services...This possibly reduces choice and does not always perhaps stimulate innovation.....We have to ask ourselves truly: Are the Trust Services producing good enough outcomes for children or are there better options?

**2.3 Contact between prescribed persons and adopted person’s relatives (Page 38 – 40)**

Do you agree that the Bill should be amended to enable descendants of adopted people to access records and intermediary services?

Yes  No  Undecided

If you think such descendants should not be allowed access, please provide your reasons.

**2.4 Dually Approved Carers (Page 40-42)**

Do you agree that a duty should be placed on adoption agencies in the north of Ireland to consider the placement of a child with dually approved carers?

Yes  No  Undecided

If you do not agree, please provide your reasons.

Seems to improve the likelihood of permanence.



## 2.5 Private Fostering (43-46)

Do you agree that the Children Order should be amended, as outlined in consultation, to include children who are proposed to be privately fostered?

Yes  No  Undecided

If you do not agree, please give your reasons.

Do you agree that the Children Order should be amended to include powers to make regulations:

- in respect of the carrying out of an authority's duty in relation to privately fostered children?
- to require an authority to monitor the way in which it discharges its functions?

Yes  No  Undecided

If not please give your reasons.

Whereas it would seem logical at first sight to extend the legislation to promote the welfare of children who are privately fostered similar to those who are not – we are not at present aware of how the outcomes for such children differ, what the equivalences with respect to permanency are or, in general, how the needs differ. If these factors have been adequately researched to acceptable levels of reliability and there is no significant difference in terms of these parameters, then the question is merely one of equity. If however the privately fostered group do significantly better without increased regulation, then we would ask the question as to what would be the point?

Are there any other provisions relating to privately fostered children that you would like to see introduced?

The proposals do not indicate how long it is proposed to “monitor” these children.

## 2.6 Northern Ireland Adoption and Children Act Register (Page 46-47)

Please give your views on whether prospective adopters should be allowed to search and inspect the NI Adoption and Children Act Register, when established in law?

There is perhaps something deterministic in this suggestion ...will need careful balancing with the paramountcy principle. Also the level of detail in profiling, needs careful thought to guard against prolonged rejection of certain children - eg if their needs are recorded as challenging.

## Northern Ireland Guardian Ad Litem Agency (NIGALA) – proposed change of name (Page 47- 49)

Do you agree that the name of the Guardian Ad Litem should be retained?

Yes  No  Undecided

If so, why?

Let's respect the young people's wishes! (It is great to see Latin used these days, but) if we have asked, then we need to listen.

If you think that the name should be changed, do you agree that it should be changed to the Children's Court Guardian (with the Northern Ireland Guardian ad Litem Agency becoming known as the Northern Ireland Children's Court Guardian Agency)?

Yes  No  Undecided

If you do not agree with the name proposed, please provide any alternative suggestions?

We could encourage schools to provide more experience of the Classics!

### 2.8 Kinship Care Orders (Page 49-52)

Do you consider that a Kinship Care Order should be introduced in the north of Ireland?

Yes  No  Undecided

If subject to a Kinship Care Order, should and allowance be paid?

Yes  No  Undecided

If yes, should it be equivalent to a fostering allowance?

This would seem to be in order.

Should it be subject to means testing?

Yes  No  Undecided

In addition to allowances paid to kinship carers who provide care to children who are looked after, do you consider that allowances should be payable to kinship carers who provide care to children who are not looked after but who are subject to an Article 8 Order (a Kinship Care Order, if introduced), and are or were:

- previously looked after;
- placed with involvement from the HSC Trust; or
- at risk of becoming looked after

Yes  No  Undecided

Comments

## 2.9 Corporate Parenting (Page 53-55)

Do you consider that Corporate Parenting should be introduced in legislation in the north of Ireland?

Yes  No  Undecided

If so, should statutory corporate parenting here be guided by the statutory principles set out in the Children and Social Work Bill?

If these truly reflect the aspirations, wishes and responsibilities which would occur in non-statutory parenting situations, then yes.

Should the responsibility of corporate parent be extended to bodies other than HSC bodies, similar to the approach taken in Scotland?

Yes  No  Undecided

If yes to the above, which bodies should corporate parenting extend to?

The parent must not become too amorphous and ill-defined with the result that responsibilities become diluted & weak.....Too many professionals (even if well meaning & competent) do not make up for one or two good parents.

There is a distinct risk here of over prescription and over professionalising of the parental role.

If no to the above, please give your reasons.

See above.

**2.10 Approved Home Childcarers (Page 55-56)**

Do you agree that a power should be taken to introduce voluntary 'childcare' registration schemes in the north of Ireland?

Yes  No  Undecided

Comments

## 2.11 Childcare Agencies (Page 56-58)

Do you agree that the Department should take a power to introduce and regulate childcare agencies in the north of Ireland?

Yes  No  Undecided

If introduced, should the HSC Trusts or the RQIA be responsible for the regulation of childcare?

RQIA preferably...needs to be costed.

Do you agree that the definition of a nanny, provided in Article 119(4) and (6) of the Children Order, should be amended to include those employed by agencies?

Yes  No  Undecided

Comments



## 2.12 Extending Care for Care Leavers

Do you consider that the GEM scheme should be placed on a statutory footing?

Yes  No  Undecided

If not please explain.

Do you consider that some services should be extended here to include care leavers up to the age of 25, on request?

Yes  No  Undecided

If not, please explain.

Absolutely... age in years is a poor indicator of functionality.

### 2.13 Children Order Annual Report

Do you consider that Article 181 of the Children Order should continue to apply, be repealed or amended?

Apply  Repeal  Amend

If you consider that reporting under Article 181 of the Children Order should be retained, please advise how frequently the Department should be required to provide such a report.

3 yearly.

## 2.14 Persona Education Plans

PEPs are a statutory requirement in Britain. Do you consider that PEPs should also be placed on a statutory footing in the north of Ireland?

Yes  No  Undecided

If not, please explain.

## 2.15 Further suggested amendments

Are there any other amendments that you think should be considered for inclusion in the Bill? If so, please provide details and the reason why such amendments should be included at this time.

There is much good intent in this Bill in its attempt to rationalise and harmonise the organisation of Services for Adopted Children in Northern Ireland by placing practice within a coherent legal framework which is up to modern standards in terms of Children's Law and Human Rights legislation.

The suggested changes tread a difficult line between over professionalisation of parenting experience for adopted children, whilst at the same time attempting to promote permanency, positive identity, child welfare, child safety and also safeguarding opportunity for the future.

There is welcome attention in several sections to the desirability of a more integrated approach to service provision involving social care, educational and mental health services....To enable such services to develop in the manner indicated, will require substantial initial and recurrent investment in more joined up developmentally appropriate services to support these young people and their families at least into early adulthood. We would advise that the costing consideration of services required to deliver results stimulated by the proposed legislation are brought to the attention of the relevant Departments of the Northern Ireland Assembly - specifically the Departments of Health, Education, Economy and Communities and their Ministers when appointed .

We thank you for this opportunity to review and comment on this important development in Childcare Legislation.

## Chapter 3: Children’s Partnership Arrangements

### 3.1 Children and Young People’s Strategic Partnership

Do you agree that a RCYPSP should be established in statute?

Yes  No  Undecided

If not, please explain why.

Do you agree with the Department’s proposals relating to the structure, membership, chairing arrangements, objectives and functions of the RCYPSP and the duties and powers to be conferred on it?

Yes  No  Undecided

If not, please explain why.

The suggested composition of the Panel would benefit from inclusion of clinical expertise and members skilled in the interpretation of complex evidence based data in reaching sound decisions in the best interests of these children who have highly complex needs.

We would advise against imperfectly constituted Panels making such decisions on the basis of externally commissioned “expert” reports in the absence of specialised interpretative skills.

We would also call into question the omission of lay representatives, as this seems to be at odds with the spirit of Client centred practice.

Do you agree that a RCPP should be established, operating under the auspices of the RYPSP?

Yes  No  Undecided

If not, please explain why.

Do you agree with the Department's proposals relating to the structure, membership, chairing arrangements, objectives, and functions of the RCPP and the duties and powers to be conferred on it?

Yes  No  Undecided

If not, please explain why.

As above we have concerns that the group is thin on certain vital skill areas and there is a possible disconnect between its strategic and operational aspects.

## Part B

### Chapter 4 – Assessment of Impact

#### Equality Impact Assessment

Are you aware of any indication or evidence – qualitative or quantitative – that the proposals as set out in this consultation may have an adverse impact on equality of opportunity or on good relations between people of different religious belief, political opinion or racial group?

Yes  No  Undecided

If yes, please provide comment on what you think should be added or removed to alleviate the adverse impact.

Is there an opportunity to better promote equality of opportunity or good relations between people of different religious beliefs, political opinion or racial group?

Yes  No  Undecided

If yes, please give details as to how.

Involve disenfranchised groups more actively in this Consultation exercise.

Are there any aspects of these recommendations where potential human rights violations may occur?

Yes  No  Undecided

If yes, please give details

Again there is a tendency towards intrusion ...how far families are free to make their own choices and decisions about utilisation of proposed services is not clear.

### **Regulatory Impact Assessment**

A Regulatory Impact Assessment is being prepared on those consultation proposals that may have a regulatory impact on business, charities or voluntary bodies.

One would not wish to lose any value that such agencies may have built up through long experience.



Do you foresee any unintended consequences as a result of the introduction of these proposals?

Yes  No  Undecided

Probably not unexpected will be the likely costs incurred in making the changes and as above the substantial investment in support services required to enact the legislation.