

4 May 2006

Mr Tom Mc Gonigle
Inspector
Criminal Justice Inspection NI
14 Great Victoria Street
Belfast
BT2 7BA

Dear Tom

Re: Contribution of the Voluntary and Community Sector to NI's Criminal Justice System

Children in Northern Ireland welcomes the opportunity to engage with the Criminal Justice Inspection NI review of the contribution of the voluntary and community sector to NI's criminal justice system.

Children in Northern Ireland is responding to the review in our capacity as the umbrella body for the children's voluntary sector in NI, as such our contribution to the review is focused at a strategic level. We acknowledge and recognise the specific contribution of our member organisations that are uniquely criminal justice voluntary organisations and who are best equipped to provide an analysis of the reality of their relationships with the criminal justice system.

CiNI recognises that the review in and of itself is an important acknowledgement by the criminal justice system of the role and contribution of criminal justice voluntary organisations. We believe that the review is a useful exercise particularly at a time when the voluntary and community sector is awaiting progress on the implementation of Positive Steps Government's Response to the Task Force Report on Resourcing the Voluntary and Community Sector.

CiNI looks forward to the publication of the final CJINI report which we believe can be the vehicle by which to strengthen and develop relationships between the criminal justice statutory and voluntary and community sectors. CiNI also looks forward to continuing and developing working relationships with the criminal justice system.

Yours sincerely

Pauline Leeson
Director

Comment upon the Voluntary and Community Sector (VCS)-statutory developments in NI over the past 5-10 years

- The establishment of the Joint Government Voluntary and Community Sector Forum in 1998 has been a positive development in opening up communication channels between the sectors and allowing for open discussion on key issues that impact on the relationship between the sectors.

The Joint Forum has recently been reviewed and we would urge the NIO to proactively engage with the Joint Forum in meeting the recommendations of the Review and to renew its commitment to open, transparent and collaborative participation on the Joint Forum.

- The introduction of the Section 75 duty on public authorities to promote equality of opportunity and good relations has had a significant impact on the VCS-statutory relationship over the last 5-10 years.

The VCS continues to advocate strongly for the explicit recognition of children and young people within the Section 75 'age' equality group.

The VCS has stepped up to the mark in terms of its developing expertise in the participation of children and young people, facilitating and providing platforms and processes by which children and young people can advocate on their rights and needs directly to government and public authorities.

On the statutory side while there has been some good practice examples of government consulting directly with children and young people, for example, on the development of legislation to establish the Office of the Commissioner for Children and Young People, unfortunately there is real concern that government is not delivering on its Section 75 obligations to children and young people, through both a failure to produce child-friendly versions of consultation documents and failure to engage directly with children and young people on key policy consultations that will impact directly on children and young people. As well as a failure to undertake the required screening and equality impact assessment of proposed legislation and policy.

How has the VCS responded to working, in part, as agents of the government? How has it been to reconcile government's business with its charitable status and voluntary sector ethos?

- It is clear that the Government is increasingly relying on the VCS to deliver public services, however the fact the VCS is actively involved in cross-sectoral and multi-agency service planning forums has meant that the sector can bring to these forums their voluntary sector ethos and work to influence the way in which public services are actually delivered.

Do government structural arrangements work okay for the VCS? How could they be improved?

- CiNI believes that there is an urgent need for a return to devolved government in Northern Ireland, which would clearly ensure that government would be more transparent and accountable in the development, implementation and delivery of legislation, policy and practice. Further we believe that the devolution of criminal justice powers to Northern Ireland would remove the current two-tier system that exists to the disadvantage of children and young people in the criminal justice system.

What are your views on the VCS being drawn into work which is not exactly what it would have chosen (or what it was set up to do) for the sake of obtaining government money?

- CiNI would highlight that the *Compact between Government and Voluntary and Community Sector in NI* identifies one of the shared roles of both Government and the VCS “to work in partnership with government to achieve common aims and objectives” (DHSS, 1998, 3.1 and 3.2)

It is unfortunate that given extreme financial circumstances organisations have in the face of closure of their services been forced to take on work that does not accord with their organisational aims, objectives and value base. CiNI believes that is contrary to the basis of the Compact which focuses on building real partnership between Government and the Voluntary and Community Sector. Clearly in such situations there is not an equal partnership between Government and the VCS, and Government has exploited the weak position of vulnerable VCS organisations. We would urge Government to conform to the standards of the Compact particularly in negotiating contracts for delivery of public services.

What is your experience of funding, accountability and support relationships?

- Funding, accountability and support relationships have been fraught with difficulty and hence the establishment of the Task Force on Resourcing the Voluntary and Community Sector in NI. Government has responded to the Report of the Task Force in its *Positive Steps* paper and has accepted recommendations relating to funding, accountability and support:

“Government will actively promote a longer-term (7-10 year) outcome focussed approach to programmes that significantly involve the voluntary and community sector” (DSD, 2005, 3.2)

“We will put in place mechanisms to check that systems of governance and accountability are sufficient and adequate for the disbursement of public money” (DSD, 2005, 8.2)

“DSD will lead on the development of a strategy for support services which will address benchmarks and performance standards for support organisations to help ensure consistency of service provision” (DSD, 2005, 10.1)

CiNI would now urge the Criminal Justice Agencies to produce plans to demonstrate how its agencies intend to implement these recommendations which have been accepted by Government.

What is your understanding of the difference between contracting and funding relationships?

- Contracting is a specific service delivery agreement mechanism. A funding relationship has a wider remit which may include other knowledge based work e.g. policy, research, information etc

Do you see any differences between VCS organisations that receive government funding and those which do not e.g. in terms of their independence?

- CiNI does not see any difference in the independence of VCS organisations that receive government funding and those which do not. We believe that the receipt of government funding should not impinge upon a VCS organisation's independence. In fulfilling its role in advising government on issues of concern and further in advocating and campaigning to seek change in response to need a VCS organisation must be sufficiently confident in its independent status to give, what will be on some occasions, difficult messages to government.

However, we do recognise that this can be an extremely difficult stance for those organisations that rely on government funding for their survival, and therefore, there is also a role here for those VCS organisations who are uniquely advocacy organisations in supporting and facilitating those organisations that receive government funding to deliver services, to provide a considered, collective and representative voice through which to engage with government on concerns and difficulties.

What added value do funders consider the VCS adds? How confident are funders about quality assurance of the services being delivered?

The VCS brings significant added value to service provision. One aspect of this is volunteering. *State of the Sector IV Northern Ireland Voluntary and Community Sector Almanac 2005* estimated that there are 75, 780 volunteers formally attached to voluntary and community organisations. Of these 21, 249 are attached to children and young people's organisations. *State of the Sector* observes that "the involvement of large numbers of people in volunteering in NI adds much to the work the sector can carry out" (NICVA, 2005).

In terms of service delivery it has been argued that the sector may be able-

"... to deliver services more effectively to certain groups because their particular structures enable them to operate in environments which the state and its agents have found difficult or impossible. And these structures enable them to demonstrate more easily a range of specialist skills and experience needed to deliver services". (The Role of the Voluntary and Community Sector in Service Delivery-A Cross Cutting Review HM Treasury, 2002, p.16)

The Cross Cutting Review also identified a range of advantages that the voluntary and community sector brings to service delivery-

- Specialist knowledge, experience and/or skills.

- Particular ways of involving people in service delivery whether as users or self help/autonomous groups.
- Independence from existing and past structures/models of service delivery.
- Access to the wider community without institutional baggage.
- Freedom and flexibility from institutional pressures

The range and depth of services provided by the voluntary children's sector in Northern Ireland is illustrated in the attached diagram. The sector is active in all four levels of service delivery. Level 1 services are services provided for the whole population of children and young people. Level 2 services aim to support children and young people who are assessed to be vulnerable. Level 3 services are directed at children and young people who are experiencing serious problems. Finally level 4 services are provided for children and young people where the family has broken down either on a temporary or a permanent basis. In all of these areas there have been examples of innovative practice and service delivery. The sector has also developed significant expertise in the participation of children and young people in service planning and delivery as well as in policy development.

Do you have any comments on the balance of VCS advocacy and service delivery roles?

- As the question states CiNI would emphasis, with a view to the role of the sector as provided by the Compact, that it is essential that there is a balance between advocacy and service delivery roles.

However, as indicated above there is an important role for advocacy organisations that do not deliver direct services to children and families. The role of these advocacy organisations is important in providing support to those directly delivering services and providing a collective and representative voice for the VCS.

Can you identify key elements of best practice in the VCS-statutory sector working relationships? Can you provide example(s) of good practice and difficulties?

- One example of best practice in the VCS-Statutory sector working relationship is the significant and developing role which the VCS has in the planning of services through participation in multi-agency and multi-sectoral groups such as the Children and Young People's Committees lead by the HSS Boards and which includes representation from the Youth Justice Agency. CiNI would advocate that in the outworking of the RPA recommendations that these working relationships are protected and strengthened.
- The process through which Anti-Social Behaviour legislation was introduced in NI is an example of particularly bad practice in terms of VCS-statutory working

relationships. In addition to the NIO's flagrant breach of Section 75 of the NI Act 1998, which was accepted by the Equality Commission for NI following a complaint lodged by 9 children's and human rights NGOs, CiNI would also highlight that the process was in breach of the *Compact Between Government and the Voluntary and Community Sector in NI*.

Through the Compact Government, including the NIO, made commitments to action which would enable it to deliver on the role it had agreed as part of building real partnership with the VCS.

In particular we would highlight that in pushing draft legislation on Anti-Social Behaviour through Parliament in a tightly compressed timescale the Government failed "to ensure that consultation processes with the voluntary and community sector were timely, transparent and inclusive" (DHSS, 6.1).

Furthermore not only did Government fail to properly adhere to its Section 75 duty to promote equality of opportunity through screening and equality impact assessment of consultation proposals and draft legislation, the Government was also in breach of its Compact commitment "to assess proposed legislation, new policies and policy changes for their potential impact on the voluntary and community sector ... and to consider where possible the scope for mitigating any unintended negative impact" (DHSS, 6.1)

What comparisons can you make with RoI or GB VCS-statutory relationships?

Progress on Criminal Justice Review recommendations relating to the VCS, e.g. proposed representation on groups: Criminal Justice Issues/Prisons, Probation and Youth Justice Advisory/North South Groups; Development of Community Safety Strategy; adequacy of funding?

The future – should more services be contracted out to the VCS; or, on the contrary, should some essential services be bought in house? Are there opportunities for the VCS to identify new service needs, and to lead and support change?

- CiNI would highlight that Government has consistently made firm commitments to the developing role of the VCS in public sector service delivery. In its *NI Priorities and Budget 2006-08* document Government stated:

"Developing a strong and appropriate role for the Voluntary and Community Sector is also particularly significant in NI where the sector has and will continue to have a key role in delivering public services and support, often to the most disadvantaged and marginalised in society". (PfG Budget, 2005, para 46)

In *Positive Steps The Government's response to Investing Together: Report of the Task Force on Resourcing the Voluntary and Community Sector* it was made clear that Government recognises that the VCS should have an increasing role in the delivery of public services:

"We will encourage and support more effective and wider-ranging involvement of voluntary and community organisations in the delivery of public services in NI

where they can add value to those services ... we want to ensure that organisations wishing to engage more in the delivery of public services are facilitated to do so. Where there are barriers to greater involvement by the sector we will remove them.” (DSD, 2005, 2.2 and 2.5)

CiNI would encourage the Government to ensure that these commitments are actively delivered on by continuing to ensure that the criminal justice voluntary sector, who are currently delivering public services to some of the most disadvantaged and marginalised children and young people in society, has a continued and where appropriate strengthened role in delivering public services recognising the positive outcomes that it has been able to deliver for these children and young people.

CiNI would suggest that beyond there being opportunities for the VCS to identify new service needs, and to lead and support change the VCS has in fact established a recognised and valued role for the sector to innovate and be at the forefront of developing new types of services based on the identified needs of the children and families which organisations work with and for, as well as new approaches to service delivery and social care practice.

What are your views re role of criminal justice voluntary sector in NI over next 10 years? What is the impact of changes in statutory roles, e.g. more emphasis on a corrections approach?

- CiNI trusts that as the criminal justice voluntary sector develops its role as a provider of public services it will in tandem develop its role as a key stakeholder in the planning of public service delivery at regional and local levels. However, we believe that in increasing its role in service planning and delivery, this must not dilute the role of the sector in advocacy and campaigning on behalf of children and young people. Government must recognise and respect this distinctive aspect of the sector's role and recognise that advocacy and campaigning through policy work should be supported as a core part of the service delivered by criminal justice voluntary organisations.

In terms of the statutory sector, CiNI would advocate strongly that the YJA and all of the criminal justice agencies working with children and families, commit firmly to the Government's Ten Year Strategy for Children and Young People which is to be founded on children's rights principles provided by the United Nations Convention on the Rights of the Child. CiNI would urge that all of the criminal justice agencies working with and for children demonstrate through contribution to the supporting Children and Young People's Action Plan how they plan to work in partnership with the criminal justice voluntary sector to deliver the strategic outcomes for children and young people in the criminal justice system.