

QUESTIONNAIRE ON COAC REPORT ON COURT WELFARE OFFICERS

Name: ~~Children in Northern Ireland (CiNI)~~ _____

Address: Unit 9, 40 Montgomery Road, Belfast, BT6 9HL _____

Are you responding as:

- An individual
- On behalf of a group or organisation

For the purposes of analysing responses it would be helpful if you indicated the sector which you are responding from. Please tick as appropriate:

1. Health and Social Services
2. Legal sector
3. Judiciary
4. Advice sector
5. Voluntary sector
6. Academic sector
7. Political sector
8. Statutory sector
9. Government body
10. Individual
11. Other (please specify) _____

Children in Northern Ireland (CiNI) welcomes the opportunity to respond to the Report of the Court Welfare Office Sub-Committee.

1. Should the Court Welfare Service remain the responsibility of HSS Trusts? YES/NO, please provide an explanation for your answer

From the Report CiNI notes that currently there are a variety of arrangements in place across the HSS Trusts to meet the requirements of Article 4 of the Children Order, and currently only 3 Trusts having dedicated full-time Court Welfare Officers. Where HSS Trusts have dedicated Court Welfare Officers in place this has been identified as an effective mechanism which we note provides 'better results' for the children involved (p.5).

Therefore it would appear that the ability of the HSS Trusts to provide a high standard of service is not in question, rather the issue is that there is no strategic approach to the provision of a Court Welfare Service and therefore no consistency in arrangements for the provision of such a service across all of the HSS Trusts.

CiNI believes that the current reorganisation and rationalisation of HSS Trusts in line with the recommendations from the Review of Public Administration should be ceased upon as an opportunity for the DHSSPS and new Strategic Health Authority, which will have responsibility for the new Trust structures, to develop a more strategic approach to planning, delivery and resourcing of the Court Welfare Service. This approach must recognise the Court Welfare Service both as a necessary and effective service, and ensure that it is expanded across all of the new HSS Trust structures and adequately staffed and resourced to deliver a consistently high standard of service which can produce 'better results' for all children and parents requiring the assistance of such a service, regardless of which HSS Trust boundary they live within.

CiNI believes that this can be informed by an evaluation of current workload to determine the required number of Court Welfare Officers for NI. CiNI also believes that such an evaluation should inform and support the creation of a ring-fenced budget for the Court Welfare Service. The budget should be held by the new Strategic Health Authority which will have overall authority for the new HSS Trust structures and thus overall accountability for a Court Welfare Service budget.

CiNI notes that those consulted for the purposes of the Report indicated a preference for the HSS Trusts to retain responsibility for Court Welfare Services. However we believe that it is also crucial that the Sub-committee consult directly with children and families on the possible future models. Therefore we would recommend that a child friendly version of this consultation and questionnaire is produced for children and young people.

2. Do you have any comments on the proposal to have a common job description and job specification for Court Welfare Officers? Please indicate any area which you feel needs to be included in either document

CiNI believes that it would be entirely sensible and appropriate to develop a common job description and job specification for Court Welfare Officers at a time when the service is being expanded and developed. We believe that this would be an important step in recognising and endorsing the service and it would enable the development of standardised and consistent practice for the service.

The common job description and job specification could be informed by an analysis of the current workload of Court Welfare Officers and should be developed in consultation with Court Welfare Officers and other key stakeholders. Clearly core skills required should include an appropriate level of mediation skills and a sound understanding of children's rights principles.

Furthermore, CiNI would support the development of a Court Welfare Officer Forum and would agree that part of the role of such a Forum should be to carry out a training needs analysis for Court Welfare Officers.

3. What is your view of the Report's recommendations on the future of the Court Welfare Officer service? In your view will they have a positive impact on Article 8 cases?

CiNI notes the three alternative models which the Report puts forward for the future of the Court Welfare Service, and further notes that the Report makes no recommendation as to which model it endorses.

However, CiNI also notes that the views of the HSS Trusts and the Court's and Legal Profession's are given in relation to each of the three possible future models. It appears clear from these views that there is widespread support for HSS Trusts retaining responsibility for Court Welfare Services.

The three possible models for the future which have been put forward in the Report have all been identified as having some associated disadvantages. CiNI believes that should the HSS Trusts retain responsibility for the Court Welfare Service all efforts should be made to address the disadvantages that are associated with this model and at the very least minimise the adverse impact of the disadvantages. It would appear that many of the disadvantages associated with the HSS Trusts retaining responsibility for the service could be addressed by the appropriate strategic health bodies taking a strategic approach to developing, strengthening and appropriately resourcing the service.

The report has demonstrated that where the HSS Trusts have been providing a Court Welfare Service this has had a positive impact on Article 8 cases; therefore it can be assumed that should the HSS Trusts have responsibility for a strengthened and expanded Court Welfare Service for NI this experience would be replicated across all Trust areas.

4. Please feel free to make any further comment which you feel would assist with improving the operation of the Court Welfare Service?

CiNI notes that the Report does not include the perspective from children and their parents on how the existing system is working.

CiNI would highlight the statutory equality duty placed on public authorities including the DHSSPS and NI Court Service by Section 75 of the Northern Ireland Act 1998 which requires equality mainstreaming at all levels and all stages of policy development. Policy development is a broad and inclusive term that covers all the ways that a public authority carries out or proposes to carry out its functions relating to Northern Ireland (Equality Commission for NI Guide to Statutory Duties). Therefore equality mainstreaming must be applied to the development of the proposed arrangements currently being consulted upon.

CiNI would ask for information on plans to subject the consultation proposals to the Section 75 screening process for the purposes of determining whether or not a full Equality Impact Assessment is necessary.

CiNI would be keen to hear of the Sub-committee's plans to consult with children and their parents on the possible future models for provision of the Court Welfare Service. Therefore we would recommend that a child friendly version of this consultation and questionnaire is produced for children and young people.

CiNI believes that it would be useful to have a timetable for implementation of the recommendations. It may also be useful for the sub-committee or an alternative mechanism to adopt a monitoring role in relation to implementation of the recommendations and could report back to the COAC on implementation.

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Alternatively, you can email your completed questionnaire to:

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