

EXPLANATORY MEMORANDUM TO
THE CHILDREN'S COURT GUARDIAN AGENCY FOR NORTHERN
IRELAND (ESTABLISHMENT AND CONSTITUTION) ORDER
(NORTHERN IRELAND) 2023

S.R. 2023 No 11

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Health ("the Department") to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 3(1), (2), (4) and (6) of the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990 (S.I. 1990/247 (N.I. 3) and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Order changes the name of the Northern Ireland Guardian Ad Litem Agency (NIGALA) to the Children's Court Guardian Agency for Northern Ireland (CCGANI). It does so by revoking the Order that established NIGALA - the Northern Ireland Guardian Ad Litem Agency (Establishment and Constitution) Order (Northern Ireland) 1995 - and restating its provisions in this Order but with any references to NIGALA in the title and provisions replaced with the Agency's new name. The Order is being made in tandem with an Order to commence section 137 of the Adoption and Children Act (Northern Ireland) 2022, which changes the name of the Guardian ad Litem to Children's Court Guardian.

3. Background

- 3.1. Following a review by the Regulation and Quality Improvement Authority (RQIA) of NIGALA's governance arrangements in 2012, RQIA recommended that the Department consider changing the name of the Guardian Ad Litem and the title of the Agency, in order to make their role and purpose more meaningful to children and young people.
- 3.2. Consultation with children and young people on the Adoption and Children Bill, facilitated by the voluntary organisation the Voice of Young People in Care (VOYPIC), indicated that the majority of young people agreed that NIGALA's current name did not make clear what service it provided and that it should be changed to reflect their understanding of the guardian ad litem's role.
- 3.3. Following a competition to suggest a new name, and then a poll on the shortlisted options, the title "children's court guardian" was chosen as being most meaningful to children and young people. It is in keeping with Article 12 of the United Nations Convention on the Rights of the Child that the wishes of children and young people should be reflected in this way.

4. Consultation

- 4.1. Public consultation on whether the title "guardian ad litem" should be changed took place as part of the Department's consultation on the Adoption and Children Bill, from 16th January to 28th April 2017. The consultation document is available on the Department of Health's website at <https://www.health-ni.gov.uk/consultations/adoption-and-children-northern-ireland-bill>
- 4.2. Consultees were asked three questions: whether the name of the guardian ad litem should be retained, whether it should be changed to children's court guardian, or whether it should be changed to something else.
- 4.3. A majority supported the titles Children's Court Guardian and Children's Court Guardian Agency for Northern Ireland.
- 4.4. The Department has had substantial engagement with NIGALA on the issue and it is supportive of the proposed name changes.

5. Equality Impact

- 5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on the legislative proposal in this Order. The Department has concluded that the proposals would not have significant implications for equality of opportunity and considers that an Equality Impact Assessment is not necessary.
- 5.2. The reason for the Department's decision is that the Order is limited in its purpose to changing the name of NIGALA. Consultation has made clear that the new name will improve understanding of the Agency's role. The change is likely to be of particular benefit to children and young people including, for example, those with a learning disability or those for whom English is not their first language.

6. Regulatory Impact

- 6.1. A regulatory impact assessment has not been carried out for this Order because it is not anticipated that there will be any adverse impact on business, charities or voluntary bodies, or on the public sector.

7. Financial Implications

- 7.1. Required database changes and a rebranding exercise by the Children's Court Guardian Agency for Northern Ireland, including the procurement of new signage to reflect its new name, will incur costs of c. £40k.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. Consideration has been given to the human rights implications of this Order. It is considered compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. None.

10. Parity or Replicatory Measure

- 10.1. Not applicable.

11. Additional Information

- 11.1. A circular will be issued to advise stakeholder organisations of NIGALA's new name prior to this Statutory Rule becoming operational.
- 11.2. The Permanent Secretary to the Department of Health has also written to all MLAs to advise them of the changes.