

Title: Amendments to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) (Independent Guardian) Regulations (Northern Ireland) 2016 (“the 2016 Regulations”)	Regulatory Impact Assessment (RIA)
	Date: xx September 2022
	Type of measure: Secondary
Lead department or agency: DoH	Stage: Initial
	Source of intervention:
Other departments or agencies: Barnardo’s / Independent Guardian Service provider Other Voluntary and Statutory Organisations e.g. HSCTs	Contact details: Family and Children’s Policy Directorate
	fcpdadmin@health-ni.gov.uk

Summary Intervention and Options

<p>What is the problem under consideration? Why is government intervention necessary? (7 lines maximum)</p> <p>The experience required to work as an Independent Guardian (IG) (for unaccompanied/trafficked asylum-seeking children) is currently set in Regulation 3 of the above Regulations. IGs must currently be social workers with at least five years’ post-qualifying experience. A 2021 evaluation of the IG Service (IGS) recommended that this experience requirement is reduced. Effecting this recommendation requires government intervention as the five year period is a statutory requirement under Regulation 3(b). The proposed amendment would replace the wording ‘five years post-qualifying experience’ with ‘have completed period of assessed employment’. This would allow greater flexibility to specify the level of post-qualification experience outside the legislative framework (e.g. in contract or job description).</p>
<p>What are the policy objectives and the intended effects? (7 lines maximum)</p> <p>The amendment would introduce greater flexibility in respect of IG recruitment. It is intended to attract a wider, more diverse pool of applicants for the posts, which the IGS has at times had difficulty filling. This, in turn, is intended to help alleviate pressures on the IGS, which is seeing rising numbers of service users. The amendment would therefore help ensure the sustainability of service provision for some of the most vulnerable young people in society.</p>

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base) (10 lines maximum)

DoH has considered a number of options to alleviate pressures faced by the IGS and give effect to the evaluation's recommendations. The service provider, in conjunction with DoH's Strategic Planning and Policy Group (SPPG) as commissioner, is working to implement recommendations that do not require legislative change. However, the service provider has stated that IGS has been, and continues to be, operating at and beyond capacity. In particular, it has had ongoing difficulties in recruiting IGs with the necessary five years' post-qualifying social work experience as required under the 2016 Regulations, especially in the context of wider staffing challenges in the profession. As such, the proposed amendment – in conjunction with non-regulatory operational changes – is considered the preferred option.

Will the policy be reviewed? This is a review of a previous policy

If applicable, set review date: Month/Year

Cost of Preferred (or more likely) Option

Total outlay cost for business £m	Total net cost to business per year £m	Annual cost for implementation by Regulator £m
N/A	N/A	N/A

Does Implementation go beyond minimum EU requirements?		YES <input type="checkbox"/>	NO <input type="checkbox"/>
Is this measure likely to impact on trade and investment?		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Are any of these organisations in scope?	Micro	Small	Medium
	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	Large		
	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

The final RIA supporting legislation must be attached to the Explanatory Memorandum and published with it.

Approved by:

Date:

Description:

ECONOMIC ASSESSMENT (Option)

Costs (£m)	Total Transitional (Policy)		Average Annual (recurring)	Total Cost
	(constant price)	Years		
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate	0		0	0
<p>Description and scale of key monetised costs by ‘main affected groups’ Maximum 5 lines</p> <p>The policy will have no anticipated monetary impact upon business. Appointments to the role of IG are already contractually agreed with SPPG, the IGS’ commissioner.</p>				
<p>Other key non-monetised costs by ‘main affected groups’ Maximum 5 lines</p> <p>It is not anticipated that the proposed amendments will place any unnecessary regulatory administrative burden on the IGS or any other statutory or voluntary organisations. Consequently, the policy will have no impact on IGS or any of the organisations. There is anticipated positive impact, in terms of increased efficiency and improved service delivery, upon amendment of the regulations.</p>				
Benefits (£m)	Total Transitional (Policy)		Average Annual (recurring)	Total Benefit
	(constant price)	Years		
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				
<p>Description and scale of key monetised benefits by ‘main affected groups’ Maximum 5 lines</p> <p>N/A</p>				
<p>Other key non-monetised benefits by ‘main affected groups’ Maximum 5 lines</p> <p>N/A</p>				

Key Assumptions, Sensitivities, Risks Maximum 5 lines

None

BUSINESS ASSESSMENT (Option)

Direct Impact on business (Equivalent Annual) £m				
Costs:	Benefits:	Net:		

Cross Border Issues (Option)

How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland) Maximum 3 lines

The most comparable service to the IGS in the rest of the UK and Ireland is the Scottish Guardianship Service (SGS). The SGS considers a social work qualification to be desirable, however this is not deemed essential if an applicant meets other relevant criteria. Guardians come from a range of professional backgrounds. Although EU member states have laws on trafficking, including that of minors, IG services are not present in every EU country. There is no comparable service in the Republic of Ireland.

Evidence Base

The role of the IGS is to make provision to “assist, represent and support” a child, if that child is the victim of human trafficking, may have been trafficked or is at risk of being trafficked, within 24 hours of their arrival in NI. The same provision applies to a child that arrives in Northern Ireland unaccompanied or separated from care-givers.

The IGS has statutory responsibility for safeguarding and looking after the welfare of unaccompanied and separated children and young people, including victims or potential victims of human trafficking. Under Article 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, it has a statutory remit to provide services to anyone under 18 who arrives in NI in such circumstances. This legislation further provides that services can be provided up to the age of 21 if required. The particulars of its governance are laid out in the 2016 Regulations as detailed above.

The proposed change would necessitate amending the current wording of 3(b) of the 2016 Regulations from

“have a minimum of five years’ post qualifying social work experience with children and families, including direct work with children, court related experience and inter-agency working”

to

“have completed their assessed year in employment”.

Following the outcome of the independent evaluation of the IGS undertaken in 2021, the Department’s overall aim is to introduce greater flexibility for the IGS provider when recruiting IGs. The objective and target is to attract a wider, more diverse pool of potential eligible applicants, which should in turn ensure the sustainability of service provision for some of the most vulnerable young people in society.

Maintenance and preservation of the status quo / current regulations in relation to Regulation 3(b) has been considered and deemed insufficient and unsatisfactory. The post-qualifying period is causing difficulties in respect of the recruitment of IGs, resulting in high caseloads amongst existing IGs. The proposed amendment would help ensure service sustainability.

Any improvements to the role of IG and the sustainability of the IGS, through this amendment to the Regulations, should improve and strengthen the protection and safeguarding of asylum-seeking children and young people.

There are no impacts to business, other than potential minor impacts on social enterprises (included as part of the community/voluntary sector for the purposes of this assessment). If there is any such impact at all, it is considered to be insignificant and minor, both financially and in terms of other costs (see PO1 above).

Due to the relatively low regulatory impact of the policy, a more detailed RIA is not considered necessary.

Wider impacts as a result of the amendment would be hoped to include a more effective IGS, resulting in better outcomes for unaccompanied/trafficked asylum-seeking children/young people. This may not have any immediate financial or administrative impact, but in the longer-term a more protected/safe cohort of asylum-seeking children growing up is likely to have positive societal and economic benefits to Northern Ireland, should those children remain here.]