



Northern Ireland
Assembly

COMMITTEE FOR
HEALTH, SOCIAL SERVICES AND
PUBLIC SAFETY

OFFICIAL REPORT
(Hansard)

**Evidence Session on the Safeguarding
Board for Northern Ireland with the
Regional Child Protection Committee**

25 February 2010

NORTHERN IRELAND ASSEMBLY

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HEALTH, SOCIAL SERVICES
AND PUBLIC SAFETY**

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Members present for all or part of the proceedings:

Mr Jim Wells (Chairperson)
Mrs Michelle O'Neill (Deputy Chairperson)
Mr Thomas Buchanan
Dr Kieran Deeny
Mr Sam Gardiner
Mrs Dolores Kelly
Mr John McCallister
Mr Conall McDevitt
Mrs Claire McGill

Witnesses:

Mr Martin Quinn) Regional Child Protection Committee
Mr Tony Rodgers)

The Deputy Chairperson (Mrs O'Neill):

I welcome Tony Rodgers, who is the chairperson of the Regional Child Protection Committee (RCPC), and Mr Martin Quinn, who is a social worker with the Health and Social Care Board. Gentlemen, you have a maximum of 10 minutes for your presentation. Members received copies of your submission, and I hope that they have had a chance to read it.

Mr Tony Rodgers (Regional Child Protection Committee):

I thank the Committee for the opportunity to present evidence on the proposed legislation and guidance. I work as an assistant director for social care and children in the Health and Social Care Board, and I am the chairman of the Regional Child Protection Committee. Martin Quinn is a principal social worker in the Health and Social Care Board, and he also operates as the policy adviser to the Regional Child Protection Committee.

We hope that our submission has been of value to members. We will not be able to go through the entire paper in the time that is available. If there are issues on which the Committee wishes to seek further clarification, we are happy to provide that.

By way of introduction, I shall reflect on the development and composition of the Regional Child Protection Committee, which was previously constituted in the four former health and social services boards as area child protection committees. We became a regional committee in November 2009, so we are still in our infancy. We have had two initial meetings.

The committee's membership is, in large part, reflective of what is envisaged for the safeguarding board for Northern Ireland (SBNI). We have representation from the Health and Social Care Board and the Public Health Agency in the areas of social work, medicine and nursing. We also have representation from staff in the trusts, the Police Service of Northern Ireland (PSNI), the National Society for the Prevention of Cruelty to Children (NSPCC), Children in Northern Ireland, the education sector, the Probation Board for Northern Ireland (PBNI), the Youth Justice Agency, the Soldiers, Sailors and Airmen's Families Association (SSAFA), and we have GP representation. At our most recent meeting, we agreed that we would take representation from the Northern Ireland Prison Service.

For us, the concept of safeguarding incorporates all preventable harm that impacts on the lives of children, with a clear focus on children's personal development and well-being and on making children's lives better.

I shall now move to the questions that the Committee asked us to address. I will highlight some of the key points, and we are happy to elaborate if the Committee wishes us to do so.

I shall talk about the essential elements that we want to be included to ensure a fully integrated and co-ordinated response to the safeguarding of children. The delivery of child protection and safeguarding across Northern Ireland is, and will continue to be, a challenging agenda. From our perspective, it must include a multi-agency, multi-professional and inter-sectoral response that is based on clear outcomes for children and families. That would include the continuum of service provision, and it is important to recognise the fact that family support services must continue to be developed to prevent significant harm from occurring or worsening in some situations.

It is also necessary that the SBNI adopts a strategic response to safeguarding and that it reflects operational issues. A key development of the SBNI will be its leading of integration and co-ordination, and it will take a consistent approach to safeguarding initiatives across Northern Ireland and on a cross-border and cross-country basis with colleagues in the rest of the UK and the Republic of Ireland. We consider that the functions that are outlined in the policy proposals from the Department of Health, Social Services and Public Safety (DHSSPS) are adequate, but, as with many such issues, those will need to be reviewed over time to ensure that they continue to be relevant.

The Committee asked us to comment on the issue of accountability, specifically the issue of panel members being able to hold one another to account. We are all conscious that inter-agency working always makes for difficult accountability arrangements, because different agencies operate under separate legislation, perhaps with separate governance arrangements and policy directives.

However, we believe that governance is built into the policy on several levels. The Department's policy proposals make it clear that the current delegated statutory functions that extend from the Department to the board and to the trusts will not be affected in any way. That remains a critical point.

Good governance is outlined in the policy proposals by reference to a duty to make arrangements to safeguard and promote children's welfare, which is imposed on core members. That is contained in the draft legislation. There is also a clear line of accountability from safeguarding panels. We envisage that they will become a subgroup or subcommittee of the SBNI. Ultimately, through the office of the SBNI's independent chairperson, the line of accountability will go to the Minister.

The SBNI has also identified a more senior level of agency representation to address issues of resource allocation and policy change and so that those individuals can speak with authority on behalf of their respective agencies. In addition, the proposals to engage with a wider group of stakeholders and, in particular, for children and young people to have a voice in those arrangements are the cornerstone of good governance.

I want to talk about how representative the proposed structure will be. The SBNI will face a significant challenge to ensure that it has wide-ranging and comprehensive representation that is drawn from a variety of sources. Membership, as indicated, will be drawn from the statutory, and voluntary and community, sectors to reflect the inclusive and comprehensive nature of the safeguarding board's work.

Earlier, members indicated that they were due to visit local safeguarding children boards (LSCBs) in Bradford and Bolton. Some of those boards monitor attendance and commitment to the local safeguarding children board model. Some have developed partnership agreements. The policy proposal for the SBNI is that it will adopt a partnership agreement that will outline members' clear roles and responsibilities and the expectations on them as individuals who participate in the SBNI and of their agencies' commitment to the broader agenda.

The RCPC supports the view that SBNI members should have delegated authority to speak on behalf of their organisations; to commit their organisations on policy and practice; and to be able to hold the organisation to account at all levels. The policy clearly articulates and identifies core and additional membership that is required to fulfil its functions. It is vital that the SBNI does not become so large that it becomes unwieldy and unworkable. The subcommittee structure facilitates us in that regard.

The Committee asked how chairpersons of local safeguarding panels would be appointed and whether their posts should be paid. Our view is that they should be appointed through the public appointment process and that those individuals should be appropriately remunerated.

How clear is the interaction between the Department, the board and the trusts on the SBNI with regard to who will have primacy? That could be a contentious issue. The RCPC acknowledges that clarification is required on the overall relationship between those respective

constituencies. However, the RCPC is clear that the Department has lead responsibility for policy development; the Health and Social Care Board is the lead commissioner for children's services; and the trusts are the providers of appropriate services. The SBNI's function is to provide an independent voice on safeguarding arrangements; to provide a challenge function; to review how well services work together to provide a comprehensive, consistent and integrated approach to safeguarding arrangements in Northern Ireland; and to advise the Minister accordingly.

Mr Martin Quinn (Regional Child Protection Committee):

I am conscious of the time limit, Chairperson, and I will try to keep my part of the presentation brief and deliver it as quickly as possible. A question has been asked about the duty that relevant agencies will have to co-operate as well as to safeguard. The Children Act 2004 legally underpins the transformation of children's services and relates to the Every Child Matters: Change for Children programme.

Section 10 of the 2004 Act provides a statutory basis for children's trust with a duty to co-operate. It addresses how well arrangements are in place to improve the well-being of children related to the five high-level outcomes, although, in Northern Ireland, we have six such outcomes. Section 11 of the 2004 Act imposes a duty on a range of named agencies to make arrangements to safeguard and promote the welfare of children. The statutory duty to do so would strengthen co-operation among participating agencies without prejudice to the existing duties or accountabilities of individual agencies. In our view, sections 10 and 11 would be relevant, although we are aware that the Department has deferred a decision on section 10.

With regard to the RCPC's opinions on serious case reviews and a single database, I could talk for hours about the case management review process. The child protection system exists to protect children from the risk of abuse or neglect posed by their parents or carers. A child's death from abuse or neglect is a serious incident. A death raises the possibility that the child protection system has failed a child or has failed to act or respond appropriately to an assessed and identified risk.

The DHSSPS publication, 'Co-operating to Safeguard Children', sets out the responsibilities of case management reviews, which are the equivalent of serious case reviews in GB. The ultimate goal is to provide, and to encourage, a culture of critical reflection to sit alongside processes and systems that improve continuing professional development in such situations. In

Northern Ireland, the case management review is defined in 'Co-operating to Safeguard Children', and it has been developed as a learning tool to build on reflective practice.

The Department commissioned Queen's University, in conjunction with the NSPCC, to evaluate the current case management review system. The key tasks are to review the strengths and limitations of the current case management review process for key stakeholders; to review briefly other approaches to adverse incident reporting and investigation, including alternative local review processes; and to recommend improvements to the current system. In considering key learning issues thrown up by case management reviews, the area child protection committees, the Department and other agencies have addressed how to improve the system in Northern Ireland.

The SBNI clearly indicates that we will move towards setting up a Northern Ireland regional child protection register. The board and the RCPC have made significant inroads in collaborating with the five trusts, which are responsible for child protection registers, in developing a regional approach and making the register more accessible to all professionals.

We regard the Public Health Agency as the appropriate place in which to place the safeguarding board for Northern Ireland. However, it is important to recognise the fact that the difference in deciding to place the SBNI in the Public Health Agency rather than the Health and Social Care Board is not significant, as it would be a hosting arrangement. The RCPC believes that the decision to place the SBNI within the Public Health Agency sits well with the child protection remit. It also provides a wider framework for the key tasks of safeguarding and prevention.

There is an issue about how potential gaps or slippage between the RCPC and the SBNI could be avoided. As Tony said, the RCPC has already reviewed membership and discussed the roles and responsibilities with all key stakeholders in the area of child protection. Seniority of membership was reviewed, and the RCPC's membership is now more in line with the SBNI's approach.

The RCPC will continue to focus on child protection issues and the safeguarding board will build towards a broader understanding of safeguarding arrangements. However, we urge caution in jumping too far into the broader safeguarding arrangements too quickly. We must build from

where we are.

The Committee asked whether funding for the safeguarding board for Northern Ireland is clearly defined. Although the Department indicated that the £750,000 funding is supplemented with existing funding, it is a significant amount. The task and responsibility of providing a comprehensive and integrated approach to safeguarding and child protection in Northern Ireland is a central element that involves child protection services here.

Nevertheless, the RCPC also takes into account the financial pressures on the statutory and voluntary sectors. It is important that the financial arrangements and resources that will be put in place to support the safeguarding board are protected and that agencies do not retreat into core business to the exclusion of developing prevention as a method of working. In a climate of financial stringency, there is a danger that agencies will become silos and will not fully engage with a more integrated approach.

I will turn quickly to some other issues. The SBNI policy proposals highlight the need for an effective communication strategy, and the RCPC is working on that issue. It is important that we learn from one another and take on board the most recent evidence and best practice to enhance services. Training was a key responsibility for the former area child protection committees. It is an important issue that must be addressed and that could command considerable resources, particularly for inter-agency training.

The significant discrepancy between funding for childcare in Northern Ireland as opposed to the rest of the UK has affected services here. That issue must be addressed both politically and at a commissioning level.

Other areas that the RCPC feels should be taken into account are unallocated cases; supervision and caseload requirements, particularly for staff who are in their assessed year in employment; increased demands arising from the implications of the reform implementation products; financial pressures; the need to develop arrangements for appropriate emergency accommodation for young people presenting as homeless; the impact on resource issues, including staffing in the voluntary and statutory sectors; and the need to maintain a commitment to early intervention and family support services. That was a quick run-through of the issues.

The Deputy Chairperson:

I am sorry for rushing you. We have three evidence sessions on safeguarding today, and we are trying to give everyone a fair chance.

Your submission notes some caution about the safeguarding board developing an executive body along the lines of some of the English LSCBs. You state that that undermines the overall need to engage a broader spectrum of agencies. Is there a danger that the remit of the safeguarding board would be too wide? The Committee examined research from England that suggests that some of the more successful bodies have concentrated on core business before entering into prevention issues.

Mr Quinn:

We fully support that view. I declare an interest in that I was involved in the development of the SBNI at a policy level when I was seconded to the DHSSPS. There is a real danger in jumping too quickly into broad safeguarding arrangements. In my view, the bodies that have had great difficulties are those that have tried to do everything at once.

It is a real challenge to identify the core themes and build from where the former area child protection committees have left off, and the RCPC has taken on, to ensure that the core functions of child protection are dealt with effectively and efficiently in the first instance and subsequently broaden out as they move along. As regards seniority, the SBNI will take a regional, strategic approach, and the panels will be much more operational. Both parts of the system must work together.

Mr Rodgers:

Some LSCBs have moved to an executive body, which is their way of trying to deal with the size of the board. That is not the direction that we want to take. It is best to be inclusive while having the SBNI, which is manageable, but to operate some of the core business through a subcommittee structure.

(The Chairperson [Mr Wells] in the Chair.)

The Chairperson (Mr Wells):

Thank you, Deputy Chairperson. *[Laughter.]*

Mrs O'Neill:

I like to try to throw people a little. *[Laughter.]*

Mr Gardiner:

She is a fast mover.

Mrs O'Neill:

The policy proposals state that the safeguarding board will seek to hold other member agencies to account. I read your submission, but I am not sure that I understand your views on that.

Mr Quinn:

One of the most complex areas of work is trying to engage with the voluntary and community, and the statutory, sectors on accountability. It is about how people work together and integration. Individual agencies' accountability, through their line management, cannot be interfered with, and we have strong views that that should not be diluted in any shape, fashion or form, because we would end up with a confused system. It is about working together and ensuring that individual agencies take account of safeguarding in their plans and that, when they sign up to the SBNI, they take into account the fact that safeguarding, and how it works across different systems, is the central tenet of their work. It is not about diluting the accountability of individual agencies in any way.

Mr Rodgers:

The legislative duty also adds some weight to the governance in the line of accountability. Our view is that this is an important issue, and we will continue to highlight that. The independent chairing arrangements will also carry some additional weight in being able to challenge members on a basis on which, if they are not discharging their duties, they will be called to account.

Mrs O'Neill:

Other research has examined the need for forums to engage operational staff. At one level, a safeguarding board needs to have, for example, a chief executive and safeguarding panels. Do you envisage members of local safeguarding panels being operational?

Mr Quinn:

There must be a mix. There needs to be people with lower levels of seniority than members of the SBNI on the safeguarding panels. The strategy will not be right, however, unless there is a clear view of the operational issues that impact on the people who deliver the service. Therefore, the safeguarding panels will have a more operational focus. We should be considering people who work at the coalface across different systems such as social work, healthcare and education, and who can advise and assist the SBNI in making strategic decisions and recommendations.

Mrs O'Neill:

Should we then legislate for forums to ensure that agencies talk to their operational staff?

Mr Rodgers:

I would hope that agencies will talk to operational staff. I am not clear whether that needs to be enshrined in legislation; it could be included in the guidance. There are arrangements to hold professional forums to hear from staff who are involved at an operational level. That is integral as to whether this undertaking will be a success. We need to ensure that mechanisms are in place to hear from staff members who are operationally responsible for child protection and safeguarding, and the recipients of the service.

Mrs D Kelly:

A key message in your submission is that the majority of children and young people are at risk of harm from family members and people who are known to them. You also say that young people from homes in which domestic violence or substance abuse are prevalent are more likely to become abusers. That ties in with an evidence session from the Youth Justice Agency last week.

In Scotland, as I understand it, the issue of youth offending and young people in the criminal justice system has been moved from the remit of the Justice Ministry to the Health Department. What are your thoughts about that? That issue may not be entirely relevant to this evidence session, but it is about safeguarding children and young people. If we put children and young people into the criminal justice system, they sometimes emerge much worse. There is also the issue of early preventative work, and a big message in your submission is that, traditionally, children's services have been underfunded. More importantly, there are the startling figures from the first annual composite 'Corporate Parenting Report' for the period 1 April 2008 to 31 March 2009, which show that, as of March 2009, there were 2,071 children on the child protection

register, which is a rate of 48 per 10,000. That compares poorly with England, Scotland and Wales, where the respective rates are 26.6, 23.3 and 36.4. Are there any particular reasons for that?

Mr Rodgers:

There is probably a range of reasons. I am not sure that those figures reflect poorly as such, because it may be that there are better —

Mrs D Kelly:

They reflect poorly on society.

Mr Rodgers:

Yes, I appreciate that. The figures may reflect greater detection and appropriate reporting. They also reflect the level of disadvantage in Northern Ireland.

The Youth Justice Agency is represented as a member of the RCPC. There is a constant discourse with the Youth Justice Agency, which should be continued with the SBNI, about how young people are being dealt with and whether they are being dealt with appropriately in the justice system.

There are resource difficulties with early intervention projects for children and young people. The Executive and the Assembly have made some funding available, and we hope that that can be maintained and enhanced. From anecdotal evidence, some projects are beginning to make a difference.

Mrs D Kelly:

That is encouraging. You ask for funding to be ring-fenced. At a time of stringent financial constraints and a comprehensive spending review, your submission raises concerns about money being diverted.

It is all very well having all sorts of panels and people talking to one another, but we need resources at the sharp end, as Tony knows. What does the current snapshot of trusts across Northern Ireland say about the allocation of cases? If we are serious about safeguarding children, surely we must ensure that we have sufficient resources, whatever about all the wonderful panels

of people talking to one another, who presumably sing off the same hymn sheet.

You made some comparisons with the legislation in England, where a greater statutory obligation is put on a range of agencies and other providers. Do the departmental policy proposals go far enough in placing obligations on people outside the usual health and social care sector?

Mr Rodgers:

As we outlined in our submission, we feel, perhaps not surprisingly, that additional resource is required. However, the Committee has been advised that there is evidence about the level of underinvestment in children's services in Northern Ireland. That is reflected in some of the pressures in trusts for the numbers of unallocated cases. It is also reflected in the difficulties in determining whether some of those cases are less important. We contend that they are not less important because they concern the resources and services that are provided by the trusts and across the voluntary and community sector for family support and early intervention projects. We need to maintain a commitment to those services if we are to prevent situations escalating to the point at which they result in referrals to statutory social services.

As regards the comparison with England and the statutory duty reflecting on sections 10 and 11 of the Children Act 2004, the SBNI proposes a statutory duty in respect of safeguarding, which we welcome. We know that the ministerial subgroup on children and young people has deferred the statutory duty to co-operate. We contend that that should be included.

Mrs D Kelly:

Why has the ministerial subgroup deferred the duty to co-operate? Why not get it right in the first place?

Mr Rodgers:

My understanding is that it is because there has been some investment, as members will be aware, in relation to the children and young people's fund. It is conjecture on my part as to whether those services will begin to make a difference. All that I know is that that is being kept under review.

Mrs D Kelly:

Perhaps we can follow up on that issue because the Executive's children and young people's fund has gone. It was to have been mainstreamed, so it would be interesting to find out how much of the programme that was previously funded under the Executive's children and young people's fund has been mainstreamed in the DHSSPS.

Is it still your judgement that the current level of underfunding is 30%?

Mr Rodgers:

Yes, it is. The most recent research was undertaken by the Northern Ireland Commissioner for Children and Young People (NICCY), which reflected on some other pieces of research. The NICCY research came to the same conclusion.

Mr Quinn:

It is a long-standing issue. I think that the Department of Finance and Personnel (DFP) and the Office of the First Minister and deputy First Minister (OFMDFM) conducted an analysis. The figure that comes out is in and around —

Mrs D Kelly:

There is plenty of analysis but no additional money.

Mr McDevitt:

Can you put a figure on the 30% underfunding?

Mr Rodgers:

No.

Mr McDevitt:

Will you come back to us?

Mr Rodgers:

Yes, we will. We know that it runs into millions of pounds, but we need to identify how many.

Mr McDevitt:

I want to explore further the issue of the involvement of the courts and the judiciary. In your submission, you seem to warm to the idea, but you stop short of giving a wholehearted endorsement. Will you expand on that and explain the pros and cons?

Mr Quinn:

In respect of the judiciary in particular?

Mr McDevitt:

Yes, please.

Mr Quinn:

Northern Ireland is a relatively small place. As was mentioned, we are involved in a number of panels and groups. The Children Order Advisory Committee is already in place and is a key player. Rather than trying to reinvent the wheel, the SBNI needs to recognise that systems and processes are already in place. It is perhaps about an interface with those systems rather than the SBNI taking them on board.

Research shows that membership of LSCBs runs from about 12 members to more than 90. No system could work and hope to get core business done with more than 90 people sitting around a table. Therefore, we must be careful that membership reflects the key issues, without broadening out so much that we do not do the work or deliver on the work that is required.

The SBNI policy is clear. With the best will in the world, it is an educated guess about the correct membership, and it may be wrong. It is important that membership be reviewed within 12 months to make sure that we have it right. We considered the membership of the RCPC; the Northern Ireland Prison Service, which was not part of the area child protection committees, will now be invited onto the RCPC. It is a fluid arrangement on which the door has not been closed. However, we need to consider whether the processes that are already in place deal with the issue effectively. We may need to consider the interface approach rather than inviting people onto the SBNI.

Mr McDevitt:

Obviously, the major statutory stakeholders will be on the board. It would appear from

experience elsewhere that the big challenge is not the architecture or the design on paper, but it is about sitting down and examining the operation and the ability of different agencies to commit to the board. It has been suggested that the key barrier is cultural, in that certain agencies, Departments, and so forth, do not have the same cultural commitment to participating collaboratively. What steps should be taken to try to mitigate that problem arising here regionally when the system rolls out?

Mr Quinn:

The culture to which the member refers is highlighted in the SBNI policy proposals because it is a cultural shift. The role of the chairperson will be vital. The SBNI policy proposal has always held the firm view that the chairperson should be independent.

When LSCBs began to develop in England and Wales, a small number of chairpersons were independent, but that number has increased. The strength and skills of a chairperson in leadership, engaging with people and encouraging a more open and transparent culture will be critical to success. I am a social worker, and social workers have always held the mantra that child protection and safeguarding are everyone's business. The truth of the matter is that it sometimes comes down to key agencies.

Protection and safeguarding concern family support and prevention, and we must ensure that people understand that. Communication and engagement with a broader range of stakeholders will, therefore, be critical in changing the culture over time. The SBNI is not a one-off event; we will not switch off the lights on a Friday and switch on new ones on a Monday. It will be a process, which is why it must build in that evaluation. Is it hitting the right mark? Is it doing the right things? Are the correct key themes in place? Over time, the culture will evolve and change.

Dr Deeny:

Conall has just stolen my question.

Mr McDevitt:

I am sorry.

Dr Deeny:

If the Committee had a show of hands about which members would ask about the role of the

courts and the judiciary, most of us would put up our hands. Your submission states that the SBNI:

“will face a significant challenge in ensuring that there is a wide ranging and comprehensive representation on the SBNI drawn from a variety of sources”.

That issue has been a bugbear of mine for some time. The courts and the judiciary are major players in the issues of child protection and child abuse, and they have to be part of the SBNI. Martin said that perhaps there are too many members on the LSCBs. That is not an excuse or a reason why members of the judiciary or the courts should be excluded from the SBNI. They are major players.

In Northern Ireland, we all seem to shy away from the judiciary and the courts. We do not want anything to do with them. By that, I do not mean being prosecuted by them but working with them. We cannot allow our courts and judiciary simply to do their own thing and not learn from others who are involved in this important issue. I think that you should reconsider that.

Who will have the final say about membership? When there are major players such as the courts and the judiciary, who will decide on key issues that impact on families and children, if they are not part of the safeguarding board? I do not think that that will work. Who will say that there will be a certain number of people — say 20 or 25 — and whether there will be members of the courts or the judiciary? That is vital.

Mr Rodgers:

I assume that the response will go back through the Department, to the Minister and subsequently to the Executive, and that they will make the ultimate determination on the guidance. We are not indicating that the courts and the judiciary do not have a role. We fully accept what you are saying and that they do have a role to play.

Martin said that there may be another mechanism by which we engage the judiciary. It may be on the back of that that people consider whether it is more appropriate to have the judiciary sitting at the table, but there is an interface with a range of agencies through the Children Order Advisory Committee. That committee would hold some of the discussions that are germane to this agenda. That would be the mechanism proposed to engage with the judiciary in the first instance. If it requires —

Dr Deeny:

I am sorry to interrupt, but it is worrying that, in your submission, in response to a question about the involvement of the courts and the judiciary, those words are not mentioned once in your reply. That makes me think that you would prefer not to have those bodies involved. Other agencies, interlinking and relationships are mentioned, which smacks of bureaucracy. The SBNI must be made up of the important players. You mentioned communications and information channels, but they often break down and do not work. The issue should be readdressed.

Mr Rodgers:

The Children Order Advisory Committee is long-standing, and the range of stakeholders is represented on that committee. We are simply proposing that that would have been the mechanism by which members of the judiciary would have been engaged in some of the discussions. As we said, it would be subject to ongoing review, which could be a response to discussions taken here, as to whether the judiciary needs to be physically represented around the table or whether engagement through the Children Order Advisory Committee is appropriate.

Mr Quinn:

Our submission states that we would welcome further discussions with the judiciary and the Court Service to explore the possibilities; that is precisely the point that you are making. We wanted to signal that it is an important matter but that there are other avenues that we have previously considered about interface issues. There may be a substantial argument about having the courts and the judiciary represented on the safeguarding board. We will re-examine that matter with the Department.

The Chairperson:

Kieran, there is nothing to stop the Assembly or you as an MLA tabling an amendment to that effect when the legislation is introduced, assuming that policing and justice powers have been devolved by that stage. If they have not, we are all in trouble.

Mrs D Kelly:

Surely that will not happen after the developments.

Mr Gardiner:

Two members have already spoken about the judiciary. Have you ever had cases referred to the

courts?

Mr Rodgers:

Cases are consistently referred to the courts by the trusts. Safeguarding and child protection cases are referred, week in and week out.

Mr Gardiner:

What co-operation do you have? Has anyone ever been thrown out or rejected?

Mr Quinn:

Are you referring to applications for care orders, and so on?

Mr Gardiner:

Yes, I am.

Mr Quinn:

The trusts will apply for an order, particularly a care order, but it may be the case that, according to the courts, the criteria are not met. The courts have an important role to play in that, but, as Tony said, applications to the courts constitute a regular interface for social workers and others.

Mr Gardiner:

Is there co-operation?

Mr Rodgers:

Yes; the majority of applications through the courts are successful. The rationale for having that type of process is that a court makes the determination that the criteria have not been met, or it may opt for a lesser order.

Mr Gardiner:

Can you live with that? Are you content that that is satisfactory? Admittedly, if a case is submitted, one would like it to go through, but if your recommendations are overturned —

Mr Rodgers:

Principally, that is an issue of how the trusts operate that responsibility. The trusts also have an

appeal mechanism if they feel that the matter has not been dealt with adequately.

Mrs McGill:

You are both welcome. Martin, you said that the chairperson of the safeguarding board needs to show strong leadership, and I agree with that. That role will be filled by public appointment. Often, the same people apply to sit on boards, and, because they sit on several boards, those people are busy. I do not mean that negatively. Do you have any views on whether that should be taken into account in the appointment of the chairperson? Given the fact that the chairperson has been identified as being vital to the working of the SBNI, have you considered whether the chairperson would be able to cope with the demands of the job if he or she were already the chairperson of other boards or played a key role as a public appointee on other boards?

Mr Quinn:

The task of the chairperson is fundamental. The public appointments process involves being clear about the skills and competencies that are required to fulfil the role. The ability to devote a specified amount of time to the SBNI must be part of that. I am not familiar with the public appointments process, so I do not know whether someone who works in a certain area might be prevented from applying. That could create all sorts of issues. The appointment of the chairperson is about focusing on the skills and the competencies and considering whether those are met.

You mentioned people who are already in the system. The chairperson will need to be very familiar with child protection issues. I understand that there are very few independent chairpersons who do not have experience in, for example, social work. Retired police officers act as independent chairpersons on some LSCBs. They are familiar with the child protection agenda, which is vital. The competencies, skills and knowledge base that such people bring are more important than anything else, because on a board such as the SBNI, they can speak with authority. They might be asked about their background, their skills and what they bring that is new; that will be a challenge.

The Chairperson:

In a little place such as Northern Ireland, how confident are you that you will find a chairperson who has no links to any of the organisations that are involved such the police, social work and the courts? Will that not be extraordinarily difficult?

Mr Rodgers:

The indication is that the chairperson will have no current links to such organisations, but he or she may have had some previous involvement. It is not indicated that he or she would be totally independent of ever having worked in any of the service areas.

The Chairperson:

Do you think that the integrity and independence of an appointee to chairperson would be impugned if he or she were a retired senior social worker or Chief Constable? Would a chairperson with such a background be seen as entirely independent?

Mr Rodgers:

The person would no longer be employed by those organisations. It may be seen as an issue, but that applies to all walks of life. The difficulty would be if the person were to come with a background that did not equip him or her with the appropriate skills. We have a good opportunity with the public appointment process, in that it could attract applicants from outside Northern Ireland.

Mr McDevitt:

Mr Quinn made the important point that it will be largely down to the chairperson to effect the cultural shift that is necessary to achieve success. It strikes me that that is a further consideration that will need to be made. This is a small place, and, as we all know from working in large organisations, shifting the culture of an organisation is often complicated if one has had a previous relationship with it, even if that was in the distant past. There is a simple statutory need and requirement for independence along with the real need that is related to the board's work for independence and the strategic management requirement for a cultural shift. Is that asking a lot, or too much, of someone?

Mr Rodgers:

I am not sure that it asks too much. It asks a lot. By the post's nature, it will be challenging. However, we have seen people who have previously worked in the service come in, in an independent capacity, and take on such a challenge. You will have an opportunity to see that at first hand when you visit the safeguarding children boards in England. As we said, the LSCBs include individuals who have had connections with the service and who have gone on to

undertake the independent chairing role.

Mrs McGill:

Should there be internal or external political scrutiny of membership of the board or the panels?

Mr Rodgers:

There will be some level of scrutiny on the basis that the chairperson will be accountable to the Minister.

Mr Quinn:

And to the Committee.

Mrs McGill:

In your view, is that the extent of it? Will that not relate to membership?

Mr Rodgers:

I assume so. It is not envisaged in relation to membership,

The Chairperson:

Conall McDevitt managed to steal three members' questions, including mine. Carmel Hanna never did that. *[Laughter.]*

Mr McDevitt:

I am sorry, Chairperson. In future, leave me until the end.

Mr Gardiner:

You are still learning.

The Chairperson:

That leaves me with one question. The Committee is aware of an interesting development in England. The 144 boards there will publish serious case reviews on the Internet, making them available to the public and the press after names have been redacted. Is there any intention of doing that in Northern Ireland? Do you think that that is a good or a bad idea?

Mr Rodgers:

The publication of executive summaries will be considered, which we would publish on our website. It will take some months for that to be operational, but that is our intention. However, that applies to executive summaries only.

The Chairperson:

Would that happen whether or not there is a safeguarding board for Northern Ireland? Is it a policy decision that you have already taken?

Mr Rodgers:

We are seeking to do that as the RCPC.

The Chairperson:

There is some pressure in England and Wales to name the individuals concerned. The difficulty in Northern Ireland is that naming such people identifies their addresses, because we all know what Northern Ireland is like, and the minute that they are named, the press will be after them. I assume that the RCPC would resist that pressure.

Mr Rodgers:

It would. The guidance to which Martin referred states that this is a learning exercise, and that is what we continue to consider a priority. To be honest, regardless of how we might feel about identifying staff, it is critical that the identification of children and families who will have been through enough traumas should be avoided. The development and production of executive summaries must be treated with significant caution.

The Chairperson:

I have a minor technical, but quite interesting, point. The safeguarding board for Northern Ireland will sit within the Public Health Agency, yet the Public Health Agency will sit on the safeguarding board. How does that create a sense of independence? The proposed relationship seems incestuous.

Mr Quinn:

The SBNI sitting within the Public Health Agency is part of the hosting arrangement. We referred to the £750,000 budget, and part of the problem is that, if the safeguarding board is a

completely independent agency, its budget could be seriously hampered by the payment of rent and rates, in addition to the costs associated with human resources, and so forth. Therefore, it is a hosting rather than a managing arrangement, if that makes sense to the Chairperson.

The Chairperson:

It would be like the Vatican's situation within Rome: it will be in the building but independent. Members will never hear the Vatican mentioned again by this Chairman. *[Laughter.]*

Dr Deeny:

I did not think that the Chairperson was so well versed on the Vatican. *[Laughter.]*

Mr Gardiner:

Has he gone over? *[Laughter.]*

The Chairperson:

Do members have any other questions? We have had another useful afternoon on the subject of the safeguarding board. The Committee is visiting Bolton and Bradford to witness this crucial process at first hand. Ultimately, we want to deliver, not better systems, but better child protection.

Mrs D Kelly:

I am wondering about the retention and recruitment of staff. I notice that, on television here, there are advertisements for social workers to work in England. Childcare is especially emotionally draining, and I know people whose health has suffered because of their work in children's social services. What is your take on the current staffing situation?

Mr Rodgers:

It is a difficult and complex environment, and it is likely to remain so. That refers back to our comments about case management reviews being part of a learning agenda as opposed to a blame culture. We need to continue, as far as possible, to support staff who do a difficult job.

Mrs D Kelly:

Is it about having enough staff?

Mr Quinn:

It is about having sufficient staff and their levels of competence and experience. Inexperienced staff sometimes work in childcare, do their time and then move on elsewhere. The DHSSPS is the lead Department on the development of principal practitioners, for example, who are senior personnel who work in childcare, as well as senior practitioners. We also have the assessed year in employment process. Those developments are different from England. However, the pressure on staff is significant because of the complexity of what we ask them to do. The SBNI should take an active interest in social services and police staff who have experience of working in the area of child abuse.

Mr Rodgers:

The Department and the Health and Social Care Board are conducting a workforce review and a profile of social work, and they are offering assistance.

Mrs D Kelly:

Perhaps we could hear more about that, Chairperson.

The Chairperson:

Thank you very much, gentlemen. The session has been useful. We will return to the issue many times, if and when the Bill materialises. We are not sure about a date for the introduction of the Bill, but we will explore that issue with the Minister.