



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
Police Service of Northern Ireland**

11 March 2010

NORTHERN IRELAND ASSEMBLY

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HEALTH, SOCIAL SERVICES
AND PUBLIC SAFETY**

Evidence Session on the Safeguarding Board for Northern Ireland
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Members present for all or part of the proceedings:

Mr Alex Easton (Acting Chairperson)
Mr Thomas Buchanan
Mr Sam Gardiner
Mrs Dolores Kelly
Mr John McCallister
Mr Conall McDevitt
Mrs Claire McGill

Witnesses:

Assistant Chief Constable Will Kerr (Police Service of Northern Ireland)
Detective Inspector Anne Marks (Police Service of Northern Ireland)
Superintendent Alister Wallace (Police Service of Northern Ireland)

The Acting Chairperson (Mr Easton):

I welcome Assistant Chief Constable William Kerr, Superintendent Alister Wallace and Inspector Anne Marks to the Committee. I invite you to make a 10-minute presentation, after which members will ask questions. I know that the PSNI has visited a Committee only once previously. However, given that policing and justice powers will soon be devolved, I suspect that you will be here more often in future.

Assistant Chief Constable Will Kerr (Police Service of Northern Ireland):

Thank you for the invitation to give evidence on the proposed legislation for the safeguarding board for Northern Ireland. I have reviewed previous evidence that the Committee received, and I am conscious that I do not want to repeat that. We provided a written submission that covers in some detail the police position on the proposed legislation and some of our particular concerns and challenges. For the next 10 minutes, I will talk generally about some of the main police concerns and the main policing issues and answer specific questions that the Committee had posed in writing in advance of today's meeting. I hope that that will be a productive use of the time.

My name is Will Kerr, and I am the Assistant Chief Constable in charge of criminal justice. Criminal justice covers a wide remit of functions, including public protection, which, therefore, lies within my remit. With me today are Detective Superintendent Alister Wallace, who is head of the public protection branch, and Detective Inspector Anne Marks, who works directly to Superintendent Wallace, particularly on child protection issues. They have a wealth of knowledge on the issue and will deal with the specifics of any technical or tactical issues that may arise later.

I wish to start with a general statement of intent. The protecting and safeguarding of children is one of the principal responsibilities and priorities of the Police Service of Northern Ireland. That is stating the obvious, but it is important to state that intent from the outset. The way in which we protect the most vulnerable groups in society is often the yardstick against which public service provision is judged, particularly when it comes to the safety and welfare of young children. That has increasingly been the case over the past number of years, particularly when cases have attracted media attention. Recent cases, such as the one in Sheffield that appeared in the media yesterday, have brought the issue of child protection to the fore of public concern, and the need for public reassurance is an attendant responsibility on public services.

The priorities of the Police Service in responding to child abuse and neglect are five-fold: to protect the lives of children and ensure that, in the policing of child abuse, the welfare of the child is paramount; to investigate all reports of child abuse or neglect and protect the rights of child victims of crime; to establish the investigation of child abuse and the safeguarding of children as a mainstream policing activity, which is an important issue that I will return to later; to take effective action against offenders so that they can be held accountable through the criminal justice

system; and to adopt a proactive multi-agency approach to preventing and reducing child abuse and neglect and safeguarding children.

In respect of the final priority, my experience, as both a senior detective and district commander, has been that the most effective arrangements are those in which the principal public authorities have joined-up conversations and their actions and conversations are more proactive than reactive. As an investigative body, we also have a reactive responsibility, but the ability to plan for the future, on which I will touch in a minute, is increasingly important. Consider, for example, the Scottish public health approach to violence reduction and the clear links between social deprivation and offending and offending and victimhood. I will return to that subject later.

In common with other public authorities, we work under the legislative and regulatory framework provided for by the United Nations Convention on the Rights of the Child and the Human Rights Act 1998. A specific question exists about the need for legislation that compels the principal public authorities to co-operate on the protection of children. In fact, under article 46 of the Children (Northern Ireland) Order 1995, there is an obligation on the police to do exactly that. I will touch on that in slightly more detail later.

As one of the principal public authorities involved in the protection of children, we are acutely conscious of our responsibilities as leaders in that area to ensure that we not only establish, implement and oversee internal policies to deal effectively with child abuse, but that we employ confident and skilled officers in what is a highly specialised area of investigation. Over the past number of years, we have invested heavily in both areas. We invested heavily, for example, in the UK's national specialist child abuse investigator development programme. Anne will speak about that later should members have any questions. We also invested in the establishment of internal protocols to link the four main activities of public protection units, which were established in 2008 after restructuring reduced the number of districts from 29 to eight. The four areas of child abuse investigation, domestic abuse, vulnerable missing persons, and the management of sexual and violent offenders are inextricably linked.

Since their inception, the public protection units have been able to link up the four areas and establish sound relationships with the other public and voluntary agencies that work in the eight districts. However, there are continuing challenges, such as the lack of coterminosity between the five health trusts and the eight policing districts. We deal with a range of other public authorities,

and none of them is coterminous. That poses some challenges for us. Even though each challenge is difficult in its own right, none is unmanageable. The key element, of course, is the sharing of intelligence and information. The fact that we can link cases, victims and offenders is the critical element in how we investigate those cases.

The Committee asked what elements we considered essential to ensuring a fully integrated, co-ordinated response to safeguarding children. There are three principal elements, the first of which is having the appropriate expertise to facilitate the right intervention at the right time. I have a relative who is a primary-school teacher. Primary-school teachers in Northern Ireland are often able to identify which young children have been exposed to domestic abuse. Our clear linkage with schools ensures that we have access to that information and that we share it between agencies. We have cycles of prevention to deal with cases involving children of a very young age, particularly through early-years intervention, in which, I believe, personally and professionally, we must invest more time and effort.

The second essential element is accountability. I can share with the Committee lessons that have been learnt by the strategic management board, which I chair. The board is the strategic governance body for the public protection arrangements Northern Ireland (PPANI). A number of those lessons are pertinent to setting up the safeguarding board for Northern Ireland.

The third essential element is appropriate monitoring and evaluation. Sometimes, public services can hit all of their many quantitative targets, but still miss the point. It is important that we do not simply focus on quantitative targets to determine the future success of the safeguarding board or the subcommittees that work under it. We must also take into account the six high-level outcomes of the 10-year strategy for children and young people and ensure that we achieve a proper balance. During the past number of years, we have learnt the lesson in policing, particularly with regard to such issues as antisocial behaviour, that targets do not always tell the full story. I will not dwell on that point any longer.

The Committee asked: given that one of the safeguarding board's roles will be to secure accountability, how could one panel member hold another to account? If you will indulge me, I will tell you my experience from the strategic management board. The board had three principal areas of concern. The board is the follow-up from the Northern Ireland Sex Offender Strategic Management Committee. It was enshrined in legislation under the Criminal Justice (Northern

Ireland) Order 2008, which created a statutory responsibility on principal authorities, particularly the Probation Board, the Prison Service, the Police Service and the health sector to co-operate in the management of sex offenders and public protection arrangements in Northern Ireland.

The first of the three issues that faced the strategic management board was who would be the chairperson. At present, I chair the board. There are clear issues with the lines of accountability. I am accountable to the Chief Constable, and he is accountable to the Policing Board. That is a statutory line of accountability under the Police (Northern Ireland) Act 2000. Issues were raised about whether I should hold the position of chairperson of the strategic management board. In the current revision of the guidance notes, we suggested that, perhaps, we ought to follow the route of the safeguarding board for Northern Ireland in having an independent chairperson for all of the reasons that are set out in the departmental protocols.

The second issue relates to governance. The NIO's revised guidance to agencies was published in February 2010. Interestingly, it states:

“It is the enabling legislation that provides a key. The statutory responsibility for the multi-agency working of the arrangements is placed on the agencies, not on the mechanism designed to facilitate that co-operation. There is no statutory backing for the SMB. It is rather the method chosen by the agencies and reflected in the guidance to facilitate the joint nature of the strategic review functions set out in article 51, which is what the agencies have signed up to do.”

The other principal lesson to be learned from the strategic management board relates to who directs a certain agency to take a particular action. Particularly when it comes to communicating to provide public reassurance, someone must speak on behalf of those arrangements to reassure the public that they are working well, properly and efficiently. Often, agencies —the police are guilty of it sometimes as well — tend to be more concerned about their organisational reputation or defensibility than reassuring the public reassurance about the efficacy of arrangements. Those lessons from the strategic management board must be taken into account in setting up the SBNI.

The next question was about the membership of the board, the involvement of the judiciary and the level of seniority. For obvious reasons, we do not want the board to be so big that it becomes unwieldy or unmanageable, but the core agencies must be involved in the arrangements. The strategic management board found the involvement of lay advisers to be extremely useful. They are people who are outside the principal public authorities and can give a sense of the community perspective of the arrangements. I strongly recommend that such involvement be kept in mind for the safeguarding board.

With regard to seniority, the regional child protection committee is represented at superintendent level. The suggestions and protocols that have been sent out are for representation at assistant chief constable level. That is the level of police representation on the strategic management board and represents a significant uplift in seniority for us. I am more than happy to commit to that investment, because it is important. We would like to have a similar level of senior representation from across the other agencies. The Probation Service and the Prison Service are represented on the strategic management board at deputy director level, and it is important that, if that level of seniority is to be established, it is done across the board, so that decisions are taken at a level that means they will be enacted quickly.

I am conscious that you are indulging me by allowing me a little extra time, so I will rattle through the final couple of questions from the Committee.

The Acting Chairperson:

I am scared that you might arrest me.

Assistant Chief Constable Kerr:

I am really not filibustering.

I will move on to the relationships between the various agencies. Others with more professional experience of the health and social care sector have given evidence to the Committee previously, and I have no doubt that they gave more informed opinions. My only point is that clarification is required and differences often arise when the system is not working, as opposed to when it is. The arrangements and protocols must make provision for that. I assume that the chairperson and other key staff will be appointed using the usual public appointments process. We support the legal duty on agencies to co-operate, and the Police Service has that legal duty under article 46 of the Children (Northern Ireland) Order 1995. Our child protection policy reflects both the duty to co-operate to safeguard children and the principles in the 10-year strategy.

Serious case reviews are critical. I made the point that they are not about organisational reputation or defensibility; they are about protecting the life of the child and learning lessons when things go wrong. I will not rehearse the evidence that you have heard on the chapter 10

obligations in 'Co-operating to Safeguard Children' and the review by Queen's University. However, a fine balance is required between adopting a default position of transparency, because it is the right position to take, and the protection of vulnerable victims. Given the scale and size of Northern Ireland, it is sometimes easy to identify potential victims. Although we wholly support the principle of transparency and think that it should be the default position, we do not want potential victims to be identified. That would have to be reviewed on a case-by-case basis to ensure that the information could be sufficiently redacted so that that would never be a risk. If it were to become a risk, I do not think that it is one worth taking.

There are governance issues concerning the question of whether the safeguarding board should be part of the Public Health Agency, and I am sure that you have heard evidence from people who are better professionally qualified than I am to comment on that.

Nothing that arises from the succession from the regional area child protection committees to the SBNI cannot be managed by a sensible succession plan that clearly articulates who, what, when and how. Such a plan must also articulate clearly the nature of the relationship between the strategic governance body and the local area child protection panels. Of course, £750,000 is great deal of money, particularly in the context of the public sector fiscal squeeze, but a price cannot be put on the life of a child. I shall make no further observations on that issue.

I shall conclude, and I thank you for your indulgence. I mentioned the point about early-years intervention. There is sometimes a fine line between offending and victim patterns. The Scottish model shows exactly that. It shows the clear link between social deprivation and offending patterns. Those findings came from Strathclyde police's violence reduction unit. The Committee is aware of that tremendous scheme, which is based on the Cincinnati model and works extremely well. I am sure that Bill Lockhart from the Youth Justice Agency has been before the Committee and talked about that.

There are cycles of victimology and offending behaviour, and the gap between offending and becoming a victim is often very narrow. Every agency works to the same Pareto principle, or the 80:20 rule. We tend to invest 80%, sometimes 95%, of our resource in 5% of the customer base. A practical example of that comes from my time as a district commander in the north-east, which covers the Coleraine, Moyle, Ballymoney, Ballymena and Larne council areas. Of the three children's homes in the area, one was in Dhu Varren in Portrush. Inevitably, the health,

education and police sectors invested a great deal of time in the same small number of young people. We were concerned about petty offending in the town and about the vulnerability of those young people to predatory sex offending and a range of other risks that were posed to them. There was often a lack of joined-up conversations between the agencies. We have carried out much work on that in the past couple of years and addressed that issue.

It is my experience, and our professional position, that the secret is that three areas must be linked: information sharing, planning cycles and the co-ordinated interventions for young people. In that respect, we support the development of the SBNI, and we look forward to working with it and being represented on it.

The Acting Chairperson:

That was extremely interesting. I have a couple of quick questions, after which I will open up the session to Conall and Dolores. Do you receive good co-operation from other agencies, or is there a need for improvement? Should there be some sort of computer system that allows social services and you to keep track of offenders and children who are at risk? Northern Ireland does not seem to have such a system. It seems that there are gaps, and children can, therefore, get lost in the system.

Assistant Chief Constable Kerr:

I will ask Anne Marks to comment on the question on tracking, particularly the potential of Understanding the Needs of Children in Northern Ireland (UNOCINI).

In answer to your first question, there can never be enough co-operation, certainly as far as protocols for information sharing are concerned. We encounter difficulties and hit hurdles because we do not have interoperable IT systems. However, we could easily overcome those challenges. Sometimes, however, we tend to use those difficulties as excuses for not sharing information. The placing of that co-operation on a statutory footing obliges us to come up with solutions to the problems, rather than continuing to use them as an excuse. Anne Marks will talk about the information sharing protocols.

Detective Inspector Anne Marks (Police Service of Northern Ireland):

The relationships across the agencies in Northern Ireland are good, although there is always room for improvement. In respect of what the Committee has heard about the common assessment

framework, we have only recently introduced a similar process called UNOCINI. Police engaged in that process, and we have just finished a pilot in one district. We found that highly beneficial to the sharing of information.

If a child comes to the attention of police for behaviour that is of a low threshold — perhaps not even offending behaviour — we have processes in place that allow us to share that information at an early stage, so that there is no escalation of risk. We can share that information with social services, and we can assist in an assessment process of that child and their family. Social services, in turn, will collate that information and ask the Department of Education and other relevant bodies whether they have information about that child or family. Together, we can put together a better picture of the risks to the child in question. A database would be extremely useful, and work is being done on that.

Mr McDevitt:

Thank you for your presentation. I will pick up on a theme that I have explored with every witness, which is the gap between the procedure, the new policy and the new structure on paper, and the culture that needs to follow it so that it succeeds. In speaking from a PSNI perspective, it is probably easier for you than other witnesses because cultural change has been embedded in everything that you have done for the past decade. If you consider your experience, particularly on the strategic management board, what cultural barriers remain at a regional level that may prevent the potential of a safeguarding board being realised?

Assistant Chief Constable Kerr:

I will ask Alister Wallace to touch on that in a wee minute, but I will give you a personal perspective from the strategic management board and from the volume and scale of changes in the PSNI over the past 10 years. Sometimes, people have a fixation on cultural changes when, in fact, language and behaviours must be changed first. Those two areas are important because we must have a common language in which to frame the problem. We are having similar discussions throughout the criminal justice system. The behaviours at an operational and practical level do not always translate the strategic intent from the top of an organisation. The strategic management board works well because we co-located some of the practitioners. They are working together increasingly, and, towards the end of the year, we hope to comply with recommendation 54 of the Toner report: more senior social workers will work as part of a public protection unit, which is concerned with protecting vulnerable groups.

Language and behaviours are vital. People must work together and examine practical solutions to delivering the strategic intent, and IT interoperability must also be considered. However, there is a fundamental requirement to have a common language. Often, we set a strategic intent for each organisation and, in turn, the organisations produce lovely aspirant documents, but we use different languages. We all have the same overriding obligations and want the same outcome, which is the protection of the safety and welfare of young people.

Superintendent Alister Wallace (Police Service of Northern Ireland):

I look after the public protection team that oversees the risk management of all high-risk sex offenders in the country. That team has been in existence for only a year and a half. We experienced great cultural difficulties. We brought together probation officers and police officers, each with their own cultural baggage, to work in one office. The way round that difficulty is to focus on the key goals and objectives in protecting the public, and that focus has resulted in a very good working relationship. We look forward to bringing in a senior social worker to assist with that. The team will face a further challenge in adjusting to that appointment, but, through focusing on our common aims, we can overcome such difficulties.

Mr McDevitt:

Who, or what, is the key driver of cultural change in the proposed model for the safeguarding board? Is it the independent chairperson or the individual leaders from each organisation?

Assistant Chief Constable Kerr:

It is a combination of both. We often find that the dynamics of a team are dependent on the personality of the chairperson. That is just human nature. Therefore, a dynamic, committed and enthusiastic senior chairperson with practical safeguarding experience can make all the difference to the working of the team. Senior people in the organisations can also make things happen. To use a permafrost analogy, the gap sometimes happens at middle-management level. Senior staff may be absolutely committed to a process and set a strategic intention, and co-located practitioners who work together may have sensible conversations and come up with pragmatic solutions to problems. In the area between the two, we must ensure that mid-level managers understand the strategic intent and its practical applications. The targets are eminently achievable, but our systems are sometimes disaggregated — as is the case with the criminal justice system — and the challenge is to aggregate them, frame the problem in the same language

and ensure that people work together.

Mr McDevitt:

I want to ask about the cross-border theme that the Committee began to discuss last week. The police have the benefit of some experience of established cross-border co-operation between the Garda Síochána and the PSNI. The Committee is concerned about whether we can chase offenders across the border. There seems to be little ability to track vulnerable children, and I am interested in your perspective on how well the Garda Síochána and the PSNI link across the island and on how we can track vulnerable children who move across the border.

Superintendent Wallace:

In the case of sex offenders, we found that having two central points of contact has been a key strategy. Members have copies of the memorandum of understanding that opened the door to so many possibilities. Two years ago, we had to establish a data-sharing protocol to ensure compliance with data protection on both sides of the border. Prior to that, the two central points of contact spoke to each other only once a month or biweekly. They now speak weekly, or perhaps even daily, to share intelligence and information. The existence of two central points of contact is the key. I know that there are five trusts, but one central point of contact is required here and one in Dublin or elsewhere to provide a link-up and to ensure that nothing falls between the gaps.

Detective Inspector Marks:

The police and the guards co-operate well. If a case comes to our attention in which a child is at risk, we have no difficulty with sharing the information, and we expect the guards to do the same. I cannot speak on behalf of health and social services, but I am sure that difficulties arise when an injured child attends Altnagelvin Area Hospital, for example, and then a hospital in Southern Ireland. I do not know how well those hospitals share information or how the system tracks that child's visits to different hospitals. Therefore, any escalating risk to a child might be missed.

Mr McDevitt:

That is a potential gap.

Mrs D Kelly:

Thank you for your presentation. I welcome your comments about the Scottish model, which the

Committee may wish to explore further. However, safeguarding children is not only about protecting them from paedophiles or offenders. As was mentioned, children and young people display various at-risk behaviours. It is a huge piece of work, but have you any thoughts on how a safeguarding board might address some of those concerns? That would provide payback for the police in respect of criminal justice.

Assistant Chief Constable Kerr:

I have loads of ideas, but I do not know whether we have time to discuss all of them today. Anne Marks has been giving some thought to the subject. The main problem is that we have always tended to separate the vulnerability to becoming a victim from the vulnerability to becoming an offender. In truth, the gap between the two is small.

We have also concentrated on plans with a temporal value in that they are highly reactive. Much current evidence points to various stages and ages at which individuals are vulnerable to offending, particularly when first starting school, moving to secondary education and reaching the ages of 16 and 19. That evidence identifies the levels at which one becomes vulnerable to taking either of those courses and the criteria that make an individual vulnerable.

It is helpful that senior staff in all of the agencies are having joined-up conversations. My concern is that the lengthiest time frame in which we tend to work is the CSR planning cycle. We still tend to think in one-year cycles, or three years at most. The PSNI faces a similar challenge, given the changing demographic, in preparing for outcomes in respect of the abuse of elderly people and an ageing population's fear of crime. It can be difficult to get public services to lift their sight line to 10 or 15 years hence. It is also difficult to quantify the savings to the public purse of doing so.

My point about early-years interventions is simply that it has worked in Scotland, where the benefits can already been seen. I could talk about it all day because I am a strong advocate of that system.

Detective Inspector Marks:

Early-years intervention is important. It would be beneficial to map the services that already exist or are in the pipeline. In one area, for example, we are piloting child intervention panels that

provide a package for children who pose a significant risk to themselves or others. Police and others are working on putting in place a support mechanism to assist those children and to move them away from the path of risk or offending. The pulling together of all those threads to establish best practice would be highly beneficial.

Assistant Chief Constable Kerr:

Forgive my use of the term, but some of this is not rocket science. I talked about the Pareto principle of multiple agencies working with the same small number of children and young people. Sometimes, it is simply a matter of sitting down to do exactly what Anne Marks outlined, which is to map out the amount of time, effort and resource being invested in certain areas and select the same children and young people for considered, co-ordinated interventions. That happens with public protection units and their partners in district policing areas. Responses can tend to be reactive, but it is much better to plan in five-year or 10-year cycles. However, that may be a different conversation from the one that we are used to having.

Mrs D Kelly:

The Committee should lend more time to considering such a conversation. We examine at-risk behaviours, such as those that lead to a rise in sexually transmitted diseases (STDs) and the number of young people who are addicted to alcohol or drugs. The safeguarding of children is, therefore, a real health issue. Furthermore, young people who riot on the streets in my constituency are at risk from other influences. Perhaps the Committee could have a separate conversation about that with the police at a later date.

Alister, you said that a senior social worker was attached to the public protection unit. Is that a consequence of the inquiry into and report on the McElhill tragedy? I know that the recommendation came from the Multi Agency Sex Offender Risk Assessment and Management (MASRAM).

Superintendent Wallace:

Five social workers will be appointed to our public protection units, which deal mostly with child protection issues. The public protection team based at Seapark in Carrickfergus had made an independent request for a senior social worker to be allocated to it. That is separate from the report on the McElhill tragedy; we had asked for social workers before its publication. The additional five social workers will be placed in public protection units. The first social worker is

about to start in Dundonald, and we understand that the appointment of the remaining four is in the pipeline, and they will be a welcome addition for the purpose of sharing information and intelligence.

Mrs D Kelly:

I hope that they are not placed in the basement at Seapark, because I was there a while back. You mentioned the pipeline, and there are certainly plenty of pipes running across the ceiling there.

Mrs McGill:

I apologise for leaving the meeting for five or six minutes a short time ago. The Toner report has been mentioned. I am from and represent West Tyrone —

The Acting Chairperson:

Do you want to say Strabane now?

Mrs McGill:

The McElhill/McGovern tragedy in Omagh was extremely difficult. I will make some points that are outside the legislative provision for the safeguarding board. Are you content that all the relevant agencies co-operate well on child protection and on those issues that emerged from the inquiry into the awful McElhill/McGovern tragedy? The Committee submitted a question on whether legislation should provide for co-operation as well as safeguarding. Are there moves towards fuller co-operation, and should agencies be legally obliged to co-operate?

Assistant Chief Constable Kerr:

You may have missed it, but, in my presentation, I made observations about the strategic management board and the lessons that are applicable to the SBNI. The statutory obligation that exists for public protection arrangements works extremely well, as do the current child protection arrangements.

It may help for co-operation to be placed on a statutory footing. Sometimes an obligation under law compels public authorities to have the kind of strategic conversations that we have just had and to map out the use of resources. The police already have a legislative obligation for the protection of children under article 46 of the Children (Northern Ireland) Order 1995 and section 32 of the Police (Northern Ireland) Act 2000.

The question is whether a single piece of legislation should deal with the issue specifically and lay out clearly the responsibilities of the respective agencies. That has been helpful in respect of the public protection arrangements. I am satisfied that the arrangements are working well, and there is a great deal of co-operation. There is no fail-safe system, and all that we can do is manage the risk. The way in which we manage risk and communicate with the public may give rise to certain issues. A sensible balance must always be struck, but we are certainly not averse to making co-operation a legislative requirement.

Mrs McGill:

Thank you for that. I caught some of your presentation. Your confidence about co-operation between agencies strikes me as being at variance with the McElhill/McGovern tragedy in Omagh. I had a sense that the relevant agencies did not co-operate fully in that case, but perhaps I picked that up wrongly. Did the Toner report not point to gaps in co-operation? It would not be good if, having accepted that agencies work well together, a further tragedy were to occur. There is some question about whether the McElhill/McGovern tragedy could have been prevented. Are you confident that the relevant agencies worked together then and continue to do so?

Assistant Chief Constable Kerr:

There is a difference between then and now, and I was referring to the current arrangements.

Mrs McGill:

So, you think that there has been an improvement.

Assistant Chief Constable Kerr:

Absolutely. Two of the Toner report's 63 recommendations concerned policing, and we have addressed both. Alister just talked about one of those, namely the appointment of senior social workers to public protection units. We are absolutely committed to that, because it is the right thing to do. There is always room for improvement, and lessons can always be learned from issues that have arisen in the past. Yesterday, a case in GB received a great deal of publicity, and lessons can always be learned from serious case reviews.

Do I think that the system is working well at the minute? Yes. Do I think that authorities should be compelled by legislation to co-operate? I can speak only from the experience of the

public protection arrangements that have worked well under the Criminal Justice (Northern Ireland) Order 2008. The public protection arrangements are enshrined in legislation, and they are the envy of many other parts of Europe.

Mrs McGill:

I have just glanced at your written response to that question, and it does not state whether you feel that co-operation should be a legal duty.

Assistant Chief Constable Kerr:

I am conscious that the Police Service can make observations and comments. However, we do not have the remit or authority to legislate. Nevertheless, we would not be averse to legislation that compels people to co-operate.

Mr McCallister:

I am sorry that I missed the start of your presentation. You are most welcome. Will, you spoke about people heading up different panels and the importance of leadership, about which the Committee has heard much during various evidence sessions. Leadership will be a key part of the appointments, because whoever is appointed will set the tone for the board and the panels.

Earlier today, I was in north Belfast talking about social justice issues. I am particularly interested in early intervention themes, the link between offenders and victims and how individuals potentially go down one road or the other. The big issue will be the move from policy to practice. Claire asked a question about how the police will get everyone to buy into that. Will the safeguarding board or local safeguarding panels implement a policy according to locality, given that, for example, the rural constituency in which I live is markedly different from one in Belfast?

Assistant Chief Constable Kerr:

The succinct answer is yes. I mentioned to Conall that the responsibility of people working at a strategic level is to create the appropriate enabling environment so that the operational practitioners can get on with their job. That is what we are here to do. Sometimes there are obvious issues at a strategic level with IT, policies and information-sharing protocols.

The benefits of co-location at practical, operational and practitioner level are that sensible

conversations take place in support of, rather than in spite of, the strategic level. Co-location has had massive benefits for us. The point that I made to Conall was about how we move from strategic intent to practitioner level through the mid-level manager. That is where the area child protection committees or the subcommittees under the SBNI will become important. It is a matter of how to build up local relationships and how to get people talking to one another. Although we create the right environment at a strategic level, delivery is the important part. I, therefore, agree with your point. The relationship between the Probation Board and the police works extremely well, and the relationship between the strategic management board and the local protection panels has the potential to do likewise.

Detective Inspector Marks:

I want to return to an earlier point about ensuring that the right people are represented, even at panel level. We recognise the importance of that, and the fact that the community safety superintendent will attend those meetings is important. The remit of the area child protection committees centred on child protection. However, the remit is now much wider, and there is, therefore, a need to step up and take on other youth issues.

Mr McCallister:

During the Committee's evidence sessions on this issue, it has become apparent how key those appointments will be. The right leadership is critical to ensuring that all the other bits and pieces fall into place.

The Acting Chairperson:

I have one last question; I saved the worst for last. I am particularly interested in your comments on the judiciary. There are two different opinions on a role for the judiciary. The first opinion is that there should be a role for the judiciary, and the second opinion takes a more cautious approach for a variety of reasons. Your thoughts on the independence of the judiciary are, therefore, welcome. Will you expand on those points?

Assistant Chief Constable Kerr:

I can talk about previous experience and our role in the criminal justice system as a whole. The judiciary would articulate loudly the importance of the independence of the judicial function. The SBNI should have a core membership of people who are actively involved in child welfare and protection. That does not mean that other people cannot be co-opted on to the board as and

when the need arises. That is exactly how it happens in the strategic management board (SMB). We have a standing membership, and, as and when the need arises, we invite other people to come along to give evidence.

It is always good to have the judiciary represented. The police are the entry point into the criminal justice system. However, at some point, the cases will reach trial, at which point the sentencing, and the comments made during sentencing, will be an important element of reassuring the public about the ability of the state, state agencies and the principal public authorities to protect young people and children. As a principle, the involvement of the judiciary is important and is a good idea, but how practical that may be is a separate issue.

I want to reinforce my point about lay advisers. We have found it incredibly useful to hear from people who are not involved in probation, prisons or policing. They are members of the community who come to meetings and challenge us, sometimes quite robustly. As agencies, we tend to think introspectively, and the lay advisers come along and tell us that we are wrong, that the community thinks in a certain way and that we must think differently. We have found that to be an extremely useful challenge function, and I strongly recommend it for the SBNI.

The Acting Chairperson:

Thank you. Your presentation was fantastic, and we hope to see you again.