

Committee for Health, Social Services and Public Safety

Report on the Safeguarding Board Bill (NIA 25/09)

Together with the Minutes of Proceedings, Minutes of Evidence and
Written Submissions Relating to the Report

Ordered by the Committee for Health, Social Services and Public Safety to be printed 25
November 2010

Report: NIA 22/10/11R (Committee for Health, Social Services and Public Safety)

Session 2010/2011

Second Report

Membership and Powers

The Committee for Health, Social Services and Public Safety is a Statutory Departmental Committee established in accordance with paragraphs 8 and 9 of the Belfast Agreement, section 29 of the Northern Ireland Act 1998 and under Standing Order 48.

The Committee has power to:

- Consider and advise on Departmental budgets and annual plans in the context of the overall budget allocation;
- Consider relevant secondary legislation and take the Committee stage of primary legislation;
- Call for persons and papers;
- Initiate inquiries and make reports; and
- Consider and advise on any matters brought to the Committee by the Minister for Health, Social Services and Public Safety.

The Committee has 11 members including a Chairperson and Deputy Chairperson and a quorum of 5.

The membership of the Committee is as follows:

Mr Jim Wells (Chairperson)

Mrs Michelle O'Neill (Deputy Chairperson)

Mr Pól Callaghan

Mr Sam Gardiner

Mr Paul Girvan

Mr John McCallister

Dr Kieran Deeny

Mr Mickey Brady

Mr Alex Easton
Ms Sue Ramsey
Mr Tommy Gallagher

With effect from 20 May 2008 Mrs Claire McGill replaced Ms Carál Ní Chuilín.
With effect from 15 September 2008 Mr Sam Gardiner replaced Rev Dr Robert Coulter
With effect from 29 June 2009 Mrs Dolores Kelly replaced Mr Tommy Gallagher
With effect from 4 July 2009 Mr Jim Wells replaced Mrs Iris Robinson
With effect from 14 September 2009 Mrs Iris Robinson replaced Mr Thomas Buchanan
With effect from 12 January 2010 Mrs Iris Robinson resigned as an MLA
With effect from 15 January 2010 Mrs Carmel Hanna resigned as an MLA
With effect from 26 January 2010 Mr Conall McDevitt replaced Mrs Carmel Hanna
With effect from 1 February 2010 Mr Thomas Buchanan replaced Mrs Iris Robinson
With effect from Monday 24 May 2010 Mr Tommy Gallagher replaced Mr Conall McDevitt
With effect from Monday 24 May 2010 Mrs Mary Bradley replaced Mrs Dolores Kelly
With effect from Monday 13 September 2010 Mr Mickey Brady replaced Mrs Claire McGill
With effect from Monday 13 September 2010 Mr Paul Girvan replaced Mr Thomas Buchanan
With effect from Monday 22 November 2010 Mr Pól Callaghan replaced Mrs Mary Bradley

Table of Contents

Report

[Executive Summary](#)

[Introduction](#)

[Consideration of the Bill](#)

[Clause by Clause consideration of the Bill](#)

Appendix 1

[Minutes of Proceedings](#)

Appendix 2

[Minutes of Evidence](#)

Appendix 3

[Written Submissions](#)

Appendix 4

[Written Evidence and other correspondence considered by the Committee](#)

Appendix 5

[List of Witnesses](#)

Appendix 6

List of abbreviations

Executive Summary

1. The purpose of the Bill is to provide for the establishment of a new regional Safeguarding Board for Northern Ireland (SBNI). That Board will for the first time bring together on a statutory footing the key operational agencies from the voluntary and statutory sectors at a strategic level to work together to protect and safeguard children and to promote their welfare.

2. The evidence from stakeholders was overwhelming in favour of the Safeguarding Board Bill although a few key issues did emerge.

3. The first key issue was membership of the SBNI. The Committee questioned the Department on why, among others, the Judiciary/Courts Service, government departments, the Housing Executive and a specific medical representative would not be members of the main Board of the SBNI. The Department explained that various mechanisms would be established to ensure consultation and involvement with a range of organisations that were not members of the main Board and also made the point that the Bill allows the Department to prescribe additional organisations to become members of the SBNI if required. The Committee was satisfied with this explanation.

4. The second issue concerned how the SBNI will consult and communicate with children and young people. The Committee believed that the Bill as drafted was not strong enough in this regard and suggested an amendment to make clear that the SBNI must communicate with children and young people. The Department accepted the Committee's point and drafted the appropriate amendment.

5. The third issue was the freedom of the SBNI to publish documents. The Bill as drafted stated that the SBNI would need to seek the Department's prior approval before publication. The Committee was concerned that this could potentially act as a veto on the SBNI's independence and ability to act as a "critical friend" to the Department. The Department accepted the Committee's concerns and agreed to amend the clause so that the SBNI will only be required to consult with the Department before publication, rather than having to seek its approval.

6. The fourth issue related to the power contained in the Bill for the Department to issue Directions to the SBNI. The Committee was of the view that this could potentially undermine the freedom of the SBNI to act as it sees fit. The Department explained that Directions would only be issued in exceptional circumstances and would be likely to deal with technical issues or to ask the SBNI to focus on a particular safeguarding issue. The Department offered to amend the Bill so that any Directions would be published in the SBNI's annual report, hence providing transparency. The Committee agreed it was satisfied with this approach.

7. The final key issue was the appointment and remuneration of the Chair of the SBNI. The Bill provided for the Chair to be appointed by the Department under the Public Appointments process. The Committee explored various alternative models for the appointment of the Chair but after deliberating on the matter agreed that the Public Appointments process was indeed the most suitable mechanism in this instance.

8. The salary of the Chair is not provided for within the Bill. However, the post of Chair Designate for the SBNI was advertised during the committee stage of the Bill. Many witnesses argued that the remuneration attached to the post was too low to attract the right candidate.

The Committee also came to this view and wrote to the Minister requesting that he halt the recruitment process and re-advertise at a higher salary. The Minister agreed to halt the process and re-visit the proposals for the appointment of the Chair.

Introduction

1. The Safeguarding Board Bill (NIA 25/09) was referred to the Committee in accordance with Standing Order 33 on completion of the Second Stage of the Bill on 22 June 2010.

2. The Minister for Health, Social Services and Public Safety made the following statement under section 9 of the Northern Ireland Act 1998:

"In my view the Safeguarding Board Bill would be within the legislative competence of the Northern Ireland Assembly."

3. The stated purpose of the Bill is to provide the required legislative framework for the creation of a new regional Safeguarding Board (SBNI). It will also provide the legislative framework for the creation of a structure of 5 Safeguarding Panels, one located in each Health and Social Care Trust's geographical area, to support the SBNI.

4. During the period covered by this Report, the Committee considered the Bill and related issues at ten meetings. The relevant extracts from the Minutes of Proceedings for these meetings are included at Appendix 1.

5. The Committee had before it the Safeguarding Board Bill (NIA 25/09) and the Explanatory and Financial Memorandum that accompanied the Bill.

6. Prior to the introduction of the Bill the Committee carried out significant consultation with key stakeholders on the principles to be contained with the Bill. The Committee took evidence in this regard from VOYPIC, CiNI, Belfast HSC Trust, the Southern HSC Trust, the PSNI, Professor Jan Horwarth, Professor Alan France, the Regional Child Protection Committee, the NSPCC, and the Youth Justice Agency during February and March of 2010. The Committee was then briefed by the Department on the proposed Bill on 22 April 2010.

7. On referral of the Bill the Committee wrote on 23 June 2010 to key stakeholders and inserted public notices in the Belfast Telegraph, Irish News and News Letter seeking written evidence on the Bill by 30 July 2010.

8. A total of 36 organisations responded to the request for written evidence and a copy of the submissions received by the Committee are included at Appendix 3.

9. Following the introduction of the Bill the Committee took evidence from:

- Departmental officials about the policy behind the Bill and its general provisions on 9 September 2010.
- The NSPCC, Children in Northern Ireland and the Voice of Young People in Care on 16 September 2010.
- The Belfast Health & Social Care Trust, Southern Health & Social Care Trust and the Northern Ireland Association of Social Workers on 23 September 2010.
- The Northern Ireland Commissioner for Children & Young People, Professor Jan Horwarth, and the Bradford Safeguarding Children Board on 30 September 2010.

- The Police Service for Northern Ireland, Probation Board for Northern Ireland, Youth Justice Agency, and Departmental officials on 7 October 2010.
- Departmental officials on 14 October 2010 and 21 October 2010.

10. The Minutes of Evidence are included at Appendix 2.

11. At its meeting on 9 September 2010 the Committee agreed a motion to extend the Committee Stage of the Bill to 17 December 2010. The motion to extend was supported by the Assembly on 20 September 2010.

12. The Committee carried out clause by clause scrutiny of the Bill on 11 November 2010.

13. At its meeting on 25 November 2010 the Committee agreed its report on the Bill and that it should be printed.

Consideration of the Bill

Background

14. In the early 1990s Area Child Protection Committees (ACPCs) were established in each of the former Health and Social Services Boards. The ACPCs were responsible for promoting inter-agency work to protect children and to monitor and evaluate child protection services.

15. The ACPCs were set up on a non-statutory basis. While the Department recognised the good work done by the ACPCs it was felt that the arrangements could be improved in a number of areas. For example, there were issues regarding attendance and the seniority of those who sat on the ACPCs, which was seen as reflecting a lack of commitment by some of those organisations involved. Therefore, in 2009 the Department proposed to establish a Safeguarding Board for Northern Ireland.

16. The aim of the Bill is to provide the legislative framework for the creation of a new regional Safeguarding Board for Northern Ireland (SBNI). That Board will for the first time bring together on a statutory footing the key operational agencies from the voluntary and statutory sectors at a strategic level to work together to protect and safeguard children and to promote their welfare.

17. The legislation sets out the key functions of the SBNI - it will develop policies and procedures for safeguarding and promoting the welfare of children in Northern Ireland; it will promote awareness of the need to safeguard children and the need to promote their welfare; it will keep under review the adequacy and effectiveness of what is done by the member agencies in their work to safeguard and promote welfare; and it will undertake case management reviews, which will include the dissemination of learning from those reviews to support continuous improvement in practice.

18. The SBNI will also advise those who commission services to safeguard, particularly the Health and Social Care Board, on safeguarding and the promotion of welfare. It will also review all child deaths in Northern Ireland and identify any lessons to be learned, particularly from sudden or unexpected deaths, with a focus on trying to identify avoidable factors that contributed to the death. In doing so it will address a broader safeguarding agenda rather than one solely focused on child protection.

19. The functions of the SBNI will be underpinned by a statutory duty to co-operate to safeguard and promote the welfare of children. That duty will apply to all members of the SBNI, including members of committees and sub-committees, as well as those members listed in the Bill.

20. The Bill has 17 clauses.

Key Issues

Salary and appointment of the Chair of the SBNI

21. The role of Chair was regarded by many who gave evidence to the Committee as being pivotal to the success of the SBNI. Witnesses emphasised that the Chair must possess the ability to provide strong leadership and be able to manage and bring together agencies from a wide range of organisations. The Chair would require the relevant knowledge base and must be able to command the respect of the Board who will be comprised of senior representatives of agencies. There was also acknowledgement that the Chair of the SBNI would very much become the "public face" of child protection. The NSPCC explained it in the following terms:

"The pool is small because of the skills that are required and because the role is extremely challenging and demanding. Potentially, any individual doing the job assumes considerable reputational risk should anything go wrong. Given how certain child protection cases can be politicised and picked up by the media, people are sensitive to the fact that, if they take up a high-profile position, they will be the ones who will be held to account." (Appendix 2)

Method of appointment

22. The method of appointing the Chair of the SBNI is set out in the Bill under Clause 1 (2) and states that the Chair will be appointed by the Department. This is done through the Public Appointments process. The Department advertised the post of Chair Designate for the SBNI in late September 2010 during committee stage of the Bill, with a closing date for applications of 21 October 2010.

23. The Committee was concerned that the Department had begun the appointment process before the Committee had agreed that it was content with Clause 1 (2). During the evidence taking, the Committee was made aware of alternative models for appointing a Chair which have been used in England for local safeguarding children boards (LSCBs). Under these models the board itself is involved in the selection of the Chair to a greater or lesser degree. Kath Tunstall, a former chair of the Bradford Safeguarding Board explained:

"In Bradford, I, as the outgoing chairperson and the director of services to children and young people, involved the board in the selection process. We have an inclusive approach in that regard, but we did not have to do that. I felt that it was really important that the responsibility for the appointment of the chairperson was owned by people on the board, so a cross-section of board members was involved in the selection process." (Appendix 2)

24. However, other witnesses including the Department favoured using the Public Appointments process. Their view was that it means that the Chair is independent of any persons sitting on the Board by virtue of not being employed by any of the agencies represented, and also by the fact that Board members were not responsible for their appointment as Chair. Professor Jan Horwarth commented:

"I have worked in Northern Ireland for more than 15 years, and I know that it is a very small world. It would be difficult for members of the board to appoint a chairperson because it is likely that the candidates would be people whom they know well." (Appendix 2)

25. The Department also made the point that 72% of respondents to its consultation wanted a Chair appointed through the public appointments process.

26. After listening to the evidence the Committee came to the view that the Public Appointments process was the most appropriate method for the appointment of the Chair to the SBNI.

Salary for the Chair

27. The salary which the Department was proposing to pay the Chair caused a considerable degree of concern and debate among witnesses and Committee members. The Department set the salary at £17,060 per annum for a 2-3 day week.

28. Many witnesses believed the remuneration being offered was too low to attract the right candidate. For example the Children's Commissioner stated:

"I have seen today's advertisement for the chairperson, and I am disappointed because of the people whom that remuneration will attract." (Appendix 2)

29. Similarly, Professor Jan Horwarth was of this view:

"I concur with what the representatives from Bradford said: the rate in England and Wales is £500 or more a day. I do not know who would be attracted by the salary that has been advertised here. Perhaps someone who is extremely committed to that kind of work may be prepared to take up the post." (Appendix 2)

30. However, other groups suggested that the person who took up the post of Chair of the SBNI may not be influenced by the salary offered. The PSNI suggested:

"There may be a public-spirited person out there who has a particular interest in the post who is at the right level. I have no doubt, from working with people in all the agencies, that there are certain people who may take up the post because of their passion for the subject." (Appendix 2)

31. The Department set out a number of reasons as to why it had set the salary at this level.

32. The Department stated that the salary is the same as the Chair of the RQIA and the Chair of the NI Social Care Council. In addition, the SBNI is an unincorporated public body and therefore the Chair will not have as many corporate governance responsibilities as compared to the Chairs of the RQIA and the NI Social Care Council.

33. The Department also made the point that the Chair will have a Director and Assistant Director at his or her disposal, as well as being supported by the five Chairs of the five panels in each Trust area. The Department explained that a total of £170,000 has been set aside for the post of Chair, Director and Assistant Director, with the latter two posts attracting £67,000 and £57,000 per annum.

34. The Department advised that the Chair will line manage and direct the work of the Director and Assistant Director and that it therefore sees the Chair as providing strategic direction with the operational and administrative work being carried out by others.

35. The Committee expressed a number of concerns with this proposed arrangement, including the potential difficulties for the Chair to direct and line manage a Director and Assistant Director who will be on a significantly larger salary than them and the potential for the Chair to become merely a figurehead.

36. The Committee wrote to three of the witnesses who had experience of local safeguarding children boards (LSCBs) in England for their views on this matter. The witnesses raised serious concerns about the Department's proposed approach (Appendix 4). For example, Sue Woolmore of the NSPCC and chair of a LSCB in the north west of England stated:

"As I explained when I gave evidence to the Committee on 16 September 2010, the pool from which to draw a competent and high calibre Chair for the SBNI is small. The rate of remuneration on offer in this advertisement will reduce that pool and potentially deplete it to a level of little worth. I suggest that any candidate for this role will need either to be in receipt of a generous pension from earlier employment or have alternative financial means which will allow them to treat this role as a form of voluntary service."

"Perhaps of greater concern to me is the message which this profile for the SBNI Chair communicates to the external world and the child protection network in particular. By attracting such a nominal salary, the value of this role, and thereby the SBNI as a whole, is potentially compromised." (Appendix 4)

37. The Committee also asked the Department to provide a list of salary scales for chairs of other public bodies and noted that many other chairs received more on a pro rata basis than the salary being proposed for the Chair of the SBNI.

38. The Committee therefore agreed to write to the Minister and request that the Department halts the current appointment process for the Chair Designate of the SBNI and re-advertises the post at a higher salary. The Minister replied to the Committee stating that he was aware of the Committee's concerns and would do as it suggested. The Committee welcomed the Minister's response and requested that it be consulted before the post was re-advertised.

Membership of the SBNI

Clause 1 (3)

39. This clause lists the agencies named on the Bill who are to be members of the main Board SBNI.

40. Members and a number of those who provided written submissions were concerned that the Judiciary/Courts service were not named on the face of the Bill as a member of the SBNI. The view was that the Judiciary has a key role in relation to child protection and therefore its input is required.

41. However, the Southern HSC Trust and NI Association of Social Workers indicated that there was no requirement for the Judiciary to actually sit on the SBNI as a board member. They felt that it should be possible to establish a formal link between SBNI and Children Order Advisory Committee (COAC) in order to ensure a sufficient level of contact with these services. This view was shared by the Department.

42. The Committee also noted that the Lord Chief Justice had previously written to the Committee to state that he was content for the judiciary not to be represented on the

Safeguarding Board but that the Board could approach his office if it considers there are particular matters on which a judicial input would be useful (Appendix 4).

43. The Department was of the view that Clause 2 (1) which is about coordinating and ensuring the effectiveness of what is done by each body represented on the SBNI could raise issues of independence for the Judiciary if it was sitting on the SBNI.

44. The Department advised that the Judiciary had indicated that it was content that the Chair of the SBNI sits on the Child Order Advisory Committee (COAC). COAC gives the Judiciary the opportunity to engage with stakeholders about the operation of the law and how the courts operate. The Committee accepted that this was a sufficient method of ensuring contact between the SBNI and the Judiciary/Courts Service.

45. Members and witnesses were concerned that a medical representative is not named on the face of the Bill as a member of the SBNI. Many were in favour of medical representation on the board given that GPs and doctors are often the first to come into contact with children who may be at risk. This was a view put forward by the Health and Social Care Trusts, as well as by those in the community and voluntary sector.

46. The Department recognised that this was an issue and advised that it has been agreed that a member of the Health and Social Care Board (who are named on the face of the Bill) will represent the interests of all GPs on the SBNI. Departmental officials explained:

"We liaised with the Northern Ireland General Practitioners Committee, which is a committee of the British Medical Association. We also had discussions with the Health and Social Care Board. It has been agreed that a member of the Health and Social Care Board will represent the interests of all GPs on the safeguarding board . . .

It is our intention to draft a membership agreement stating that that member of the SBNI will not be representing the interests of the health and social care trusts per se but those of GPs, both sessional and local. Our membership agreement will also include an expectation that that member creates the systems, processes and conduits of communication to enable him or her to represent GP interests sufficiently and effectively." (Appendix 2)

47. The Committee was satisfied with the Department's proposals for ensuring medical representation on the SBNI.

Communication with children and young people

Clause 3 (7)

48. There was concern that the wording of this clause was too weak and did not do enough to ensure that consultation with children and young people would take place in a meaningful way. For example, NICCY stated during an evidence session:

"In considering the safeguarding board's engagement with children and young people, we welcome the duty placed on the board to take reasonable steps to promote communication. However, we consider that engaging directly with children should be an active duty placed on the safeguarding board and recommend that the relevant clause be amended to reflect that." (Appendix 2)

49. Likewise VOYPIC made the point:

"We also welcome clause 3(7), which states that communication between the board and children and young people is recognised as a key function . . .

However, from a legislative point of view, it is imperative that clause 3(7) be amended to ensure the effective engagement and involvement of children and young people." (Appendix 2)

50. The Department explained to the Committee that it intends to use Clause 5 to make Regulations to deal with how the SBNI must consult with children and young people rather than providing that detail on the face of the Bill. Departmental officials provided substantial detail on what will be included in the Regulations:

"We think that the regulations should state that the SBNI:

seek assistance from organisations who communicate with children and young people;
communicate with a wide age range of children and young people; seek the views and opinions of children and young people;

provide age appropriate information where necessary;

consider the rights of the child or young person;

have regard in particular to the ascertainable wishes and feelings of the child or young person (considered in the light of his age and understanding); and

must have regard for the importance of the role of parents in the upbringing and development of their children.

That introduces the idea of consulting not only with children, but with their carers.

The Bill is drafted in a way that sets out what must be done, and in the regulations, we are trying to cover the detail of how it must be done. In discussion with the draftsmen we are simply saying that, rather than list that detail in the Bill, which would be inconsistent with the way the rest of it is drafted in stating what must be done, we would cover all that in the regulations. We are open to views from other people as to how that can be further strengthened, but that is the sort of detail that we will go into in the regulations." (Appendix 2)

51. However, the Committee suggested that as well as bringing in Regulations the Department should strengthen the wording on the face of the Bill. The Committee believed that the clause as drafted which referred to "reasonable steps" was too weak. The Department recognised this issue and proposed an amendment to the clause to remove the term "reasonable steps". The Committee was content with this amendment.

Publications of the SBNI

Clause 3 (9) (c)

52. This clause raised concern among many of the groups including CiNI, Parents Advice Centre, NSPCC, NICCY, Barnardos and the RQIA. There was a fear that it could be used by the Department to have a potential veto on the SBNI's functioning and independence, and could be used to suppress critical reports. The RQIA stated in its written submission to the Committee regarding this clause:

"The SBNI is required to be independent in all its functions, which are underpinned by its legislative base. The SBNI should not be constrained by any party in reaching its conclusions and publishing its findings. The SBNI must be free to make judgements and be able to publish reports of its findings." (Appendix 3)

53. Given the level of concern in relation to this issue, the Committee commissioned Assembly Research Services to produce a paper on the matter. The paper entitled "The proposed SBNI and links to the DHSSPS" reviewed how other public bodies in Northern Ireland are linked to their relevant sponsor departments (Appendix 4). The paper detailed that the DHSSPS has a similar power in relation to the RQIA and the Patient and Client Council. However, OFMDFM does not have the power to approve the publications of the Office of the Commissioner for Children and Young People.

54. The Department advised the Committee that this clause was needed because the SBNI is not a legal entity in its own right. It cannot be sued - the Department has ultimate responsibility for it. Officials emphasised that this clause was a safety mechanism not a censoring device. It is in place to ensure that reports are factually accurate, do not include statements that raise the possibility of any legal challenge, and to ensure that the SBNI's annual report addresses all the matters that it should address by reporting on how the Board has discharged all of its functions.

55. The Department initially proposed to amend clause 6 to allay concerns regarding this power of approving publications of the SBNI. Clause 6 deals with the annual report and the Department suggested that it could state that the annual report will list, with dates, any reports submitted by the SBNI to the Department for publication and what reports have actually been published.

56. However, the Committee questioned why clause 3 (9) (c) could not be amended to refer to "consultation" with the Department rather than "approval". The Committee was also concerned with the fact that the proposed amendment to clause 6 would not deal with the situation where the Department had asked for a report to be amended. The Department stated that communications between the SBNI and the Department would be recorded in the minutes of Board meetings. Members made the point that someone would have to carefully scrutinise the proceedings of the SBNI to pick up on such a scenario.

57. The Department agreed to amend Clause 3 (9) (c) as proposed by the Committee by using the term 'consultation' rather than 'approval'. The Committee was content with this proposed amendment.

Departmental Directions to the SBNI

Clause 4

58. Many groups felt that the way in which Clause 4 was written was unhelpful as it appears to undermine the independence of SBNI and people questioned why the Department would need to give the SBNI Directions. All groups urged that the purpose of this clause was clearly explained at an early stage. For example, the NSPCC stated:

"The NSPCC supports the implementation of robust governance arrangements, but we suggest that the Committee seek clarification on the intent of that provision. Exemplar circumstances of when directions can be issued to SBNI might be useful in that regard. We expect that the powers of direction should be used only in exceptional circumstances." (Appendix 2)

59. Given the interest in this issue, the Committee commissioned Assembly Research Services to produce a paper on the matter. The paper entitled "The proposed SBNI and links to the

DHSSPS" reviewed how other public bodies in Northern Ireland are linked to their relevant sponsor departments (see Appendix 4). The paper detailed that the DHSSPS can give Directions to the RQIA and the NISCC. However, it also noted that OFMDFM does not have the power to give Directions to the Office of the Commissioner for Children and Young People.

60. When the Committee raised these concerns with the Department it stated that it does not expect the power of giving Directions to be used routinely, but under exceptional circumstances. The Department explained that any Directions issued under the clause are likely to relate to reminding the SBNI of its core functions or asking it to focus on a specific safeguarding issue. The Department also made the point that the legislation requires that the Department will consult the safeguarding board in advance of giving such Directions, except in an emergency situation, in which case the Department will discuss with the SBNI at the earliest opportunity.

61. The Department also provided the Committee with examples of Directions given to other health and social care bodies in order to illustrate the sorts of issues they deal with. Departmental officials explained:

"If the Committee looks through the examples given, much of the situations in which directions are applied are for nerdy things like complying with employment requirements or dealing with codes of conduct, etc." (Appendix 2)

62. The Department proposed to amend clause 6 which deals with the annual report. The Department suggested that all Directions to the SBNI must be included in the annual report. This was supported by the NSPCC, the NI Commissioner for Children and Young People, and the NI Association of Social Workers. Departmental officials explained:

"As we have said, we are quite happy for the legislation to state that directions from the Department must be published in the annual report. We have no difficulty with that because the sorts of issues on which we will issue directions will not be issues of particular concern. We will need to issue directions, but there is no hidden motive or underhandedness. We are quite happy for there to be openness and transparency around directions." (Appendix 2)

63. The Committee was content with this proposed amendment to Clause 6 in order to ensure that any Directions given to the SBNI would be part of the annual report and thus in the public domain. However, given that the matter will be dealt with in Regulations, the Committee sought an assurance from the Minister that he would make a statement to the House at Consideration Stage on this issue. The Minister agreed he would do so and the Committee was content with this arrangement.

Summary of Evidence

64. In considering the Bill, the Committee took account of the written and oral evidence received from the range of stakeholders who responded to its call for evidence. It also took oral evidence from Departmental officials, who provided additional information and clarification on the points raised in the submissions received.

General Comments

65. Those who provided evidence to the Committee welcomed the introduction of the Safeguarding Board Bill. There were clauses contained within the Bill which raised concerns with both stakeholders and Committee members.

Clause 1: Safeguarding Board for Northern Ireland

Membership of the Board

66. Whilst being supportive of the clause many of the written submissions pointed to other organisations which they believed should be members of the Safeguarding Board. Many were in favour of medical representation on the board given that GPs and doctors are often the first to come into contact with children who may be at risk.

67. The Department's response was that it has been agreed that a member of the Health and Social Care Board (who are named on the face of the Bill) will represent the interests of all GPs on the SBNI. The Committee was satisfied with this arrangement.

68. Others highlighted the omission of representation from the Judiciary/Courts Service. However, the Southern HSC Trust and the NI Association of Social Workers indicated that there was no requirement for the Judiciary/Courts Service to sit on the board. They felt that it should be possible to establish a formal link between the SBNI and the Children Order Advisory Committee (COAC) in order to ensure a sufficient level of contact with these services.

69. The Department was of the view that Clause 2 (1) which is about co-ordinating and ensuring the effectiveness of what is done by each body represented on the SBNI could raise issues of independence for the Judiciary if it was sitting on the SBNI.

70. The Department advised that the Judiciary had indicated that it was content that the Chair of the SBNI sits on the Child Order Advisory Committee (COAC). COAC gives the Judiciary the opportunity to engage with stakeholders about the operation of the law and how the courts operate. The Committee accepted that this was a sufficient method of ensuring contact between the SBNI and the Judiciary/Courts Service.

71. Concern was also raised in several submissions that there was minimal representation from the community and voluntary sector, with the NSPCC being the only group from that sector named in the Bill. The National Deaf Children's Society also added that Clause 1 should specify that at least one of the representatives on the board should have knowledge and experience of safeguarding disabled children and represent disabled people.

72. Others suggested that bodies such as the NI Housing Executive, the NI Ambulance Service and the Fire Service should sit on the safeguarding board to make the focus wider than just child protection. The Department engaged with officials from the NI Housing Executive but concluded that it would not be named on the face of the Bill, but could become a standing member of the SBNI at a later date if required under the existing provisions of the Bill. The Committee was satisfied with this outcome.

73. The Department explained that membership will be subject to ongoing review and that Clause 1 (3) (j) allows the Department to prescribe additional people and organisations to be members of the SBNI if they are required. In addition, Clause 1 (4) allows the SBNI to ask for persons or bodies to be added to the membership if it feels they are required. The Committee was satisfied with this arrangement.

74. A number of groups queried why government departments such as the Department of Education and the Department of Justice would not be members of the SBNI. The Department explained that the core members of the SBNI, as specified in the Bill, are those organisations that deliver services to children. The purpose of the SBNI is to improve at an operational level how agencies delivering services to children and families work together to protect, safeguard

and promote welfare. The real expertise on the delivery of services and how those services can be improved is at the coalface, typically lying with the agencies that deliver services; not with departmental officials. The Committee was content with this explanation.

75. The Committee sought clarity from the Department on how local government representatives would be selected to sit on the SBNI. The Department stated that the issue will be dealt with in the membership regulations and the Committee was content with this explanation.

76. The majority of those who gave evidence were in favour of those agencies who would sit on the SBNI providing representatives at senior management level with the authority to make decisions on behalf of their organisation. The Department advised that Regulations would be drafted which specify the level of seniority required from agencies, and would be at director or chief executive level.

Appointment of the Chair

77. The Clause stipulates that the Chair of the SBNI will be appointed by the Department. This will be through the public appointments process.

78. Some of the witnesses such as the NI Association of Social Workers, Prof. Jan Horwarth and the Children's Commissioner supported the use of the public appointment process. They argued that it means that the Chair is independent of any persons sitting on the Board, and avoids the situation of the Board members potentially appointing someone who some or many of them have worked with before.

79. However, others queried whether the Chair would be truly "independent" and have the capacity to act as a "critical friend" to the Department given that he or she will be appointed by the very same Department.

80. Some witnesses such as Sue Woolmore of the NSPCC and Kath Tunstall of the Bradford Safeguarding Board, both former chairs of local safeguarding children boards in England, provided information on a different model whereby the board members appoint the Chair. They saw the advantages of this model being that the Board has ownership of the process and does not feel a Chair is being imposed on them.

81. In relation to the issue of independence, the Department commented that the SBNI will be independent of its member organisations, and it will have a Chairperson who is independent by virtue of not being currently employed by or affiliated to any SBNI member agency.

82. Having listened to the range of evidence on this issue, the Committee was satisfied that the public appointments process was the most suitable route for the appointment of the Chair of the SBNI.

Other issues

83. The Department proposed to make amendments to Clause 1 (5) (a) to deal with circumstances in which the Chair or members of the SBNI may be removed or suspended from office. The Department also proposed an amendment to Clause 1 (5) (c) to specify the host body for the SBNI. The Committee agreed it was content with these amendments.

Clause 2: Objective of the Safeguarding Board

84. The SELB and WELB raised a concern about how one representative of an agency could hold a representative of another agency to account in the context of both of them sitting on the SBNI. On a related theme, Barnardos stated that it would be useful to clarify the relationship between the SBNI and the Health and Social Care Board, the Health and Social Care Trusts and the RQIA.

85. The Department's response was that protocols will be developed for one member of the SBNI to challenge another member, and that this would be part of the membership agreement. If the Department believed the protocols developed were not sufficient it could bring forward regulations under Clause 5 to deal with this issue. The Department also made the point that the organisations on the SBNI are already regulated by independent inspectorates. The Committee was content with this explanation.

Clause 3: Functions of the Safeguarding Board

86. The NSPCC viewed this as a particularly significant clause as it deals with the mechanisms to hold to account members of the SBNI. They felt it would be necessary to make a specific amendment to the Bill to allow the Department to issue statutory guidance in that regard.

87. The Department stated that all SBNI members would sign a membership agreement which will set out their roles and responsibilities in assisting the SBNI in working to improve safeguarding and to exercise its functions as laid out in Clauses 3, and the duties imposed by Clauses 10 and 12. The Chair's expectation of members will also be set out in the membership agreements and the Chair will hold them to account on these matters. Ultimately each member organisation will be accountable to its sponsor bodies and to its Minister. Therefore the Chair will be able to hold the member agencies to account for their signing up to, and assistance and contribution to the functions of the SBNI as set out in the Bill. The Committee accepted this clarification.

88. The Department of Education had suggested that this clause be amended to ensure that cross-agency co-operative working is legislated for in the Bill. The Department's response was that Clause 3 (10) gives the SBNI the flexibility to undertake whatever work it wishes to and that the Department wishes to avoid specifying particular types of work that the SBNI can do on the face of the Bill but rather use clause 3 (10) to give the general power.

89. Similarly, many groups were concerned about the implications of clause 3 (4) in relation to case management reviews and stated that the Department needed to provide clarification.

90. For example, the NSPCC was concerned that this clause implied that the SBNI could only do case management reviews and not other sorts or reviews, while Barnardos wanted more detail to be included on how case management reviews should be carried out, including the production of action plans.

91. The Department explained to the Committee that if the Department listed other types of reviews under this clause it would mean that the SBNI could only do them if the Department prescribed them. This would limit the independence and flexibility of the SBNI. Clause 3 (10) allows the SBNI to do whatever work it wishes to without reference to the Department. The Department will bring in regulations under Clauses 3(4) and 3 (5) to ensure action plans are produced and lessons learned are disseminated.

92. The Committee wrote to the Minister seeking an assurance regarding the powers contained under Clause 3 (10). The Minister agreed that he would make a statement to the House at Consideration Stage to confirm that Clause 3 (10) gives the SBNI the power to do anything else that facilitates or is conducive to the achievement of its objective.

93. Many of the written submissions and witnesses raised concerns in relation to Clause 3 (7) which deals with communication between the SBNI and children and young people. They all believed that the wording of this Clause was not strong enough and that "reasonable steps" was too weak a term. The Department explained to the Committee that it intends to use Clause 5 to make Regulations to deal with how the SBNI must consult with children and young people. The Department also proposed to make an amendment to Clause 3 (7) by taking out the words "reasonable steps". The Committee was content with this amendment.

94. Clause 3(9)(c) raised concern among many of the groups in relation to it being regarded as the Department having a potential veto on the SBNI's functioning and independence.

95. The Department initially proposed to amend Clause 6 to allay concerns regarding this power of approving publications of the SBNI. Clause 6 deals with the annual report and the Department suggested that it could state that the annual report will list, with dates, any reports submitted by the SBNI to the Department for publication and what reports have actually been published.

96. However, the Committee questioned why Clause 3 (9) (c) could not be amended to refer to "consultation" with the Department rather than "approval". The Department agreed to this suggestion and proposed to amend the Clause. The Committee was content with this proposed amendment.

Clause 4: Directions to the Safeguarding Board

97. Many groups felt that the way in which Clause 4 is written was unhelpful as it appears to undermine the independence of SBNI. All groups urged that the purpose of this clause was clearly explained at an early stage.

98. The Department stated that it does not expect the power of giving Directions to be used routinely, but under exceptional circumstances. Any Directions issued are likely to relate to reminding the SBNI of its core functions or asking it to focus on a specific safeguarding issue.

99. The Department proposed to amend Clause 6 which deals with the annual report. The Department suggested that all Directions to the SBNI must be included in the annual report. This approach was supported by the NSPCC, the NI Commissioner for Children and Young People, and the NI Association of Social Workers.

100. The Committee wrote to the Minister asking him to make a statement to the House to confirm that the Regulations regarding the annual report will specify that any Directions must be included as part of the annual report. The Minister agreed that he would give this commitment at Consideration Stage and the Committee was content with this arrangement.

Clause 5: Functions of Safeguarding Board – general

101. There was concern raised by several groups that this clause may impact negatively on the capacity of the Board to operate independently and effectively.

102. The Department proposed to amend Clause 5 (1) to ensure that regulations can address the procedure as well as the manner in which the SBNI is to exercise its functions. The Department reminded the Committee that all regulations made under Clause 5 will come before the Committee. The Committee was content with the proposed amendment.

Clause 6: Annual report of the Safeguarding Board

103. The NSPCC suggested rewording Clause 6(1) in order to ensure that the SBNI reports on all its functions as set out in Clause 3. CiNI and Barnardos suggested amending Clause 6 (2) to specify the time period for the Department laying a copy of the annual report before the Assembly.

104. The Department proposed to make amendments to Clause 6 to provide a power for the Department to prescribe the content of the annual report in Regulations. The Committee agreed it was content with this amendment.

Clause 7: Committees and sub-committees

105. The NSPCC suggested the Regulations enabled by Clause 7(4) should cover the development of action plans and compliance monitoring arrangements.

106. The Committee questioned the Department closely on how the "Child Death Overview Panel" provided under Clause 7 (1) (b) would operate. The Department stated that primarily the SBNI will focus on deaths that are unexpected including deaths in hospital, road traffic accidents and substance abuse. The Department wants the SBNI, through one of its committees, to set up arrangements to work with other agencies so that it receives information about deaths and consider what issues it wants to examine and how the data should be analysed. In doing so the SBNI will look at deaths for which there might have been preventable factors, something which has not been done in a systematic manner before. The Committee was content with this clarification.

107. The Department proposed to make amendments to Clause 7 to allow for issues relating to the membership of committees and sub committees to be prescribed in Regulations. The Committee agreed it was content with these amendments.

Clause 8: Functions of committees and sub-committees

108. The NI Commissioner for Children and Young People and CiNI both suggested that to have guidance emanating from two different sources (the SBNI and the Department) to the committees could cause duplication of information and lead to confusion.

109. The Department stated that technically the SBNI is the sum of its parts, including the committees and subcommittees. However, in practice any guidance from the Department issued to a committee or subcommittee would be issued through the SBNI. The Committee was content with this explanation.

110. The Department proposed an amendment to Clause 8 (2) to enable the committee and sub-committee Regulations to address the manner and procedure in which they are to exercise their functions. The Committee was content with the proposed amendment.

Clause 9: Annual report of committees

111. CiNI advocated for a joined up, coherent annual reporting framework and therefore recommended the linking of Clauses 6 and 9, so that the report of each of the committees on the exercise of their functions is incorporated into the overall annual report of the SBNI to the Department.

112. The Department explained that it was important to have a proper record and detail of what each subcommittee did to ensure that they have a purpose and are delivering. Therefore this clause is required. The Committee accepted this rationale.

113. The Department proposed an amendment to allow for the form and content of the annual report of committees to be prescribed in Regulations. The Committee was content with the proposed amendment.

Clause 10: Duty to co-operate

114. Prof Jan Horwath stated that this Clause raises the issue of how individual members of the Board can be held to account for the way in which they implement the duty to co-operate. The Safeguarding Board has no control over the internal operations of any agencies represented on the Board. Prof Horwath felt that this had serious implications for the Board's power to ensure that member agencies discharge their functions.

115. The Department stated that individual membership agreements with each agency will be drawn up. The agencies themselves will assist the Department and the SBNI in drafting the agreements so there will not be a conflict in relation to responsibilities. The Committee accepted this explanation.

116. The Department proposed to make amendments to Clause 10 by making explicit reference to committees and sub-committees, as well as to the Board of the SBNI. The Committee agreed it was content with these amendments.

Clause 11: Supply of information requested by Safeguarding Board

117. A number of groups, including the PSNI, were concerned that there was no associated timeframe regarding requests for information under this Clause. The PSNI stated that the information that they hold may not be readily accessible or may require significant resources to retrieve it and therefore the inclusion of 'reasonable timeframe' in the wording of this Clause may be helpful.

118. The Department stated that it recognised this issue and proposed to make amendments to Clause 11 (1) to include a timeframe. The Department also proposed other amendments to this Clause to include reference to committees and sub-committees. The Committee agreed it was content with these amendments.

Clause 12: Arrangements to safeguard and promote welfare of children

119. Clause 12(3) caused concern among groups in terms of how this Clause would be interpreted. In particular the NSPCC felt the clause could impede their ability to act independently in the interests of children and when challenging government on matters of safeguarding and child protection. They suggested a specific amendment to make it clear that the duty applies to all listed bodies only in relation to their membership of the SBNI and its subgroups.

120. The Department in its evidence advised the Committee that they will issue guidance on what it expects of member agencies in delivering on that duty. Such guidance will make clear the requirements under Clause 12 and how they relate to existing legislation under which the various agencies operate.

121. The Committee wrote to the Minister asking him to make a statement to the House to clarify the Clause. The Minister agreed that he would do so at Consideration Stage to confirm that the Department will develop guidance for member agencies regarding Clause 12.

Clause 13: Ancillary and transitional provisions etc.

122. The South Eastern HSC Trust and NICCY both highlighted the importance of ensuring that a strategic and operational focus is maintained regarding child protection during the transition period needed to establish SBNI.

123. The Department stated that this clause was required to make the transition from the existing arrangements to the new statutory arrangements. The Committee was content with this explanation.

Clause 14: Regulations

124. CiNI made the point that the Committee and Assembly should take a pro-active approach to scrutinising the guidance and regulations which are developed.

125. NICCY highlighted the importance of ensuring there is broad engagement with stakeholders and agencies in this process.

Clause 15: Interpretation

126. The Committee did not raise or receive any comments in relation to this Clause.

Clause 16: Commencement

127. The Committee did not raise or receive any comments in relation to this Clause.

Clause 17: Short title

128. The Committee did not raise or receive any comments in relation to this Clause.

Additional Issues – Salary of Chair of SBNI

129. The salary for the Chair of the SBNI is not set out in the Bill.

130. The Department advertised the post of Chair Designate for the SBNI in late September 2010 during committee stage of the Bill.

131. The Department used the Public Appointments process and the closing date for applications was 21 October 2010. The salary attached to the post was £17,060 for a 2-3 day week.

132. The Committee heard evidence from a range of witnesses indicating that they believed the salary being offered was too low. The Committee also benchmarked the salary against those paid to Chairs of other public bodies.

133. The Committee wrote to the Minister on 22 October 2010 and requested that the Department halted the current appointment process for the Chair Designate of the SBNI and re-advertises the post at a higher salary. The Minister replied to the Committee stating that he was aware of the Committee's concerns and would halt the process and revisit the proposals for recruitment. The Committee welcomed the Minister's response and requested that it be consulted before the post was re-advertised.

Clause by Clause Consideration of the Bill

134. The Committee undertook its clause by clause scrutiny of the Bill on 11 and 18 November 2010 – see Minutes of Evidence in Appendix 2.

Clause 1: Safeguarding Board for Northern Ireland

135. The Committee indicated it was content with the clause as drafted subject to the proposed amendments agreed with the Department providing for the circumstances in which the Chair or members of the SBNI may be removed or suspended from office, and to specify the host body for the SBNI.

Clause 2: Objective of the Safeguarding Board

136. The Committee indicated it was content with the clause as drafted.

Clause 3: Functions of the Safeguarding Board

137. The Committee indicated it was content with the clause as drafted subject to the proposed amendments agreed with the Department in relation to communication with children and young people, and to remove the need for the SBNI to obtain the Department's approval before publishing documents.

Clause 4: Directions to the Safeguarding Board

138. The Committee indicated it was content with the clause as drafted.

Clause 5: Functions of the Safeguarding Board - general

139. The Committee indicated it was content with the clause as drafted subject to the proposed amendments agreed with the Department allowing for regulations to be able to address the procedure as well as the manner in which the SBNI is to exercise its functions.

Clause 6: Annual report of Safeguarding Board

140. The Committee indicated it was content with the clause as drafted subject to the proposed amendments agreed with the Department to provide a power for the Department to prescribe the content of the annual report in regulations.

Clause 7: Committees and sub-committees

141. The Committee indicated it was content with the clause as drafted subject to the proposed amendments agreed with the Department to allow for issues relating to the membership of committees and sub-committees to be prescribed in regulations.

Clause 8: Functions of committees and sub-committees

142. The Committee indicated it was content with the clause as drafted subject to the proposed amendments agreed with the Department to enable the committee and sub-committee regulations to address the manner and procedure in which they are to exercise their functions.

Clause 9: Annual report of committees

143. The Committee indicated it was content with the clause as drafted subject to the proposed amendments agreed with the Department to allow for the form and content of the annual report of committees to be prescribed in regulations.

Clause 10: Duty to co-operate

144. The Committee indicated it was content with the clause as drafted subject to the proposed amendments agreed with the Department to make explicit reference to committees and sub-committees, as well as to the Board of the SBNI.

Clause 11: Supply of information requested by Safeguarding Board

145. The Committee indicated it was content with the clause as drafted subject to the proposed amendment agreed with the Department to allow for a timeframe for the supply of information.

Clause 12: Arrangements to safeguard and promote welfare of children

146. The Committee indicated it was content with the clause as drafted subject to the proposed amendment agreed with the Department to provide for consequential/minor amendments.

Clause 13: Ancillary and transitional provisions etc.

147. The Committee indicated it was content with the clause as drafted.

Clause 14: Regulations

148. The Committee indicated it was content with the clause as drafted.

Clause 15: Interpretation

149. The Committee indicated it was content with the clause as drafted.

Clause 16: Commencement

150. The Committee indicated it was content with the clause as drafted.

Clause 17: Short title

151. The Committee indicated it was content with the clause as drafted.

Long title

152. The Committee indicated it was content with the long title of the Bill as drafted.

Appendix 1

Minutes of Proceedings Relating to the Report

**Thursday, 9 September 2010
Room 30, Parliament Buildings**

Present: Mr Jim Wells MLA (Chairperson)
Mr Thomas Buchanan MLA
Mrs Mary Bradley MLA
Mr Alex Easton MLA
Mr Tommy Gallagher MLA
Mr Sam Gardiner MLA
Mr John McCallister MLA
Mrs Michelle O'Neill MLA (Deputy Chairperson)
Ms Sue Ramsey MLA

Apologies: Dr Kieran Deeny MLA
Mrs Claire McGill MLA

In Attendance: Dr Kathryn Bell (Clerk)
Mr Mark McQuade (Assistant Clerk)
Ms Leanne Johnston (Clerical Supervisor)
Mr Neil Sedgewick (Clerical Supervisor)
Mr Craig Mealey (Clerical Officer)

2.04 p.m. The meeting commenced in public session.

1. Apologies.

Apologies as above.

5. Evidence session with Departmental officials on the Safeguarding Board Northern Ireland Bill NIA 25/09.

The Committee agreed to invite the Children's Commissioner to give evidence to the Committee at its meeting on Thursday 7 October 2010.

The Committee noted the paper from the Examiner of Statutory Rules regarding the delegated powers contained in the Bill.

The Committee agreed a motion to extend the Committee stage of the Safeguarding Board Northern Ireland Bill NIA 25/09.

The Committee took evidence from:

Mr Sean Holland Chief Social Services Officer;

Mr Fergal Bradley Head of Child Care Policy Directorate

Ms Patricia Nicholl Safeguarding Board Bill Team

A question and answer session ensued. The Chairperson thanked the witnesses for attending.

[EXTRACT]

Thursday, 16 September 2010 Room 30, Parliament Buildings

Present: Mr Jim Wells MLA (Chairperson)
Mr Mickey Brady MLA
Mrs Mary Bradley MLA
Dr Kieran Deeny MLA
Mr Alex Easton MLA
Mr Tommy Gallagher MLA
Mr Paul Girvan MLA
Mr John McCallister MLA
Mrs Michelle O'Neill MLA (Deputy Chairperson)
Ms Sue Ramsey MLA

Apologies: Mr Sam Gardiner MLA

In Attendance: Dr Kathryn Bell (Clerk)
Mr Mark McQuade (Assistant Clerk)
Ms Leanne Johnston (Clerical Supervisor)
Mr Neil Sedgewick (Clerical Supervisor)
Mr Craig Mealey (Clerical Officer)
Dr Janice Thompson (Assembly Research)
Ms Kiera McDonald (Assembly Legal Services)

2.01 p.m. The meeting commenced in public session.

1. Apologies.

Apologies as above.

5. Safeguarding Board Northern Ireland Bill NIA 25/09.

Briefing from Assembly Research

The committee was briefed by Assembly Research on the Safeguarding Board Northern Ireland Bill.

Evidence session with the NSPCC

The Committee took evidence from:

Mr Neil Anderson National Head of Services, NSPCC

Mr Colin Reid Policy and Public Affairs Manager, NSPCC

Ms Sue Woolmore Local Safeguarding Children Board Adviser, NSPCC

Mr Colm Elliott Assistant Director Children's Services, NSPCC

A question and answer session ensued. The Chairperson thanked the witnesses for attending.

Evidence session with Children in Northern Ireland/ Voice of Young People in Care

The Committee took evidence from:

Ms Pauline Leeson Children in Northern Ireland

Ms Ethel McNeill Children in Northern Ireland

Ms Vivian McConvey Voice of Young People in Care

Ms Alicia Toal Voice of Young People in Care

A question and answer session ensued. The Chairperson thanked the witnesses for attending.

[EXTRACT]

Thursday, 23 September 2010 Room 30, Parliament Buildings

Present: Mr Jim Wells MLA (Chairperson)
Mr Mickey Brady MLA
Dr Kieran Deeny MLA
Mr Alex Easton MLA
Mr Tommy Gallagher MLA
Mr Paul Girvan MLA
Mr John McCallister MLA
Mrs Michelle O'Neill MLA (Deputy Chairperson)

Apologies: Mrs Mary Bradley MLA
Mr Sam Gardiner MLA
Ms Sue Ramsey MLA

In Attendance: Dr Kathryn Bell (Clerk)
Mr Mark McQuade (Assistant Clerk)
Ms Leanne Johnston (Clerical Supervisor)
Mr Neil Sedgewick (Clerical Supervisor)
Mr Craig Mealey (Clerical Officer)
Mr Colin Pidgeon (Assembly Research)

2.51 p.m. The meeting commenced in public session.

1. Apologies.

Apologies as above.

5. Safeguarding Board Northern Ireland Bill NIA 25/09.

The Committee noted a briefing paper from the National Deaf Children's Society and agreed this should be included in the appendices to the Committee report on the Safeguarding Board Northern Ireland Bill NIA 25/09.

Evidence session with the Belfast and Southern Health & Social Care Trusts

The Committee took evidence from:

Mr Paul Morgan Assistant Director of Family Support & Safeguarding, Southern Health & Social Care Trust

Mr David Douglas Head of Safeguarding, Southern Health & Social Care Trust

Ms Lesley Walker Co-Director, Family and Childcare, Belfast Health & Social Care Trust

Mr John Growcott Co-Director, Social Work/Social Care Governance, Belfast Health & Social Care Trust

Ms Olive McLeod Co-Director, Governance, Patient Safety, and Performance, Belfast Health & Social Care Trust

A question and answer session ensued. The Chairperson thanked the witnesses for attending.

Evidence session with the Northern Ireland Association of Social Workers

The Committee took evidence from:

Ms Carolyn Ewart Manager, Northern Ireland Association of Social Workers

Dr John Devaney Member, Northern Ireland Association of Social Workers

Ms Jacqui McGarvey Member, Northern Ireland Association of Social Workers

A question and answer session ensued. The Chairperson thanked the witnesses for attending.

[EXTRACT]

Thursday, 30 September 2010 Room 30, Parliament Buildings

Present: Mr Jim Wells MLA (Chairperson)
Mr Mickey Brady MLA
Dr Kieran Deeny MLA
Mr Alex Easton MLA
Mr Tommy Gallagher MLA
Mr Sam Gardiner MLA
Mr Paul Girvan MLA
Mr John McCallister MLA
Mrs Michelle O'Neill MLA (Deputy Chairperson)

Apologies: Mrs Mary Bradley MLA
Ms Sue Ramsey MLA

In Attendance: Dr Kathryn Bell (Clerk)
Mr Mark McQuade (Assistant Clerk)
Ms Leanne Johnston (Clerical Supervisor)
Mr Neil Sedgewick (Clerical Supervisor)
Mr Craig Mealey (Clerical Officer)

2.04 p.m. The meeting commenced in public session.

1. Apologies.

Apologies as above.

5. Safeguarding Board Northern Ireland Bill NIA 25/09.

Evidence session with the Bradford Safeguarding Board

The Committee took evidence from:

Ms Kath Tunstall Strategic Director, Services to Children & Young People, City of Bradford Metropolitan District Council

Mr Paul Hill Manager of Bradford Safeguarding Children Board

A question and answer session ensued. The Chairperson thanked the witnesses for attending.

Evidence session with Professor Jan Horwath

The Committee took evidence from:

Professor Jan Horwath Sheffield University

A question and answer session ensued. The Chairperson thanked the witness for attending.

Evidence session with the Children's Commissioner

The Committee took evidence from:

Ms Patricia Lewsley Commissioner for Children and Young People

Ms Jacqueline Melville Policy & Research Officer, NICCY

A question and answer session ensued. The witnesses agreed to provide the Committee with further information. The Chairperson thanked the witnesses for attending.

The Committee noted that the post of chairperson for the Safeguarding Board for Northern Ireland had been advertised. Members expressed concerns about the remuneration for the post and agreed to invite Departmental officials to explain the process of recruitment at the next Committee meeting.

[EXTRACT]

Thursday, 7 October 2010 Room 30, Parliament Buildings

Present: Mr Jim Wells MLA (Chairperson)
Mrs Mary Bradley MLA
Mr Mickey Brady MLA
Dr Kieran Deeny MLA
Mr Alex Easton MLA
Mr Sam Gardiner MLA
Mr Paul Girvan MLA
Mr John McCallister MLA

Apologies: Mr Tommy Gallagher MLA
Mrs Michelle O'Neill MLA (Deputy Chairperson)
Ms Sue Ramsey MLA

In Attendance: Dr Kathryn Bell (Clerk)
Mr Mark McQuade (Assistant Clerk)
Ms Leanne Johnston (Clerical Supervisor)
Mr Neil Sedgewick (Clerical Supervisor)
Mr Craig Mealey (Clerical Officer)

2.04 p.m. The meeting commenced in public session.

1. Apologies.

Apologies as above.

6. Safeguarding Board Northern Ireland Bill NIA 25/09

Evidence session with Departmental officials on appointment of Chairperson for the Safeguarding Board Northern Ireland

The Committee took evidence from:

Mr Fergal Bradley Senior Principal, Child Care, DHSSPS

Ms Patricia Nicholl Social Services Officer, DHSSPS

A question and answer session ensued. The Chairperson thanked the witnesses for attending.

Evidence session with the Police Service of Northern Ireland, Youth Justice Agency and the Probation Board

The Committee took evidence from:

Superintendent Alister Wallace Police Service of Northern Ireland

Detective Inspector Anne Marks Police Service of Northern Ireland

Ms Paula Jack Chief Executive, Youth Justice Agency

Mr Hugh Hamill Assistant Director, Probation Board

Mr Ivor Whitten Communication Officer, Probation Board

A question and answer session ensued. The Chairperson thanked the witness for attending.

The Committee agreed to write to the witnesses who gave evidence regarding the operation of safeguarding boards in England seeking their views on the arrangements to appoint a chairperson for the Safeguarding Board Northern Ireland.

[EXTRACT]

Thursday, 14 October 2010 Room 30, Parliament Buildings

Present: Mr Jim Wells MLA (Chairperson)
Mrs Mary Bradley MLA
Mr Mickey Brady MLA
Dr Kieran Deeny MLA
Mr Alex Easton MLA
Mr Tommy Gallagher MLA
Mr Sam Gardiner MLA
Mr John McCallister MLA
Mrs Michelle O'Neill MLA (Deputy Chairperson)
Ms Sue Ramsey MLA

In Attendance: Dr Kathryn Bell (Clerk)
Mr Mark McQuade (Assistant Clerk)
Ms Leanne Johnston (Clerical Supervisor)
Mr Neil Sedgewick (Clerical Supervisor)
Mr Craig Mealey (Clerical Officer)

2.01 p.m. The meeting commenced in public session.

1. Apologies

No apologies were received.

5. Safeguarding Board Northern Ireland Bill NIA 25/09

The Committee took evidence from:

Mr Fergal Bradley Child Care Directorate, DHSSPS

Ms Patricia Nicholl Child Care Directorate, DHSSPS

Ms Isobel Riddell Child Care Directorate, DHSSPS

The Committee discussed clauses 1-4 with the Department.

The Committee agreed to continue examination of the clauses of the Bill at its next meeting. The Chairperson thanked the witnesses for attending.

[EXTRACT]

Thursday, 21 October 2010 Room 30, Parliament Buildings

Present: Mr Jim Wells MLA (Chairperson)
Mrs Mary Bradley MLA
Dr Kieran Deeny MLA
Mr Alex Easton MLA
Mr Tommy Gallagher MLA
Mr Sam Gardiner MLA
Mr Paul Girvan MLA
Mrs Michelle O'Neill MLA (Deputy Chairperson)
Ms Sue Ramsey MLA

Apologies: Mr John McCallister MLA
Mr Mickey Brady MLA

In Attendance: Dr Kathryn Bell (Clerk)
Mr Mark McQuade (Assistant Clerk)
Ms Leanne Johnston (Clerical Supervisor)
Mr Neil Sedgewick (Clerical Supervisor)
Mr Craig Mealey (Clerical Officer)
Mr Colin Pidgeon (Assembly Research Services)

2.00 p.m. The meeting commenced in public session.

1. Apologies

Apologies as above

2. Safeguarding Board Northern Ireland Bill NIA 25/09

The Committee took evidence from:

Mr Fergal Bradley Child Care Directorate, DHSSPS

Ms Patricia Nicholl Child Care Directorate, DHSSPS

Ms Isobel Riddell Child Care Directorate, DHSSPS

The Committee discussed clauses of the Bill with the Department. The Chairperson thanked the witnesses for attending.

The Committee discussed the appointment of a Chair for the Safeguarding Board Northern Ireland. Mr Alex Easton proposed that:

'The Committee ask the Minister to stop the current public appointments process and re-advertise the post of Chair at a higher salary scale'.

The Committee divided: Ayes 4; Noes 3; Abstentions 0

AYES

- Mr Jim Wells
- Mr Paul Girvan
- Mr Alex Easton
- Dr Kieran Deeny

NOES

- Mr Tommy Gallagher
- Mr Sam Gardiner
- Mrs Michelle O'Neill

The motion was passed, and the Committee agreed to write to the Minister regarding this matter.

[EXTRACT]

Thursday, 4 November 2010 Room 30, Parliament Buildings

Present: Mr Jim Wells MLA (Chairperson)
Mr Mickey Brady MLA
Dr Kieran Deeny MLA
Mr Alex Easton MLA
Mr Tommy Gallagher MLA
Mr Sam Gardiner MLA
Mr Paul Girvan MLA
Mr John McCallister MLA
Mrs Michelle O'Neill MLA (Deputy Chairperson)
Ms Sue Ramsey MLA

Apologies: Mrs Mary Bradley MLA

In Attendance: Dr Kathryn Bell (Clerk)
Ms Leanne Johnston (Clerical Supervisor)
Mr Neil Sedgewick (Clerical Supervisor)
Mr Craig Mealey (Clerical Officer)
Dr Janice Thompson (Assembly Research Services)

14:04 p.m. The meeting commenced in public session.

1. Apologies.

Apologies as above.

4. Safeguarding Board Northern Ireland Bill NIA 25/09

The Committee took evidence from:

Mr Fergal Bradley Child Care Directorate, DHSSPS

Ms Patricia Nicholl Child Care Directorate, DHSSPS

Ms Isobel Riddell Child Care Directorate, DHSSPS

The Committee discussed clauses of the Bill with the Department. The Chairperson thanked the witnesses for attending.

[EXTRACT]

Thursday, 11 November 2010 Room 30, Parliament Buildings

Present: Mr Jim Wells MLA (Chairperson)

Mrs Mary Bradley MLA

Mr Mickey Brady MLA

Mr Alex Easton MLA

Mr Tommy Gallagher MLA

Mr Sam Gardiner MLA

Mr John McCallister MLA

Ms Sue Ramsey MLA

Apologies: Dr Kieran Deeny MLA

Mr Paul Girvan MLA

Mrs Michelle O'Neill MLA (Deputy Chairperson)

In Attendance: Dr Kathryn Bell (Clerk)

Mr Mark McQuade (Assistant Clerk)

Ms Leanne Johnston (Clerical Supervisor)

Mr Neil Sedgewick (Clerical Supervisor)

Mr Craig Mealey (Clerical Officer)

Dr Janice Thompson (Assembly Research Services)

2.02 p.m. The meeting commenced in public session.

1. Apologies.

Apologies as above.

2. SBNI Bill NIA 25/09 - Formal consideration of each clause of the Safeguarding Board Northern Ireland Bill.

The Committee noted correspondence from the Minister regarding the Bill.

Clause 1 (Safeguarding Board for Northern Ireland)

Question: That the Committee is content with the clause subject to the proposed amendments agreed with the Department, put and agreed to.

Clause 2 (Objective of the Safeguarding Board)

Question: That the Committee is content with the clause as drafted, put and agreed to.

Clause 3 (Functions of the Safeguarding Board)

Question: That the Committee is content with the clause subject to the proposed amendments agreed with the Department, put and agreed to.

Clause 4 (Directions to the Safeguarding Board)

Question: That the Committee is content with the clause as drafted, put and agreed to.

Clause 5 (Functions of Safeguarding Board – general)

Question: That the Committee is content with the clause subject to the proposed amendment agreed with the Department, put and agreed to.

Clause 6 (Annual report of Safeguarding Board)

Question: That the Committee is content with the clause subject to the proposed amendment agreed with the Department, put and agreed to.

Clause 7 (Committees and sub-committees)

Question: That the Committee is content with the clause subject to the proposed amendments agreed with the Department, put and agreed to.

Clause 8 (Functions of committees and sub-committees)

Question: That the Committee is content with the clause subject to the proposed amendment agreed with the Department, put and agreed to.

Clause 9 (Annual report of committees)

Question: That the Committee is content with the clause subject to the proposed amendment agreed with the Department, put and agreed to.

Clause 10 (Duty to co-operate)

Question: That the Committee is content with the clause subject to the proposed amendments agreed with the Department, put and agreed to.

Clause 11 (Supply of information requested by Safeguarding Board)

Question: That the Committee is content with the clause subject to the proposed amendments agreed with the Department, put and agreed to.

Clause 12 (Arrangements to safeguard and promote welfare of children)

Question: That the Committee is content with the clause as drafted, put and agreed to.

Clause 13 (Ancillary and transitional provisions etc)

Question: That the Committee is content with the clause as drafted, put and agreed to.

Clause 14 (Regulations)

Question: That the Committee is content with the clause as drafted, put and agreed to.

Clause 15 (Interpretation)

Question: That the Committee is content with the clause as drafted, put and agreed to.

Clause 16 (Commencement)

Question: That the Committee is content with the clause as drafted, put and agreed to.

Clause 17 (Short title)

Question: That the Committee is content with the clause as drafted, put and agreed to.

Long title

Question: That the Committee is content with the long title of the Bill, put and agreed to.

[Extract]

Thursday, 18 November 2010 Room 30, Parliament Buildings

Present: Mr Jim Wells MLA (Chairperson)
Mrs Michelle O'Neill MLA (Deputy Chairperson)
Mr Mickey Brady MLA
Dr Kieran Deeny MLA
Mr Alex Easton MLA
Mr Tommy Gallagher MLA
Mr Sam Gardiner MLA
Mr Paul Girvan MLA
Mr John McCallister MLA
Ms Sue Ramsey MLA

In Attendance: Dr Kathryn Bell (Clerk)
Mr Mark McQuade (Assistant Clerk)

Mr Neil Sedgewick (Clerical Supervisor)
Mr Craig Mealey (Clerical Officer)

Apologies: Mrs Mary Bradley MLA

2.02 p.m. The meeting commenced in public session.

1. Apologies

Apologies as above.

2. Draft Minutes of the Committee meeting held on 11th November 2010

The minutes of the Committee meeting held on 11th November 2010 were agreed.

The Committee noted that there had been an error in the decision made regarding Clause 12 of the Safeguarding Board Bill at its last meeting. The Committee considered this clause again.

Clause 12 (Arrangements to safeguard and promote welfare of children)

Question: That the Committee is content with the clause subject to the proposed amendments agreed with the Department, put and agreed to.

[Extract]

Thursday, 25 November 2010 Board Room, Craigavon Area Hospital

Present: Mr Jim Wells MLA (Chairperson)
Mr Pól Callaghan MLA
Dr Kieran Deeny MLA
Mr Alex Easton MLA
Mr Tommy Gallagher MLA
Mr Sam Gardiner MLA
Mr Paul Girvan MLA
Mr John McCallister MLA
Mrs Michelle O'Neill MLA (Deputy Chairperson)

Apologies: Mr Mickey Brady MLA
Ms Sue Ramsey MLA

In Attendance: Dr Kathryn Bell (Clerk)
Mr Mark McQuade (Assistant Clerk)
Ms Leanne Johnston (Clerical Supervisor)
Mr Neil Sedgewick (Clerical Supervisor)
Mr Craig Mealey (Clerical Officer)

1.51 p.m. The meeting commenced in public session.

1. Apologies

Apologies as above.

5. Safeguarding Board Northern Ireland NIA 25/09. Draft Committee report

The Committee considered the Draft Report on the Committee Stage of the Safeguarding Board Northern Ireland Bill paragraph by paragraph.

The Committee agreed the main body of the report:

Paragraphs 1 to 13, read and agreed.

Paragraphs 14 to 20, read and agreed.

Paragraphs 21 to 63, read and agreed.

Paragraphs 64 to 133, read and agreed.

Paragraphs 134 to 152, read and agreed.

The Committee agreed the Executive Summary:

Paragraphs 1-8, read and agreed.

The Committee agreed that the Committee Membership & Powers, table of contents and Appendices 1 to 6 be included in the report.

The Committee agreed that an extract of today's Minutes of Proceedings should be included in Appendix 1 of the report and were content that the Chairperson agrees the minutes relating to this.

The Committee agreed to order the Report on the Safeguarding Board Northern Ireland Bill NIA 25/09 to be printed.

[EXTRACT]

Appendix 2

Minutes of Evidence

9 September 2010

Members present for all or part of the proceedings:

Mr Jim Wells (Chairperson)

Mrs Mary Bradley

Mr Thomas Buchanan

Mr Alex Easton

Mr Tommy Gallagher

Mr Sam Gardiner

Mr John McCallister

Ms Sue Ramsey

Witnesses:

Mr Fergal Bradley

Mr Sean Holland Department of Health, Social Services and Public Safety

Ms Patricia Nicholl

1. The Chairperson (Mr Wells): I refer members to their copies of the Department's briefing on the Safeguarding Board Bill. The witnesses need no introduction to members. Sean Holland has a season ticket to the Committee; he is never out of the place. He will be here for most of the day and is welcome once again. We also have Fergal Bradley, who has appeared before us on numerous occasions, and Patricia Nicholl. Fergal Bradley is the head of the childcare policy directorate. Patricia Nicholl is on the Safeguarding Board Bill team. They understand what has been debated thus far and the evidence that the Committee has taken on the Bill. They are here to provide an update on and overview of the Bill before the Committee begins taking evidence from stakeholders. As usual, I invite the witnesses to give evidence for 10 minutes, after which the Committee will ask questions.

2. Mr Sean Holland (Department of Health, Social Services and Public Safety): Following the successful introduction and Second Stage of the Safeguarding Board Bill, Chairperson, we thank you for the opportunity to give evidence. Before I get into that evidence, the Chairperson referred to the written submission that we provided to members. I apologise for an error in that evidence and draw your attention to paragraph 16, in which a reference to clause 3(4) should be corrected to clause 1(4). I apologise for the mistake.

3. The Chairperson: We all spotted that, Sean, but we did not want to embarrass you by saying so.

4. Mr Holland: The error was entirely my responsibility, and I apologise. As I said, I welcome the opportunity to provide the Committee with an overview of the Bill and to address, as far as possible, some of the key issues that have been raised. The Chairperson referred to the submissions that the Committee has received from stakeholders. We hope to address some of those issues, and we will come back to the issues of concern, interest and enquiry that were raised by the Chairperson and members when we were most recently with the Committee.

5. I appreciate the importance of this stage, in that it provides a platform for those issues to be discussed and for us to provide further explanation and, I hope, a rationale, for some of the positions that we have taken. As all members will be familiar with the background of the Safeguarding Bill for Northern Ireland in the legislation, I will not use my precious 10 minutes to revisit that. Rather, I want to highlight areas about which points have been raised.

6. It is useful to restate that the safeguarding board for Northern Ireland SBNI will, for the first time, bring together on a statutory basis the key operational agencies from the voluntary and statutory sectors at a strategic level to work together to protect and safeguard children and to promote their welfare. The legislation sets out the key functions of the SBNI: it will develop policies and procedures for safeguarding and promoting the welfare of children in Northern Ireland; it will promote awareness of the need to safeguard children and the need to promote their welfare; it will keep under review the adequacy and effectiveness of what is done by the member agencies in their work to safeguard and promote welfare; and it will undertake case management reviews (CMRs), which will include the dissemination of learning from those reviews to support continuous improvement in practice.

7. The SBNI will also advise those who commission services to safeguard, particularly the Health and Social Care Board, on safeguarding and the promotion of welfare. It will also review all child

deaths in Northern Ireland and identify any lessons to be learned, particularly from sudden or unexpected deaths, with a focus on trying to identify avoidable factors that contributed to the death. That is significant in signalling the move away from a strict child protection agenda to the broader safeguarding agenda that the Bill embodies.

8. Perhaps most importantly, the functions of the SBNI will be underpinned by a statutory duty to co-operate to safeguard and promote the welfare of children. That duty will apply to all members of the SBNI, including members of committees and sub-committees, as well as those members listed in the Bill.

9. I now want to address some of the key issues and concerns that were raised with the Committee through written evidence, presentations and in discussion with the Department. For ease of reference, we clustered those issues into four main areas: membership, independence, the role of the chairperson and accountability arrangements.

10. The core members of the SBNI, as specified in the Bill, are those organisations that deliver services to children. The policy paper agreed by the Executive does not include representation of Departments on the SBNI. That is because after Departments have set the policy in a legislative framework, the purpose of the SBNI is to improve at an operational level how agencies delivering services to children and families work together to protect, safeguard and promote welfare. The real expertise on the delivery of services and how those services can be improved is at the coalface, typically lying with the agencies that deliver services; not with departmental officials.

11. Some organisations raised the lack of inclusion of the word "independence" in the legislation. Committee members know that independence is not, and cannot be, absolute when it comes to anyone who is funded from the public purse. There is a clear expectation that such bodies will always be accountable for how they discharge their duties and use public funds. In this instance, the SBNI will be independent of its member organisations, and it will have a chairperson who is independent by virtue of not being currently employed by or affiliated to any SBNI member agency.

12. The chairperson will have a direct reporting line to the Minister. That provides a line of accountability to this Committee, and, depending on the nature of the issue, to any other Committee. The SBNI will also be subject to annual reporting and accountability arrangements, and its annual report will be laid before the Assembly.

13. The appointment, experience, competence and role of the chairperson will be dealt with through the public appointments process. We are working closely with the public appointments unit and stakeholders on the reference group to develop a suitable pack for the appointment of the SBNI chairperson. The Department will be happy to share that pack with the Committee at an appropriate juncture in the recruitment process. However, if the Committee wishes to share its views on the competencies upon which the job specification should be based, for example, we will be happy to discuss that. That discussion will shape what goes into the chairperson's pack before it becomes a public appointment process. The Committee can have an input into and influence on that.

14. The concept of the SBNI as a critical friend of the Department is fully accepted by the Department. One of the SBNI's functions is that it must keep under review the effectiveness of what is done by each person or body represented on the board. That will be covered in the SBNI's annual report. However, on an ongoing basis, the Department will also expect the SBNI as a body, through its chairperson, to highlight any issues with departmental policy, legislation or guidance that it feels should be drawn to its attention. That will include cross-departmental

issues that must be considered to improve child protection and safeguarding or the promotion of the welfare of children.

15. The issue of whether the SBNI chairperson will hold members of the SBNI to account has also been raised by stakeholders. All SBNI members will sign a membership agreement, which will set out their role and responsibilities in assisting the SBNI in working to improve safeguarding and in exercising its functions under clause 3 and the duties set out in clauses 10 and 12. The chairperson's expectation of members will be set out in the membership agreement, and the chairperson will hold them to account on those matters. The members will be senior representatives of their respective agencies.

16. Clause 12 requires that member agencies must make arrangements to safeguard and promote the welfare of children. We are aware that concerns have been raised by some organisations about the duty imposed on them by clause 12. For instance, the NSPCC, the Department of Justice and the Department of Education raised concerns about the potential impact of the duty on their agencies. The Department will issue guidance on what it expects of member agencies in delivering on that duty. Such guidance will make clear the requirements under clause 12 and how they relate to existing legislation under which the various agencies operate.

17. We met officials from the Department of Justice, the Department of Education and the NSPCC. They are content that the requirement of the guidance will complement and not run contrary to existing legislation within their respective agencies. Furthermore, it is proposed that departmental officials will work closely with all SBNI member agencies in the development of the guidance to ensure that any concerns about that issue can be addressed at that stage.

18. Individual agencies are and will remain accountable to their sponsoring Department and their Minister. That line of accountability extends to the Executive, relevant Committees and the Assembly. Most of the agencies are also subject to ongoing regulation or inspection by several different inspectorates. In our case, the Committee will be familiar with the role of the Regulation and Quality Improvement Authority (RQIA). That will not change. The RQIA will, for example, continue to inspect and review the Government's arrangements to protect and safeguard children in all health and social care bodies. The SBNI will not undermine or supplant any of those existing regulatory arrangements.

19. The SBNI will be an unincorporated statutory body, which means that it must be dealt with as an arm's-length body. Our view is that, ultimately, the Department of Health, Social Services and Public Safety and the Minister will be asked to account for the effectiveness of the new arrangements. Clauses 3 and 4 are designed to enable the Department to discharge its responsibilities in that respect.

20. Clause 3(9)(c) requires that the Department must approve any publication of the SBNI. As drafted, it relates to all publications. However, I must emphasise that the approval being sought is not designed to prevent the SBNI from publishing relevant safeguarding matters. It is to ensure that the reports are factually accurate, do not include statements that raise the possibility of any legal challenge and to ensure that the SBNI's annual report addresses all the matters that it should address by reporting on how the board has discharged all of its functions. The provision is not aimed at suppressing the content of a report or publication. All members of the SBNI will be aware of the content of an SBNI publication before it is shared with the Department. The Department does not employ any of the agencies represented on the SBNI, and, in fact, some of them are non-statutory bodies. The Department cannot, therefore, direct how those representatives discharge their roles within their organisations. Although the Department can have sight of a publication before it is published, it can in no way silence SBNI members on its content. Any engagement by the Department with an SBNI publication and the rationale for

doing so will be shared with the SBNI as part of the open and transparent departmental approval process.

21. Under clause 4, the Department may give directions of a general or specific nature to the safeguarding board on the exercise of any of its functions. Again, several organisations have voiced their concern about that clause and its potential to be used to fetter the work of the SBNI. First, we do not expect that power to be used routinely, but under exceptional circumstances. Any directions issued under that clause can relate only to the SBNI's functions, and the legislation requires that the Department will consult the safeguarding board in advance of giving such directions, except in an emergency situation, in which case the Department will discuss that with the SBNI at the earliest opportunity.

22. The power to direct is not concerned with fettering. Rather, the power will allow the Department to ask the SBNI to examine, for example, an emerging need or issue relating to safeguarding, even if that meant that the SBNI would have to depart from its planned programme of work for the year. The Department could, therefore, say to the SBNI:

"This is a matter of public concern and urgency. We know that we have agreed a programme of work with you, but we are using this direction to ask you to examine this specific issue, because we consider it urgent."

23. I have tried to concentrate on the key issues that were raised during the previous engagement with the Committee and in the submissions. I hope that that has been helpful. We are happy to answer any questions about those issues or, indeed, about anything else that the Committee wishes to ask.

24. The Chairperson: Dr Holland, you have certainly —

25. Mr Holland: I appreciate the elevation, but unlike the new Committee Clerk, I am not a doctor. I am plain "Mr" at best.

26. The Chairperson: You are one of the few non-doctors to have appeared before us. Therefore, rather than insult anyone, I thought that I would play it safe and call you "Dr".

27. Mr Holland: Thank you.

28. The Chairperson: I have been known to receive letters addressed to "Jim Wells, Minister of Health" and copied to "Michael McGimpsey MLA".

29. Mr Holland: I am sure that he appreciates that.

30. The Chairperson: I am not as forthright as you in pointing out such mistakes.

31. You have tried to head off at the pass the three or four issues that have, undoubtedly, been a common theme throughout the 21 submissions that we received. I accept your assurance on what could appear to be an attempt to gag the chairperson or the safeguarding board. Your explanation of clause 3(9)(c) is fine and indicates that it will be used only in exceptional circumstances to make certain that the SBNI does not step outside the law or impede an investigation. However, do you accept that, as presently drafted, it could be used by a malevolent Minister, the Chief Medical Officer or the head of social work to gag information about which they feel uncomfortable?

32. I will give you a couple of hypothetical examples. If the Department was embarrassed because it had not done anything to deal with some cases of clerical sexual abuse, and the board had now got its teeth into that and was extremely unhappy, the present wording would provide a vehicle whereby the Department could intervene to stop the matter going any further. Can that be worded to ensure that it is used only in exceptional and unusual situations rather than as a vehicle or threat by the Minister, who could say:

"I know the route that you are going down, and I am not comfortable with it. You might be a critical friend, but you are becoming too critical. In fact, you are no longer a friend. If needs be, I will use my powers to stop you."

33. Some safeguarding issues could become extremely controversial and difficult for the Department. There have been terrible examples, such as the McElhill case, and we will discuss the Donagh case later. In such instances, I can envisage the Department having readily considered the use of that provision under clause 3 as a good opportunity to stifle the board or its chair and to call them back into line. I cannot understand how the Department will not have the power to do so.

34. Mr Holland: In a moment, I will ask my colleague Fergal Bradley to expand on that issue. We will take into account any of the Committee's proposals or suggestions on modifying the wording as part of the process to develop legislation. However, as I said in my opening statement, the SBNI will be made up of a number of people, none of whom will be answerable to or employed by the Department. We could use the powers that the Chairperson described to issue a direction to the board, or to enable us to see a publication in advance. I cannot imagine that we could use those powers in the way that the Chairperson has described for the purpose of suppression and secrecy, because SBNI members who are not content with our actions could come straight to the Chairperson of this Committee to voice those concerns. We could not stop them.

35. You mentioned specifically the Chief Social Services Officer, namely me. If I were to exercise that authority to suppress a matter of public interest that the Department felt was disadvantageous, I cannot imagine the meeting at which the Committee would call me to account for that action, because it would, undoubtedly, do so. We will consider any suggestions about the wording, but I cannot envisage how we could use that power secretly to suppress a matter of embarrassment to the Department.

36. Mr Fergal Bradley (Department of Health, Social Services and Public Safety): One difficulty with the SBNI is that, as an unincorporated statutory body, it cannot be subject to legal proceedings in its own right. For example, if someone were to take offence at a problematic issue in the SBNI report and began legal proceedings, the buck would, at the end of the day, stop with the Department. We have tried to set out the limited set of circumstances in which we envisage our engagement with the SBNI on one of its reports. However, as Sean said, we will consider any way to provide reassurance through the wording of the legislation. We will consider how to achieve greater levels of openness and transparency in the engagement between the Department and the SBNI on any of those issues, such as directions and our communication with the board about publications.

37. The Chairperson: Will clause 3(9)(c) not give you powers in the form of a restraining or gagging order to stop any discussion about an embarrassing case?

38. Mr F Bradley: The position of an official who issued such a direction on that basis would be untenable.

39. Mr Holland: As I said, if I were to exercise that duty in that way, I cannot imagine how I could account to the Committee. Even if members of the SBNI or reporters did not choose to approach the Committee, it would become apparent on the publication of the annual report.

40. Mr F Bradley: The nature of such correspondence between the Department and the SBNI would be recorded in the minutes of SBNI meetings. We do not intend it to be delivered in a sealed envelope under the table. Our intention is that the communication process with the SBNI will be transparent and open.

41. The Chairperson: We might need further to consider the wording to make certain that that is clear in the Bill. When the Bill is debated in the Assembly, the Minister could, perhaps, make a statement of clarification along the lines of your comments.

42. As a paragon of intellectual ability, virtue and common sense, the chairman of the SBNI must be absolutely top-notch. Do you expect that to be a full-time position? How will you pitch that post, because, as the Bill develops, the role of the chairperson becomes more and more important? Will the appointee work part-time, full-time or on a contract? What are the mechanics?

43. Mr Holland: I will ask my colleague Patricia to comment in detail. Crucially, the chairperson will be independent. That is one of the SBNI's great strengths compared with the previous process. Previously, those functions were discharged by its predecessor, the area child protection committees, which were chaired, as is the case with the regional child protection committee that exists now, by an employee of the Health and Social Care Board.

44. That relates also to the point that we have just discussed. A key feature of the position is that the chairperson will not be employed by any organisation that provides services to safeguard and promote the welfare of children. Therefore, the crucial characteristic of the chairperson will be his or her independence.

45. As for the technical details about remuneration and the number of hours to be worked, it is not envisaged that it will be a full-time post, and we have engaged with DFP about the level of remuneration. With respect to particular competencies and qualities, the person must have experience and be of standing and integrity. As I said in my opening statement, we are more than happy to have detailed discussions with the Committee about any proposals that might shape the selection process. Patricia Nicholl will talk about the characteristics of the chairperson.

46. Ms Patricia Nicholl (Department of Health, Social Services and Public Safety): It is expected that the chairperson will work for two or three days a week, and he or she will be remunerated accordingly. We took advice from a broad range of stakeholders on the competencies required for the chairperson, and we established those in agreement with the public appointments unit. We also agreed with DFP and the public appointments unit the chairperson's remuneration, which is comparable with that of chairpersons in similar organisations. We are now in a position to recruit a chairperson who will be, as Sean Holland said, sufficiently competent in the range of expertise, skills, experience and background that we expect of a person of that calibre.

47. We are conscious that the position of chairperson is critical to ensuring that SBNI's core business and functions are carried out. We are delighted that Jan Horwath, professor of child welfare at the University of Sheffield, whom I know has given and will give evidence to the Health Committee, has agreed to sit on our recruitment panel. We hope that we have settled on the correct remuneration and hours — two or three days a week — to apportion to the duties of the chairperson of the SBNI.

48. The Chairperson: How could he or she be removed from his or her position?

49. Ms Nicholl: We have set out arrangements for filling the vacancy, the tenure of the position and deputising, in the event —

50. The Chairperson: I am thinking more along the lines that, if some major controversial issue were raised, the chairperson could be in the vanguard of exposing skulduggery or a lack of professionalism in the Department or in a social services office. The Department might be extremely embarrassed, and suddenly the chairperson announces that he wishes to spend more time with his wife and children, or she with her husband and children. Does the Department have the power to remove a chairperson who has embarrassed it?

51. Ms Nicholl: The chairperson will be directly accountable to the Minister through the sponsor branch arrangements and through the performance, management and appraisal system undertaken by the Chief Social Services Officer.

52. Mr Holland: In essence, the arrangements for removing the chairperson will be similar to those for any other arm's-length body. A process will exist, and removing the chairperson will have to be done in accordance with that process. Therefore, it would have to be proven that the chairperson had not conducted himself or herself appropriately for someone holding that position. The matter is not addressed in the Bill; it will be dealt with in the appointment documentation.

53. The Chairperson: He or she will, therefore, have only a degree of independence, because, at the end of the day, the Minister is responsible for hiring and firing.

54. Mr Holland: No chairperson of an arm's-length body is totally independent and cannot be removed from their position if, for example, he or she behaves in a way that could be described as constituting gross misconduct. Such an arrangement does not exist in any arm's-length body.

55. The Chairperson: It does for judges, of course. There are few circumstances in which a judge can be removed from his or her position.

56. Mr Holland: Judges are special in many ways.

57. Ms S Ramsey: It would be remiss of me not to say at the outset that the function, purpose and reasoning behind the Bill must be welcomed. Sean, you spoke about reviewing all child deaths. Will that automatically include deaths in hospital settings?

58. Mr Holland: It will include all child deaths.

59. Ms S Ramsey: Why does that not happen now?

60. Mr Holland: Deaths are reviewed in a number of situations now, depending on the circumstances and the nature of the death, but not all deaths are routinely reviewed through an external process. The death of any child known to social services, for example, is reviewed by a case management review process. The coroner also has a role in reviewing all deaths, including those of children. However, the Bill makes provision for a more rigorous process, which would broaden the focus. As I said in the presentation, the proposed Bill tries to move away from a strict protection agenda to a broader safety agenda. I will ask my colleague Fergal Bradley to expand on that.

61. Ms S Ramsey: I am more interested in knowing how a review kicks in and how a death is highlighted as a matter of concern. Is it the case that people simply become alarmed by something that has happened, particularly in hospital settings?

62. Mr F Bradley: As Sean said, various systems kick in when a child dies, starting with, for example, the registration of a death. Primarily, the SBNI will focus on deaths that are unexpected. That will cover everything, including deaths in a hospital, road traffic accidents and other accidents involving children, such as those related to substance abuse, and so forth. We want the SBNI, through one of its committees, to set up arrangements to work with other agencies so that it receives information about deaths and can consider what issues it wants to examine and how the data should be analysed.

63. Ms S Ramsey: Could it also highlight malpractice? If a child presents to a hospital with a virus and dies within a couple of days, does a review kick in automatically?

64. Mr F Bradley: The SBNI will have arrangements in place to examine that death. A death involving social services is subject to a case management review. However, for the sort of case that you mentioned within a hospital, other systems are in place within the hospital setting.

65. Ms S Ramsey: Not necessarily.

66. Mr Holland: One point to make is that arrangements exist for any death in which it is believed that foul play, negligence or poor practice has been a contributory factor. The coroner is always concerned about those issues, as might be the police, and, indeed, through the case management review process, we examine those issues when they apply to children who are known to social services. However, there are deaths that are not necessarily caused through negligence, fault or blame, but in which there might have been preventable factors. Those have never been examined in such a systematic way. Although many factors may contribute to the tragic death of a child, the pain and loss are no less when no one is at fault; the child is still dead. The SBNI will seek to learn lessons from any preventable death.

67. Ms S Ramsey: That is fair enough. It is useful to put that into the public domain. Following the consultation exercise and the debate in the Assembly, has the Department decided to make any changes to the draft legislation based on the issues that were raised?

68. Mr Holland: We have been considering several issues. We are going through a process, and detailed changes will be made as we move into the next stage and as we go through the line-by-line consideration of the Bill by this Committee. We are open to considering changes, and we are having discussions with various stakeholders and exploring ways in which assurances can be given.

69. Mr F Bradley: As part of that process, we will talk to the draftsmen about various issues. We also take cognisance of the information being presented in evidence to the Committee. We will talk to the reference group that we have established, which includes statutory and non-statutory bodies, about our thinking on any amendments to establish their thoughts on same.

70. Mr Holland: A phrase that Fergal often uses when describing the arrangement is a coalition of the willing, and that is what we hope to achieve. If we can ensure, when introducing the legislation, that as many concerns, hopes and aspirations that people have expressed can, quite rightly, be reflected in the Bill, that will support the concept.

71. Ms S Ramsey: Further to the Chairperson's points, has the Department, or any other agency under the control of the Department, such as the Public Health Agency, ever introduced a provision similar to that contained in paragraph (c) of clause 3(9)?

72. Mr Holland: Do you mean about documents being submitted to the Department before publication?

73. Ms S Ramsey: May I have a copy of the advice that you received on including that provision? It seems to cause great concern. Everyone wants to get to the same page, and no one wants to battle with the community, voluntary or statutory sectors. What advice did the Department receive that the provision had to be included? Is there a precedent in any other Bills?

74. Mr F Bradley: There is a precedent for DFP guidance on other arm's-length bodies, but that is normally associated with non-departmental public bodies (NDPBs) and often with public information about how they have expended funding. The SBNI, as an unincorporated statutory body, is different from existing arm's-length bodies. An unincorporated statutory body is not a normal way of setting up such a body. It is a way of setting up a body to make it mean and lean, and, by housing it within the Public Health Agency, we were able to do so much more cheaply than had we tried to set it up as an NDPB. It is not a typical organisation. We can find out whether there is a precedent.

75. Mr Holland: Arrangements are in place for sharing publications with the Department in advance of publication.

76. Ms S Ramsey: We need the evidence to be sure that there is a need for the provision. To be honest and slightly cynical, I take your point, Sean, but people and officials move on. It concerns me to be told that a possibility exists that reports could be suppressed at ministerial level. Tell me why that is necessary, and show me evidence of where it happens elsewhere. The Chairperson mentioned recent cases, and we will deal with one later today. I am wary that there may be something more to the provision. Convince me that that is not the case.

77. Mr Holland: We will follow up with a more detailed written response, but I also refer you to the points that we made in the statement that we supplied to you. We will get back to you on the matter.

78. Mr F Bradley: The particular point that we want to stress is that we have some concerns about publication. We want to ensure that we can go back to the SBNI and ask whether points are factually correct. If there are issues about statements that concern individuals, for example, we must have the capacity to check them. We do not expect that to happen, and we would be surprised if it did. We want the SBNI's the annual report to give an account of all its functions. We suggest — and this might reassure the Committee and others — that to achieve a high level of transparency, the Department must be able to engage with the SBNI.

79. Ms S Ramsey: If there were a review of a child death, could the report be suppressed through employing the provision in clause 3(9)(c)? Could that report be kept out of the public domain?

80. Mr F Bradley: I cannot see how, in view of what is published after a child death. Even at the moment, executive summaries —

81. Ms S Ramsey: Some statutory agencies were at fault in the McElhill case. I said publicly that I thought everyone had done as much as they could as individuals in those organisations. At one level, however, mistakes were made. Through that provision, could such information be kept from the public?

82. Mr Holland: My first comment on the McElhill case is that I like to think that people respect the position of the Department. The Department took a thorough approach to exposing its failings and those of its agencies. We certainly did not try to hide them; I cannot envisage that we ever would.

83. Let me go back to the point that Fergal was making. We would be happy to explore any way in which we could ensure that the exercise of the power was transparent, so that we could not use it in secret. If we were to use the power, we would make it clear publicly that we had done so.

84. Mr F Bradley: One way of exploring the issue is for such engagements to be reflected in the SBNI's annual report.

85. Ms S Ramsey: I remain to be convinced that the issue should come up in connection with the SBNI.

86. Mr Holland: As Fergal said, it is reasonable to have some check or balance on a body for which one will be held to account.

87. Ms S Ramsey: That is the case with the Public Accounts Committee. The Public Accounts Committee does not publish a report until the investigated Department has had a chance to respond to it. Those are the checks and balances. Only then does the Committee publish its report. There are, therefore, mechanisms to allow checks and balances.

88. Mr F Bradley: The provision is also essential because the SBNI is not exclusively focused on the role of DHSSPS or its agencies. The SBNI's function involves the consideration of a wide range of areas across multiple agencies and Departments. The issues that the SBNI will expose will not necessarily be in health and social care.

89. Ms S Ramsey: I would like as much information as possible to convince me that it is OK. Convince me that it happens in other Departments.

90. Mr Holland: If the direction were exercised, it could be recorded in the annual report that will go before the Assembly. That is one possible way of increasing transparency.

91. Ms S Ramsey: Fair play for bringing the Bill forward; it is a positive step.

92. The Chairperson: Sean, you tell us that for an independent body to make a report that is critical of a Department and a senior civil servant to bring pressure on that body to change its report would be an impossible scenario.

93. Mr Holland: I most certainly did not say that.

94. The Chairperson: That is an 'Alice in Wonderland' situation.

95. Mr Holland: I certainly did not say that. I said that, if that were to happen, given the particular arrangements for the SBNI, it would be the end of that civil servant's career.

96. The Chairperson: What would happen if someone had the initiative to expose what was going on through leaked e-mails?

97. Mr Holland: No member of the SBNI will be employed by the Department. We have no authority or power to stop members talking independently or individually to the press, members of the Committee, or anyone else.

98. Mr F Bradley: You are talking about the possibility that the Department could suppress the NSPCC or other voluntary sector organisations and prevent them from saying what they wanted to say. That is simply not feasible. No civil servant in their right mind would try to do something

like that. In any case, we do not have the power to do that. The power relates purely to matters that concern the functions of the SBNI. The individual agencies within the SBNI remain independent in their own right, and they have the capacity to lobby and do what they want to do independently, as is the case currently.

99. The Chairperson: We will come back to the wording of that provision. We know where you are coming from, but I also take on board Sue's concerns.

100. A situation might arise in which the problems are entirely the responsibility of a body that is represented on the SBNI. Do you expect the individuals concerned to absent themselves from the discussion on that issue?

101. Mr Holland: It is important to remember that the function of the SBNI is not to be an inspectorate, but to work together on collaborative arrangements, share learning and improve safeguarding activity. Therefore, it is not the case that the SBNI would inspect one of its member agencies or the agency of a member of the SBNI.

102. The Chairperson: The Regulation and Quality Improvement Authority (RQIA) would probably do that.

103. Mr Holland: Yes, because that is more the role of an inspectorate.

104. The Chairperson: What if some fundamental issue emerges as a result of an inspection, the safeguarding board investigates, and it becomes apparent that Willie John or Sean's group is implicated up to its neck in something that has gone badly wrong?

105. Mr Holland: The CMR is probably closest to the situation that you describe.

106. Mr F Bradley: There will be a set of arrangements between the SBNI and the various regulatory authorities. Therefore, if the matter involved a trust, for example, the SBNI would advise the RQIA, whose role it is to investigate. Overwhelmingly, however, the SBNI's focus will be on the way in which agencies work together to try to improve safeguarding. Issues will be exposed when we do not do things as well as we ought. If we thought that everything was perfect, we would not need the SBNI. Sometimes, there is a tendency to regard the SBNI negatively as a body that aims to find out what everybody has done or is doing wrong. We want organisations within the SBNI to work positively to identify ways in which they can improve what they do.

107. The Chairperson: Further to Sue's question, I forgot to mention that research has been carried out on other Government watchdog agencies that have to refer their reports to the relevant Department before publication. Therefore, it might be useful to ask Research Services to dig that out, so that we can see how that system works elsewhere. It might be either highly effective or act as a restraint.

108. Clause 3(3) states:

"The Safeguarding Board must keep under review the effectiveness of what is done by each person or body represented on the Board".

109. If the SBNI were to find a conflict of interest, does that give it an opportunity to ask a person whose organisation was implicated in a review to step aside for a temporary period, or does that relate more to attendance and aptitude?

110. Ms Nicholl: Clause 3(3) defines one of the SBNI's key functions, of which it must give account in its annual report. It is important to note that, in keeping under review the effectiveness of what every member of the SBNI does in promoting the welfare and safeguarding of children, the intention is to regulate membership of the SBNI and its constituent committees. It is also intended to provide guidance on the expectations of member bodies under clause 12, by explaining what is expected of them in putting in place arrangements to safeguard and promote children's welfare.

111. Likewise, it will be important for member agencies to sign up to the membership agreement, in which the expectations of each member — such as those related to vacancy, tenure, appointment and how members of the SBNI are decided upon — will be set out in subordinate legislation. If a member were to veer from those membership agreements or regulations on how to conduct business, the challenge function would be addressed through the chairperson. Ultimately, each member organisation will be accountable to its sponsor bodies and to its Minister. Therefore, the chairperson will be able to hold the member agencies to account for their signing up to, and assistance and contribution to, the functions of the SBNI as set out in the Bill. However, the chairperson will be able to hold members to account only through the membership agreement, or through senior members of the SBNI reporting to their own organisations any issues of failure to comply, share information, put in place arrangements or adequately contribute to the SBNI, as set out in that agreement.

112. The Chairperson: That evidence was useful. Members have no more questions. We will come back to these issues many times as the Committee goes through the legislation; today is not a one-off. Thank you very much.

16 September 2010

Members present for all or part of the proceedings:

Mr Jim Wells (Chairperson)
Mrs Michelle O'Neill (Deputy Chairperson)
Mr Mickey Brady
Dr Kieran Deeny
Mr Alex Easton
Mr Tommy Gallagher
Mr Paul Girvan
Mr John McCallister
Ms Sue Ramsey

Witnesses:

Ms Pauline Leeson Children in Northern Ireland
Ms Ethel McNeill
Ms Vivian McConvey Voice of Young
Ms Alicia Toal People in Care

113. The Chairperson (Mr Wells): Some members had the opportunity to meet the Committee's next witnesses at the lunchtime briefing. The witnesses had the benefit of being in the Public Gallery for the discussion of the research carried out by Dr Janice Thompson and the evidence session with the National Society for the Prevention of Cruelty to Children (NSPCC). You are very welcome. May I introduce to the meeting: Pauline Leeson of Children in Northern Ireland (CINI); Ethel McNeill, who is also from Children in Northern Ireland; Vivian McConvey of Voice of Young People in Care (VOYPIC), with whom we had a useful lunchtime session; and Alicia Toal, who is

also from VOYPIC. You had the advantage of seeing the format of an evidence session, so you know the procedure. We usually allow about 10 minutes for a presentation, after which members can ask questions.

114. Ms Pauline Leeson (Children in Northern Ireland): Thank you, Chairperson, and members. I thank the Chairperson for hosting the informal lunch for members of Children in Northern Ireland who, I can assure Sue Ramsey, work at the coalface of safeguarding children here.

115. We also thank the Committee for Health, Social Services and Public Safety for allowing Children in Northern Ireland the opportunity to give evidence on the proposed safeguarding legislation for Northern Ireland. We have provided members with copies of our written submission, and I want to highlight some key issues for discussion.

116. We agree with, and support, clause 2(1), which states:

"the objective of the Safeguarding Board is to co-ordinate and ensure the effectiveness of what is done by each person or body represented on the Board ... for the purposes of safeguarding"

117. practices within the agencies that make up the membership of the safeguarding board for Northern Ireland (SBNI).

118. Children in Northern Ireland also advocates that, when the new board is put in place, it should develop a mechanism through which to assess the effectiveness of safeguarding in its member agencies and develop standards to promote effective practice. A useful example of that are the actions that the National Assembly for Wales took following the tragic death of little Baby P in Haringey in 2009. That Assembly requested key agencies to undertake self-assessments of the effectiveness of local arrangements to safeguard and protect children, and asked the chairpersons of local safeguarding boards to co-ordinate a joint agency response on the effectiveness of the regional safeguarding board. The Welsh inspectorate evaluated the self-assessments and visited local authorities and local safeguarding boards to verify the findings. We think that a similar self-audit, self-assessment approach, verified by the Regulation and Quality Improvement Authority (RQIA) would help to develop and maintain the conditions and culture in which safeguarding and protecting children in Northern Ireland could be aligned and embedded across all parts of the system at all times. Sue Woolmore from the NSPCC referred to a similar self-evaluation or self-audit system.

119. In the proposed legislation relating to the functions of the safeguarding board, there must be clarity about the roles and responsibilities of the SBNI and the case management review panel to which clause 3(4) refers. It is our understanding that the SBNI will not be responsible for undertaking case management reviews but will hold responsibility for the establishment of a case management review panel, which will be critical in identifying key trends and themes with a view to improving reflective learning and safeguarding practices through its findings. The clause is misleading and needs to be amended to clarify the respective roles.

120. We also welcome clause 3(7), which states that communication between the board and children and young people is recognised as a key function. However, we believe that that function needs to be considerably strengthened, and we have proposed an amended clause.

121. Our colleagues from VOYPIC will speak in much more depth on the practice and value of the participation of young people. However, from a legislative point of view, it is imperative that clause 3(7) be amended to ensure the effective engagement and involvement of children and young people.

122. Clause 4 outlines directions to the board. It is Children in Northern Ireland's view that the way in which the Bill is written is unhelpful. It would be more helpful in legislation to clarify precisely what is meant by the independence of the safeguarding board and from whom and what it is independent. Children in Northern Ireland recognises that all public bodies must have an accountability function, and it has no issue with the board remaining accountable to the Department of Health, Social Services and Public Safety (DHSSPS). However, there must be clarification of the relationship between the safeguarding board and the Department. That needs to be explored, and the intent of directions also needs to be further explored.

123. We also think that it is crucial that the board's annual report is laid before the Assembly, and we have recommended appropriate wording to reflect a timetable for that within three months of its receipt by the Department.

124. We welcome clause 7 — the provision of committees and subcommittees — and particularly the more inclusive and proactive approach to safeguarding that has been advocated. However, in the interests of the proper function of the committees, we envisage a single line of accountability from the Department through the board to the committees and subcommittees. We think that that would be much more helpful.

125. We warmly welcome clause 10, which deals with the duty to co-operate. We recommend that such a duty is specifically prescribed in regulations and identified as a core area for annual review by the safeguarding board.

126. Children in Northern Ireland also strongly believes that the development of statutory regulations and guidance is just as important, if not more important, than the legislation. The Department's current proactive process of engagement with stakeholders, which includes CINI, has been a central and welcome part of the policy and the legislative process. We want that to continue through the development of guidance and regulations.

127. We have some concerns about the level of remuneration for the chairperson of the board. As Sue Woolmore said earlier, we are pleased that the post will be for three days a week rather than for three days a month. However, if the safeguarding board is to be effective in the discharge of its functions, it requires effective leadership. The role of the chairperson is central to the success of the safeguarding board and requires a high degree of expertise and skill in facilitating the board and providing a critical challenge function. It is a complex and demanding post, as members probably know, and we are not convinced that the present remuneration proposals will attract the right candidate for the job.

128. Ms Vivian McConvey (Voice of Young People in Care): Thank you for the opportunity to speak about the involvement of children and young people. Since VOYPIC last made a presentation to the Committee, we undertook some specific work exploring the involvement of children and young people. We carried out some research and made a study visit to England to meet young people there as well as the staff and senior management who supported their involvement. We met the independent chairpersons of two local safeguarding children boards (LSCBs).

129. We are here to present two important issues to the Committee. The first is a proposed amendment to clause 3(7), and the second is a proposed model for Northern Ireland for the involvement of young people. Such a model is achievable; it works in other places, and the necessary expertise exists in Northern Ireland.

130. In relation to clause 3(7), we welcome the fact that the need for communication between the SBNI and children and young people is recognised and included as a key function. However,

we believe that that function needs to be considerably strengthened. We recommend an amended clause that would state:

"The Safeguarding Board, in exercising its functions, must engage actively and directly with children and young people, listen directly to their views and give these due weight in accordance with their age and maturity."

131. VOYPIC believes that a robust clause of that nature is absolutely necessary to ensure the effective engagement and involvement of children and young people. In reviewing practice in England, we recently visited two local authorities and spoke to the chairpersons of two local safeguarding children boards. We found that engagement with children and young people is underdeveloped and patchy. Examples of good practice exist, so we targeted those agencies. Participation ranges greatly from children and young people being completely uninformed about the work of the safeguarding boards and not actively involved, to a few local authorities that have a young people's engagement strategy and a flow of data and information.

132. We heard about the experiences of local safeguarding children boards in London and how they vary greatly, from no consultation to ad hoc arrangements whereby participation was undertaken by specific groups. The Oxfordshire Safeguarding Children Board made four seats available for children and parents. Other boards have a statutory requirement for a lay person to be on the board, who may be a young person or a parent. In both situations, the children or parents involved represented only their individual views.

133. The most structured and innovative example that we could find was in Barking and Dagenham, where it facilitates a young people's safety group, which was constituted as a subcommittee with a number of core functions. It provided a forum for raising issues and solving problems about safety and safeguarding, including research and consultation; it increased good practice in safeguarding and approaches by sharing expertise and information resources; and it identified gaps and developed solutions for safety and safeguarding.

134. The young people's safety group in Barking and Dagenham has been successful. It meets four times a year and has an attendance of about 45 to 50 young people from local secondary schools and different projects. It appointed a young person as chairperson. Barking and Dagenham's shared services and engagement team supported that work and assisted the young people's safety group. It particularly assisted the young person to chair the group. After each meeting, an evaluation report — I have some examples from the group to hand out — is presented to the local safeguarding children board. Therefore, children feed directly into the process.

135. The young people's safety group, through consultation, developed an action plan and key issues that young people wanted to discuss. The topics that were important to the young people in Barking and Dagenham were knife crime; e-safety; the impact of Baby P; the background to child protection; and the safeguarding board and how it worked in their area. A seat at the safeguarding board has been designated for the chairperson of the young people's safety group. The current chairperson chose not to take up the opportunity, so the group manager for the inclusion team represents the chairperson and feeds back on the key issues and prepares the chairperson each time. The next chairperson of the young people's safety group may choose to take up that seat.

136. The process that is in place in Barking and Dagenham is a critical success factor in why the arrangements work between young people and their local safeguarding children board in that two development days are held each year between the LSCB and the young people's safety group. That means that the LSCB meets directly with young people to discuss priority issues and future plans.

137. What did we learn about how that model will it help us in Northern Ireland in our thinking? We started with the principle that we need to connect what already exists in Northern Ireland and build on the existing infrastructure. The SBNI should examine the existing groups and agencies that support children and young people and identify those that have an interest in working with the safeguarding board. That process will ensure co-ordination, connectedness and a comprehensive cross-section of children and young people who are supported by skilled practitioners.

138. A youth-based agency with a regional role is needed. It could be commissioned on behalf of the safeguarding board to oversee and facilitate a strong infrastructure being put in place — a shadow board. That board could develop an engagement strategy to connect a wide range of children and young people into a regional forum. It could have responsibility for representing its peers and link to the safeguarding board on their behalf. The young people on a shadow board could be supported by relevant agencies that are committed to the safeguarding board. It could develop clear criteria, with expectations of support being provided by the lead agency and the supporting organisations. There could be a clear feedback mechanism between the safeguarding board and a shadow board. There could be development days, and a shadow board could attend meetings and deliver progress reports, with the young people's issues being presented directly to the safeguarding board.

139. A shadow board could have representation from the most vulnerable groups and the generic population. We suggest that it could comprise eight young people from the Youth Service or schools, two from the disability sector, two from ethnic minorities, two from the justice interface, two from looked-after children and two from child protection. In the initial stages, while the process is being learned, it would be better to work with a group of young people aged between 11 and 18, after which a younger age group could be considered. It could probably meet four times a year.

140. It is possible to have a shadow board; the organisations are there. The model of engagement with young people and the cycle of meetings could be wrapped around the operations of the safeguarding board. Initially, a shadow board could be established, and the workings of the safeguarding board could be explained to its members. Through a process of consultation, it could be designed in a shadow board. Those young people could then go back into their communities, local areas and agencies and carry out a wider consultation with other young people. They could then come back to a shadow board, collate all that information and produce a report, such as the report that was produced by the young people's safety group in Barking and Dagenham, to be presented to the safeguarding board.

141. After the safeguarding board meeting, a shadow board could meet again to receive the feedback directly from the safeguarding board and find out how it implemented the issues or to hear its thinking on the issues that were raised. A simple format is used in England, which works well in providing feedback to young people. The "you said, we did" statement was published on websites, and a table listed what young people said and what the safeguarding board did. That was how the local safeguarding children board reported to the safety group: a particular issue was pointed up, and the safeguarding board did something about it. The LSCB reported to, and communicated with, the young people's safety group regularly.

142. In Northern Ireland, we already have the agencies, skills, contacts and structures of much young people's and children's participation. The demand is not there to set up an entire new concept; it already exists. The issue is to build on what we already have. Although the proposal avoids the expense of setting up a new organisation, it will require investment. With a commitment to, and investment in, a shadow board, Northern Ireland will have an achievable model.

143. The Chairperson: You talked about the scenario in Barking and Dagenham, and you mentioned that the young chairperson of the young people's safety group declined to take his or her position on the board. Do you know why?

144. Ms Alicia Toal (Voice of Young People in Care): We met that young person when we were on our study visit. She told us that she felt that, as a care-experienced young adult, she did not want to hear some of the content that was being shared at the meeting, particularly about child deaths. She chose not to take her seat. However, the board left it open that the next chairperson could choose to take that seat.

145. The Chairperson: Could the deputy chairperson or another representative from the young people's safety group have taken the position on her behalf?

146. Ms Toal: The group did not have a deputy chairperson.

147. The Chairperson: It strikes me that a golden opportunity had been missed. Your answer has partially answered my next question about those young people having direct personal experience of child protection issues. Obviously, that lady did, and she spoke, therefore, from direct knowledge. To be honest, there is not much sense in appointing someone from a steady family background who has had no difficulties whatsoever to act as a spokesperson for those who have experienced child abuse. You headed me off at the pass with your answer to that question.

148. You had the benefit of being in the Public Gallery for this afternoon's sessions, and you heard evidence from the NSPCC and the research from Dr Thompson. You also clearly share the concern about the perceived lack of the chairperson's independence under the present structure. What did you think of Ms Woolmore's suggestion that the board should appoint the chairperson rather than the Department or the Minister? Have you given that any consideration?

149. Ms McConvey: Let us return to the situation in Barking and Dagenham. There was a specific, close relationship between the chairperson of the safeguarding board and the chairperson of the young people's safety group. The chairperson of the board also attended some of the meetings of the young people's safety group and had a good understanding of the issues. That was central.

150. It was important that the chairperson of the safeguarding board understood the need for the participation of children and young people. Issues arose, one of which concerned the lack of safety for young people on London transport. The chairperson of the LSCB brought a representative of Transport for London to the local safeguarding board to try to address those issues. Therefore, the chairperson of LSCB must have a good relationship with the young people's safety group and understand the importance of maintaining it.

151. As to how one appoints a chairperson, I must honestly say that I am not sure.

152. The Chairperson: That is a very honest answer. We often do not get that, and it is helpful. It is an issue that I have not heard raised until today, but we will have to consider it in detail.

153. Ms Leeson: CINI is content that a public appointment process is appropriate. We must consider the purpose of the safeguarding board. It is not the same as that of the Children's Commissioner or a national human rights institution. There must be a balance of purpose and function. We raised the issue of how directions are framed in the legislation, and that matter needs to be revisited. The Department needs to be asked about the intent of the directions and to explore further the relationship between the Department and the safeguarding board.

However, we are content that the safeguarding board is placed within the Public Health Agency and that there is a line of accountability to the Department.

154. Mr McCallister: From what Pauline said, I gather that she is relaxed about the way in which the chairperson is appointed. However, evidence to the Committee stresses that the appointment is absolutely critical. This is about getting it right, whether the appointment is best made by the board or by the Minister and the Department. The problem is in identifying someone suitable. You would probably accept some of the criteria that Sue Woolmore included in answer to my question to her.

155. Ms McConvey: Yes, I would.

156. Mr McCallister: Your evidence highlights the issue of how a balance is struck between accountability and independence. It came through strongly in your evidence that you want the safeguarding board to be independent, and that is the general difficulty that the Committee has with the Bill.

157. In your experience with Barking and Dagenham, Vivian, was there a feeling on the young people's safety group and among the young people with whom it engaged that things were moving? Under the "you said, we did" format, was there a feeling that young people were having an input? Many such initiatives lead to people becoming frustrated and believing that they will never be able to do anything because there is no money and achieving results seems terribly difficult and cannot happen. Was there a genuine feeling that the format was useful?

158. Ms McConvey: Yes, there was. The format is simple, and the responses were contained on a single page of priorities on what actions had been discussed, agreed and taken. During our research, we found that some areas used a traffic light system that identified young people's big issues, which were tracked throughout the year. A green light signified that the issue was being tackled; an amber light raised questions about what was preventing action; and young people understood that a red light meant that the issue was going nowhere and wanted to know why. The feedback from the group would have asked why a certain issue was at a standstill, why nothing was happening and why the young people were not hearing something.

159. By and large, we found that a simple, single-page format was the best structure. I accept the Chairperson's point about getting to groups of young people who really understand child protection issues. I think that we have enough organisations here. There may be as many as 16 groups represented on a shadow board, but we have to realise that we are talking about Northern Ireland. Unlike in England, where a safeguarding board may be very local, we are talking about bringing together five trusts across a large area. Therefore, we must use the infrastructure of community groups and the voluntary sector so that we do not have only five specialists, two of whom talk about disability. We need to be able to go behind that and link into all those systems to have the necessary conversations.

160. To achieve that, we must have a format that can be put on a website to sound out the issues clearly and that has a mechanism for exposing whether such issues are addressed when they are supposed to be, and to ask if not, why not. Issues slip off the table and are forgotten, but it is hard to evade them if we adopt the "you said, we did" approach.

161. Mr McCallister: I was also concerned about the young chairperson of the young people's safety group who opted out. Did she opt out for her term in office? Could a chairperson opt out of meetings when certain agenda items might be difficult for him or her to discuss? I feel that what the Chairperson called a "golden opportunity" might be missed. I am concerned that, if somebody opted out for an entire year, the process would be rendered pointless.

162. Ms McConvey: That would not really happen because a mechanism would be put in place. My organisation had similar issues. Young people joining its board may say that there are certain issues, such as staff, with which they do not want to deal. Therefore, we had to consider a different system that allowed those young people to deal with their issues, and young people are usually very clear about boundaries: they will state which issues do and do not pertain to them. We find that we need to support young people in the relevant issues. To involve young people with experience of child protection, the safeguarding board will deal with the personal experience of such young people and their families. VOYPIC has had to set up a support system that allows people to come to terms with their experience so that, with a little distance, they can provide the benefit of their experience through a format. I believe that a shadow board will provide such a strong format.

163. I take your point, Chairperson. If someone had been appointed deputy chairperson of the young people's safety group, that person might have felt more comfortable about attending a safeguarding board meeting, which would have allowed some more planning. The group was quite honest in saying that it was going well but that it was still a learning phase.

164. On our study visit, we wanted to talk to as many people as possible and take with us the more positive points. A formalised structure here, led and supported by a regional agency, through a shadow board on which we had representation, would filter back into communities. There could be a sequence of meetings that are tied to the safeguarding board, with a chairperson and a place for someone from VOYPIC. Someone would sit with the young person through the process and help him or her. If that matching process had been used in Barking and Dagenham, the situation might have been different.

165. The Chairperson: I am glad to say that I seldom encounter child abuse in my constituency, but what I have to listen to often haunts me. Is it wise to ask a young person who has experienced abuse to sit on a safeguarding board that may be dealing with some dreadful situations? Would that not make life even more difficult for the young person who has suffered abuse?

166. Ms McConvey: The example goes back to our experience of VOYPIC's board. For a board agenda, we need to work out the most pertinent issues for young people and where they feel that they participate most fully. We need to build a structure around their level of involvement. Young people will always point out what item is not important to them or what they do not need to be involved in, and we find another mechanism. They will say that they can get the information that they require without necessarily having to be in that position.

167. Mr McCallister: That is what I was getting at. Can people opt out of agenda items?

168. The Chairperson: It is inevitable that young people who are on the board will accidentally stumble onto material that is extremely unpalatable and with which many adults cannot cope. I am worried that, if young people were involved to such an extent that they are exposed to that, it might be extremely uncomfortable for them.

169. Ms Toal: We recommend a shadow board. The linkages between the SBNI and a shadow board would need to be worked out. It might be done outside of SBNI official meetings through meetings that allowed a link between both chairpersons rather than having children and young people sitting in on SBNI meetings.

170. Mr Girvan: Like the Chairperson, I have concerns about young people being put into that environment. Perhaps those young people will have witnessed some of the cases from which the board will try to highlight issues. You mentioned the issue of young people having difficulties

with public transport being raised. That issue could be more appropriately dealt with through the Youth Council for Northern Ireland rather than the safeguarding board.

171. Having worked with young people for many years, I find that there is much initial enthusiasm but that it is difficult to keep that enthusiasm going and to keep a board going. Having been involved in Youth Council work, I know that people will attend the first number of meetings but that one person will disappear followed by another. Before you know it, the core has left and few remain. How has such a structure demonstrated its operation in other areas? Has it been a long-term structure, or has it tended to flare up and run down?

172. Ms McConvey: You are right; unlike adults who are paid to be on a board, young people will vote with their feet. Our experience of running groups and having infrastructures or reference groups is that the effectiveness of the reference group is based on how the animal is fed and set up. Things can sometimes go wrong if a structure is set up simply to support young people's participation, and it does not have a clear agenda, understand the work and have a life that is continually linked to another life and has work to do. If that happens, people will vote with their feet because there is no interest in that.

173. We are talking about a cycle of young people who have an interest in safeguarding and that being fed into a continual examination so that active work is always taking place and is of interest. The skill lies with the workers who support the young people, understanding their role on a shadow board and the lead agency that will convene and facilitate it.

174. Ms Toal: We recommend that, rather than focusing solely on child protection issues, a shadow board be allowed to develop its own agenda and communicate to the SBNI what safety, in its broadest sense, means to it.

175. A shadow board will have more buy-in if it can create its own agenda, although that is not to say that all the issues that it highlights will be within its remit. In Barking and Dagenham, the agency under whose remit an issue falls is linked to the young people's safety group so that action can be taken. If young people see that raising issues brings about action, they will engage more and have a buy-in.

176. Dr Deeny: This is an interesting discussion. Thank you, ladies; it is nice to see you again, Vivian.

177. I see what you are getting at. You mentioned young people contacting adults and the difficulty that they may hold back from addressing or opening up a very serious problem. In the past year, the relative of an individual came to me, and I got the Nexus Institute involved because of the abuse that was reported. I can see why it may be difficult for a young person whose parents may know the local nurse or GP, and that is what you are trying to address.

178. I listened to Sue Woolmore during the evidence session with the NSPCC. Who do you think should be on the SBNI? Board members will have to be people who can deal with, and have experience of, such issues and who can deal with young people through intermediaries if required.

179. Vivian, your submission states that the safeguarding board will:

"Build a conduit between children and young people through a Shadow Board".

180. Is that a misprint? Should it not build a conduit between children and young people with the SBNI through a shadow board?

181. Ms McConvey: Yes; you are right.

182. Further to the conversation that we had at lunchtime, we are saying that it is important to involve the community and voluntary sector on the SBNI to get a wide range of opinions. There is no way that it will have the capacity or format to go out constantly to find out what children and young people are saying without a built-in shadow board structure. It would be deemed that those young people could go back to their groups and be supported by their organisations to have wider consultations.

183. Dr Deeny: That is important. You are not saying that a shadow board will be made up of professionals.

184. Ms McConvey: No, it will be made up of young people.

185. Dr Deeny: That is the important point with which I and other members who spoke agree. Some young people could not handle that and would be upset by it. However, it would be useful to have a group that could facilitate people who have been abused by bringing them to the right people. Who should be on a shadow board? Would you recommend that, as in England, the safeguarding board should be a broad section of professionals with much experience? What age group should be on a shadow board?

186. Ms Toal: A shadow board would be made up of young people who are supported by the relevant agencies, and there would be two representatives of looked-after children.

187. Dr Deeny: What age group will be involved, Alicia?

188. Ms Toal: Until the structures and processes are ironed out, we suggest that it should involve 11- to 18-year-olds. Once the systems and structures are in place and working, younger children could become involved.

189. Dr Deeny: Would you like the SBNI to be full of people who have much experience of such issues across all the professions? As health professionals, we find that young people do not come forward because they are frightened that someone might find out. I can see where you are coming from.

190. Ms McConvey: A shadow board of young people will be supported by a number of community and voluntary organisations. Once it is agreed that there should be a shadow board, how the groups should be connected can be worked out. For example, we have an interest in other people and looked-after children. Our experience is that, with regional groups such as this, staff members support young people through the process by listening to the information. In that role, they can then consult other young people. Therefore, although there may be only two shadow board members who represent the looked-after children sector, they would be the voice of up to 50 children in care.

191. Ms Leeson: The membership of the safeguarding board should be drawn from a number of operational bodies, particularly the trusts, which have service delivery obligations to children and young people. However, it not only health and social services agencies that should be involved. The Regional Child Protection Committee, on which CINI sits, comprises the PSNI, prisons representatives, community and voluntary bodies and educational interests. That type of membership, which should not be too unwieldy, could quite usefully translate over to the arrangements for the new safeguarding board. The contribution of the community and voluntary sector is important with regard to service delivery and the challenge role that we currently provide.

192. Dr Deeny: I want to look at practical issues, Pauline. In one instance, a young person who was coming to see me was frightened to come forward because another member of the family was involved, which is often the case. I am worried that the involvement of the police and the judicial system will put people off. That young person was worried about getting her family member into trouble.

193. Ms Leeson: If you are talking about safeguarding, it is important that the PSNI is involved. It is a professional oversight role. The person in that role can refer cases on to operational agencies, but terms of reference will be established for the people who will serve on the SBNI. Board members are given an induction and training so that they know how to behave properly and in accordance with their brief.

194. Ms S Ramsey: I apologise for missing your presentation. Michelle and I had to do something that we had agreed to do some weeks ago.

195. I have read a lot of material connected to the Bill. There is a school of thought, with which I agree, that, whatever happens, we ought to be proactive. We need to learn lessons. It is not always about dealing with a crisis when it happens but about ensuring that it does not happen. In some sense, it is important that "stakeholders", for want of a better word, are involved.

196. You talked about a shadow board and the lead agency. Which agency do you suggest that that should be? You also talked about the make-up of a shadow board. I assume that, when you mentioned two looked-after children being on a shadow board, you meant young people rather than workers. Where does the Children's Commissioner fit into that? As you are aware, there was a long, hard, drawn-out battle over the years to get that post up and running. Why are we not using that office to take on a safeguarding role? I am thinking about costings, because we are going into the unknown. Is there not a mechanism that would allow us to use the Children's Commissioner's office, which I know has a good relationship with children and young people?

197. Ms McConvey: First, you are absolutely right to say that every member of a shadow board should be a young person. Secondly, there is a need for a lead facilitative agency, which will require investment. More groups of young people come forward to agencies than to the Children's Commissioner's office, and they would willingly take on that role at no cost to the safeguarding board.

198. VOYPIC has experience of young people coming forward. Our agency might be approached to put a group of young people on a board with looked-after children. That is a matter of dedicating a member of staff. There might be four meetings a year of a shadow board and they have to come back in. We would have a vested interest in influencing what is happening, as will many agencies. It is about giving users a voice. We would knit that into our daily work as a process.

199. The Children's Commissioner deals with a wide range of young people from nought to 18 years of age. I work closely with the Commissioner. When it comes to issues involving children in care, the Commissioner is excellent at visiting specialist groups. She acknowledges the fact that we deal with certain issues daily; over 500 youngsters come through our doors every year. That is not the experience of the Commissioner, who deals with specific cases. We must work out the best place for the Commissioner to act. I do not say that the Commissioner would not be a part of the process, but specific groups give a voice to users and also work closely with the Commissioner. I do not rule out intervention by the Commissioner.

200. Ms S Ramsey: I am trying to tease out whether the Commissioner's office, which has resources, could be the lead agency. People will run away from a suggestion on the basis that it

will cost money. If we use what is already available, it will not cost additional money, and we will be sure that we are doing it right.

201. Ms Leeson: There are two issues, Sue. VOYPIC has presented an innovative proposal that will not cost a great deal. Given the resources that are needed, it seems cost-effective.

202. Another issue is the role of the Children's Commissioner. We work closely with the Commissioner on participation and many other issues. However, the Commissioner's office is a scrutiny mechanism. I see the Commissioner's office as scrutinising the Department and the safeguarding board on whether it is doing its job properly. Therefore, there should be some distance between them. There could be working protocols and memorandums of understanding. However, Children in Northern Ireland does not envisage the Commissioner's office carrying out this function. That office has a more independent scrutiny function.

203. The Chairperson: Are you happy, Sue?

204. Ms S Ramsey: I am never happy.

205. Mr Easton: Vivian, you were here not so long ago.

206. Ms McConvey: Yes, I was.

207. Mr Easton: Will VOYPIC want to sit on the safeguarding board if it has the opportunity?

208. Ms McConvey: All children who have gone into care have been through child protection, and VOYPIC has a great deal of experience on such issues. There are protection issues for children in care all the time. It is important that one hears their experiences directly. We have undertaken work on children in child protection — for example, through our Listen to Me! project.

209. Yes is the short answer. [Laughter].

210. Mr Easton: Let me go back to what John and Paul said about young people. From what age group will the young people on a shadow board be drawn? How was the Barking and Dagenham board able to get young people involved? What mechanisms did it use to enthuse them?

211. The following is not a great example, but I have a 17-year-old daughter, and I cannot even get her to tidy her room. How was the Barking and Dagenham board able to get young people involved?

212. Ms McConvey: Young people will connect with an issue when they realise its importance. They will stay on board and not vote with their feet when they realise that there is a process that works, someone is listening, they are getting a response, and they are being asked to do more on the issue.

213. Young people in care are exceptionally concerned about their safety. Many issues arise from that — safety in the community, schools, and so on. It is vital to have skilled professionals working with young people. It is like everything else: it is a selling job. It is important to be clear about what is in it for young people and what expectations are realistic. It is important to have a mixture of both. Our work is a mixture of serious work and fun and realising that they are only children. It is about giving them information in a format that they understand and decision-making to that level. We tend to work in different groups. Even in the context of the safeguarding board and a shadow board, although we say that children should be between the

ages of 11 and 18, we have to consider their ages and their comprehension of what is happening. It often comes down to the skill of a worker in a face-to-face scenario helping a young person.

214. However, the feedback we constantly receive is: "I have given you this information. Has it been listened to? Can you prove it?" If it is proven and leads to someone asking another question, it is amazing how willing young people are to engage with you and stick with it.

215. We do not want to set up a specialist group that is simply there for the safeguarding board; that can be a problem for young people. Sometimes, those young people quickly become experts in their own field, and they start to lose focus with their peers. It is important to set up an infrastructure that will allow the involvement of supportive organisations that bring along young people with specific roles. They may be involved on a shadow board for six months and then consult with a range of young people. If an agency such as VOYPIC is doing matching work on skills development, self-esteem, understanding, giving good credence and telling young people that shadow board involvement is good for their CVs and good in many other ways, those young people can be kept on board.

216. The Chairperson: The Committee has also had the benefit of the evidence it received at lunchtime, which was minuted by the Clerks. We have had a good briefing on this important issue. No doubt, as the weeks progress, we will re-examine your evidence. Thank you for your help.

16 September 2010

Members present for all or part of the proceedings:

Mr Jim Wells (Chairperson)
Mrs Michelle O'Neill (Deputy Chairperson)
Mr Mickey Brady
Dr Kieran Deeny
Mr Alex Easton
Mr Tommy Gallagher
Mr Paul Girvan
Mr John McCallister
Ms Sue Ramsey

Witnesses:

Mr Neil Anderson
Mr Colm Elliot National Society for the Prevention of Cruelty to Children
Mr Colin Reid
Ms Sue Woolmore

217. The Chairperson (Mr Wells): The Committee will now take evidence from the National Society for the Prevention of Cruelty to Children (NSPCC), a group that has been before the Committee on many occasions. Unusually, the NSPCC is named in the legislation, which demonstrates the role that the charity plays in child protection, and, for that reason in particular, it is good to hear evidence from it. Before the Committee today is Neil Anderson, the national head of services. You are most welcome. Is this your first time before the Committee?

218. Mr Neil Anderson (National Society for the Prevention of Cruelty to Children): It is indeed, Chair. Thank you.

219. The Chairperson: Also before the Committee is Colin Reid, who is here so regularly that he has a season ticket. [Laughter.] He is the NSPCC's policy and public affairs manager and one of the sad people who sits and watches quite a few of the Committee's hearings. Sue Woolmore, a local safeguarding child board advisor and Colm Elliott, the assistant director of children's services, make up the delegation from the NSPCC. You are all welcome.

220. As usual, the Committee will give the witnesses 10 minutes to provide their evidence. Members who are interested in asking questions should let the Committee Clerk know.

221. Mr N Anderson: Thank you, Chair. We are grateful for the opportunity to present evidence to the Committee this afternoon. In addition to your kind introduction of my colleagues, you introduced me and apparently know Colin Reid well. I should add that Colm Elliott, as an assistant director, is directly involved in the delivery of children's services for the NSPCC. For the purposes of subsequent questioning, you may be interested to know that Colm is also the regional child protection committee representative for the NSPCC and is highly experienced in the current area child protection committee (ACPC) arrangements.

222. Sue Woolmore is the NSPCC's local safeguarding children board adviser, and her role is to maximise the charity's contribution through the local safeguarding children board (LSCB) structures in England and Wales. Over the past three years, she has also been advising the NSPCC and the Department on the development of the safeguarding board for Northern Ireland (SBNI). Additionally, Sue is an independent chair of a local safeguarding board in the north-west of England, chairs the national forum for the independent chairs of LSCBs in England and is a qualified nurse and social worker. You may wish to keep in mind my colleagues' experience when asking questions afterwards.

223. The Chairperson: We have found our chairman.

224. Mr N Anderson: I will move quickly through the evidence in the same order that we provided it to you in writing. We will offer only some brief verbal comments; I will not read it out in full.

225. The NSPCC fully supports the implementation of the SBNI and wishes to see that happen as soon as possible. If implemented correctly, it will enhance our structures for safeguarding and protecting children and address some of the deficits that we perceive in the current area child protection committees.

226. We wish to highlight a number of issues that relate to the membership and independence of the proposed SBNI and the role of the Department of Health and Social Services and Public Safety, which I will refer to as "the Department".

227. We have some comments on clause 1, which relates to the board's membership. We have expressed a view that relevant Departments should, perhaps, be involved closely with the SBNI, but we acknowledge the danger of its membership becoming unwieldy. Therefore, if not through membership, we suggest that the Committee might wish to seek clarification from the Department on any planned arrangements to make the interface between the SBNI and Departments effective.

228. The Committee may wish to seek clarification from the Department on the selection processes for the non-core voluntary and community sector members of the SBNI. In our view, that is less than clear in the Bill.

229. Clause 3 deals with the functions of the SBNI. The NSPCC regards that as a particularly significant clause, as it deals with the mechanisms to hold to account members of the SBNI. To

ensure that best practice is adopted, we ask that cognisance be taken of experience in other jurisdictions. We suggest a specific amendment to the Bill to allow the Department to issue statutory guidance in that regard.

230. In relation to the reviews to be undertaken by the SBNI, NSPCC's view is that the board should not be constrained to a narrow focus on case management reviews (CMRs). We have suggested a further specific amendment to the Bill to ensure that the SBNI will undertake a range of reviews in addition to case management reviews.

231. I will now echo some comments from our earlier discussion. We are concerned about clause 3(9)(c), which outlines the requirement for the Department to approve the publication of the SBNI's material. We suggest that the Committee might wish to seek assurances that the use of that provision will not be allowed to fetter or restrict the work and reporting of the SBNI.

232. Clause 4 deals with directions to the safeguarding board. The NSPCC supports the implementation of robust governance arrangements, but we suggest that the Committee seek clarification on the intent of that provision. Exemplar circumstances of when directions can be issued to SBNI might be useful in that regard. We expect that the powers of direction should be used only in exceptional circumstances. To measure that, we recommend that for the purposes of public scrutiny, all directions issued to the SBNI should be reported in detail in its annual report. We understand that much of the detail of the working of the SBNI will be contained in subsequent regulations. I wish to bring to your attention and place on record that important documents, such as membership agreements and standing orders, will also be under development. We consider it important for the independent chairperson of the SBNI and its members to be closely engaged in the development of those working documents, as opposed to receiving them as prescribed tablets of stone.

233. Clause 6 relates to the annual report of the SBNI. It is essential for the SBNI to report on all its functions and not be allowed to report selectively. Therefore, we have suggested a specific amendment to make it clear that the SBNI is required to produce a report on the delivery of all its functions, as set out in clause 3.

234. Clause 7 relates to the committees and subcommittees of SBNI and deals with the establishment of the case management review panel. The experience of England and Wales suggests to us that there are weaknesses in compliance monitoring and in the implementation of action plans following serious case reviews. We suggest a specific amendment to strengthen that element by giving an additional regulatory power to the Department in relation to the development of action plans and the compliance monitoring for case management reviews. Alternatively, guidance for those purposes could be issued and developed by the Department. The Committee might wish to pursue that as a preferred response to the matter.

235. Finally, clause 12 details arrangements to safeguard and promote the welfare of children. We accept that everything in the Bill is implicitly concerned with the membership of the safeguarding board. However, clause 12, as currently presented, is open to interpretation as a stand-alone duty that relates to the broad remit of all the bodies that are listed, even beyond their role in the SBNI. Members will understand the NSPCC's concern that the clause could impede its ability to act independently in the interests of children and when challenging government on matters of safeguarding and child protection. Therefore, we have suggested a specific amendment to make it clear that that duty applies to all the listed bodies in relation to their membership of SBNI and its subgroups. The Committee might also wish to satisfy itself about the nature and type of guidance that the Department envisages that it will issue.

236. That concludes my opening remarks. My colleagues and I will be pleased to respond to any questions.

237. The Chairperson: Thank you, Mr Anderson. I want to clarify whether the "national" in national head of services means Northern Ireland or UK-wide?

238. Mr N Anderson: Northern Ireland.

239. The Chairperson: We have the benefit of Ms Woolmore's attendance today. She has direct experience of the situation in GB. The Committee was due to go over and observe the situation and practice in Bolton and Bradford, but, unfortunately, the Icelandic dust cloud left us stranded in Belfast City Airport. However, we have an advantage in that similar boards are up and running in England. It is most opportune, therefore, to have an expert here who clearly knows the workings of those boards.

240. As you heard earlier, the Committee is greatly concerned about the Department's potential to bridle the work of the SBNI by controlling its publications, what it investigates and, perhaps, by sacking the chairperson should that individual be too strident in his or her criticisms. You have much experience, Sue. Are there about 50 or 60 boards up and running in GB?

241. Ms Sue Woolmore (National Society for the Prevention of Cruelty to Children): There are approximately 140 local safeguarding children boards, of which about 90 have independent chairpersons.

242. The Chairperson: In your experience, has there been a problem with a perceived lack of independence? Has there been interference from the councils, as would be the case in GB, rather than the Department? Is the problem that we perceive more apparent than real?

243. Ms Woolmore: It is extremely apparent. My reading of the Bill alarmed me, in the sense that it appeared as though the Department wanted to exercise quite a bit of control over the SBNI in a way that local authorities do not. The local authorities in England would not exercise that kind of influence over their safeguarding boards. In fact, I, as an independent chairperson of a board, attend the overview and scrutiny committee of the local authority, which wants to be able to quiz me in great detail on what the safeguarding board does, without my being inhibited in what I can say. I need to be free to describe exactly what goes on. The committee relies on the safeguarding board to give it a clear picture. The board cannot, for instance, be inhibited by the local paid officers and told what it can and cannot say.

244. That said, it is, sometimes, a delicate and difficult line to walk. From my reading of the legislation, the SBNI would experience some difficulty in recruiting an independent chairperson of great calibre, because any prospective candidates would feel that their hands might well be tied. It is highly prescriptive.

245. The Chairperson: I made that point at the lunchtime meeting. We are looking for an extremely special person with the wisdom of Solomon and the brains of Einstein.

246. Ms S Ramsey: It is me. Do not comment.

247. The Chairperson: In other places, it tends to be ex-MLAs, but we want someone of a higher calibre. [Laughter.]

248. Seriously, if we want to attract that type of person, he or she will want to be unfettered. Am I right in thinking that he or she, in the district council situation, is still appointed by that council?

249. Ms Woolmore: No. Generally, in England, the chairperson is appointed by the board. That point is worth the Committee's consideration. It is considered very important that the chairperson of the board commands the respect of the board members. The local authority will not impose a chairperson on the safeguarding board. As part of my recruitment, for example, I was interviewed by a panel that was made up of board members who represented the various statutory agencies. I was also interviewed by a panel of young people. It is not uncommon in England for the process to happen in that way. Therefore, there is no sense that the chairperson is being imposed on the board.

250. It is important, too, that the board consider whether its chairperson is performing adequately, and many boards appraise their chairperson's performance annually. Members of the board representing the different agencies participate in that appraisal, so there can be no sense that the role is being politicised or that somebody is being removed because he or she was, for example, speaking out of turn.

251. The Chairperson: Therefore, only the board can remove the chairperson?

252. Ms Woolmore: That is right.

253. The Chairperson: That is a clear departure from what the Bill proposes. What about the wider issue for the NSPCC? Representatives of the NSPCC will sit on the board, because it is named in legislation. The National Trust is also named in legislation and is the only other voluntary group to be thus named that I have come across. What would happen in a situation in which your work as a lead charity in that field came to the attention of and under scrutiny from the SBNI? As a board representative, how do you envisage that situation working when you are, in fact, being investigated?

254. Mr Colin Reid (National Society for the Prevention of Cruelty to Children): The NSSPC always goes by best practice. We are led by the guiding principles of our royal charter and our authorised status under the Children Order (NI) 1995, in which we are also named as a charity. We do not have a statutory power in England, but we are happy to take on that power in Northern Ireland. However, we will always act in the best interests of children.

255. The Chairperson: The NSPCC cannot be excluded from the board, because it is a named member in the legislation. If you were put in the unfortunate and embarrassing situation whereby one of your staff got something wrong and the board on which you sat had to carry out an investigation, how would you react? Would you expect to be asked to step aside during that investigation and take no part in it? How would that mechanism work?

256. Mr N Anderson: I envisage that, in working out the detail, to which I referred in my earlier comments, provision will be made for avoiding conflicts of interest through membership agreements, standing orders, and so on, rather than in regulations. If a service provided by the NSPCC were to be the subject of question, we would have to stand aside from any involvement in the investigation of matters related to that.

257. The Chairperson: Do you think that that will be dealt with in the regulations?

258. Mr N Anderson: I imagine that it will not be dealt with in the Bill, but in the detail elsewhere.

259. The Chairperson: I want to go back to the crucial role of the chairperson, which is identified in the legislation as a pivotal role. In GB, have you been able to attract quality applicants to fill those positions? Has that been a problem, or is there a pool of capable people?

260. Ms Woolmore: The pool of people is small and decreasing. A survey of all the safeguarding boards would elicit a mixed response. Some feel that they are well served by their chairpersons; others less so. In England, chairpersons are usually employed for up to three days a month, so they give a small amount of time. However, in common with many chairpersons, I work well in excess of the number of days for which I am employed, because to do a good job I argue that I must give more time. Some chairpersons will do the job simply to earn money and will, therefore, do the minimum amount of work required. However, the majority of chairpersons put much more effort into their role. Therefore, you must be clear about your expectations of the chairperson.

261. The pool is small because of the skills that are required and because the role is extremely challenging and demanding. Potentially, any individual doing the job assumes considerable reputational risk should anything go wrong. Given how certain child protection cases can be politicised and picked up by the media, people are sensitive to the fact that, if they take up a high-profile position, they will be the ones who will be held to account.

262. The Chairperson: If the pool is small in GB, it will be much smaller here. I have been frantically trying to think of the sort of people whom the Department will be looking for. That brings me to my final question: what type of people become chairpersons in GB? Are they solicitors? Have they worked in the family division? Are they ex-social workers?

263. Ms Woolmore: There is a cross-section. Some chairpersons are retired senior police officers, many are senior officers from children's social services and a number are senior health officials. They are drawn largely from health, children's social services and the police. A small number of academics have also taken up the role. Predominantly, however, the chairpersons have been involved in public service.

264. Mr Girvan: Thank you for your submission and presentation. I agree with your point about the importance of reporting on all activities without outside interference. That area must be clarified. I believe in the arm's-length approach to reporting by all bodies on the SBNI. Sometimes, when another group carries out an investigation, there can be interference from outside. I agree with you, Chairperson, that all aspects of the SBNI's work must be reported on.

265. The Chairperson: You do not have a question, Paul?

266. Mr Girvan: No, it was more of a statement.

267. Ms S Ramsey: I thank the witnesses for their presentation and briefing paper. It is important that we get this right and that we learn the lessons from the brutal cases of child abuse in England. The Chairperson is right in saying that it is a pity that we were unable to make that visit to England.

268. My concern is to maintain the good, positive working relationship that I have observed here over the years between the Department and the community and voluntary sector. Therefore, the fact that such an issue arises makes me ask right away what is going on. It could be nothing, but there may be something amiss.

269. Your paper states:

"Guidance produced by government in England 'Working Together to Safeguard Children (2010)' has significantly strengthened the LSCBs' annual reports".

270. Why was that guidance written and introduced?

271. Ms Woolmore: That guidance built on the experience of the area child protection committees, which could make requests of members, but could not exercise any further leverage. It was thought that they depended too much on goodwill, whereas the LSCBs, through guidance, have more teeth. Their members can be held to account in a much clearer way, as set out in 'Working Together'. If a member agency does not respond to a reasonable request from the board, for example, an LSCB can ask the inspector of that agency to carry out a thematic inspection. Ultimately, an LSCB can go to the Secretary of State should it consider that the agency is not co-operating as it should.

272. Ms S Ramsey: Is there a possibility that some people have taken on board lessons from some cases and that is why the guidance was brought in?

273. Ms Woolmore: That is right. It was felt, particularly based on Lord Laming's inquiry into the tragic case of Victoria Climbié in a London borough, that the existing ACPCs were not sufficiently powerful to make a difference. The LSCBs are still evolving and learning. The SBNI has an excellent opportunity that England did not have to learn about what has worked well and what has not. The SBNI does not have to make some of the same mistakes, and you are, therefore, at a great advantage.

274. Ms S Ramsey: I am concerned that we are not learning the lessons from cases in England. That guidance shows me that some lessons have been learned. I am concerned that we might not be using that opportunity to learn.

275. The Executive decided to set up a ministerial subcommittee on children and young people because, in my words, they believe that children's and young people's issues cut across all Departments. I agree with that. The fact that the Department of Education, the Department of Justice and other Departments were not involved from the outset contradicts the mindset of the Executive. It is not, therefore, a properly joined-up approach. Can anyone explain why that is not happening in the legislation?

276. Mr Reid: We had lengthy discussions with the Department of Health, Social Services and Public Safety about that. The policy intent was largely about getting operational bodies to co-operate. One of the challenges in Northern Ireland, and one of the key differences between our arrangements and those that Sue talked about, is membership. We deal with a countrywide membership, which is much more difficult than membership on a local level, as it introduces all sorts of complications.

277. Some Departments play a key role in children's policy and protection. The Department of Justice, the Department of Education, the Department of Health, Social Services and Public Safety and the Department of Culture, Arts and Leisure (DCAL) all have considerable responsibility. The Health Department wants to ensure that the operational bodies work together, and it has assured us and the Committee about the interfaces with Departments. In our experience, Departments often do not work particularly well on safeguarding, as the tendency is to pass on responsibility to someone else.

278. A key element is that Departments must be copper-fastened into the arrangements, if they are not part of them already. That will ensure that the safeguarding board for Northern Ireland has a clear interface and protocol with a range of Departments and can hold them to account on safeguarding. Yesterday, we had a helpful meeting with DCAL, for example, about its responsibility to safeguard children. More children participate in sport than almost any other activity, so DCAL has certain responsibilities. We would like there to be protocols for such interfaces in operation between the SBNI and Departments.

279. Ms S Ramsey: I agree with you. Without going back over our earlier conversation, it seems that some agencies and Departments are more in the habit of passing the buck. If they worked together at that level, that would be harder to do.

280. The community and voluntary sector here has been sold short. I mean no disrespect to Sue from England, but the community and voluntary sector has been involved in some of the issues for 30 or 40 years in areas where statutory agencies had failed in certain respects. I am concerned about not using that on-the-ground expertise, as the Chairperson pointed out earlier. People at the coalface know the issues inside out. I have a concern about how the representation from the community and voluntary sector will be chosen. It should not always be the wine-and-cheese brigade, nor should it be the people who are always represented, such as the NSPCC and others. People who work at the coalface must be represented. I want to put that on record.

281. Mr McCallister: My point follows on from that of the Chairperson. From your experience in England, Sue, how big a difference is there between the boards that work well and those that you perceive do not work well? What do you put that difference down to? Is it a question of leadership or the make-up of the boards? How can we achieve a good board here, rather than one that does not work well?

282. Ms Woolmore: You have put your finger on the pulse of the most difficult question that challenges many of the safeguarding boards: what makes an effective board? Many people have been asking that question for a long time, which is one of the reasons why they try to collaborate and share best practice. A board that works well has a strong independent chairperson who is well respected and willing to go that extra mile for the board. A well-functioning board will not be dominated by one or two agencies; there will be a shared sense that safeguarding and child protection is everyone's business.

283. A poorly functioning board will have a number of passengers who turn up, but feel that safeguarding is social services' or health's job. A well-functioning board will have strong links to the community and voluntary sector. I share the view that it is often the community and voluntary sector that knows, and can respond to, what is really happening to children and families in the community. A good board is one that can listen to children and young people. A board also needs to be well supported by professional officers. There does not have to be an army of people, but there must be skilled individuals who can take forward the business of the board and help to hold members to account by reminding them what they need to do and by ensuring that they comply.

284. Clear processes for auditing the business of the individual agencies are required to ensure that the board does not simply take what people say at a meeting at face value. One might, for example, carry out case file audits under a theme, such as the sexual exploitation of teenagers, and set aside time to examine the case files of all the different agencies. The aim would be to determine whether all those agencies were doing what they said they were doing and whether they were sticking to the policies and procedures that the board had set up. Thorough processes and systems must be in place, guided through by some good staff, but also steered by a strong chairperson who is sensitive — politically sensitive with a small "p" — and understands the power dynamics that can exist in that kind of group. That is necessary to bring out the very best from that group.

285. That is the wish list, or the ideal world. Those are some of the ingredients, but your chairperson is crucial, as is his or her ability to pull together the board so that it is not dominated by any one or two agencies. We discussed the members' agreement that outlines what is expected of them; they must sign up to that. If that were to be given to them externally and the

chairperson were being told what they must do, there would be no buy-in, nor any sense of ownership or desire to drive things forward.

286. The SBNI has brilliant potential to make a difference for children, to speak out for them and to give you, as a Committee, access to a window on what is happening to children and young people in Northern Ireland that may not be available through other avenues. It is a wonderful opportunity, and you are in an excellent position to make the board as good as it can be.

287. Mr McCallister: Given your earlier comments, Sue, is it better to make the appointments to the board through the public appointments process and then let that board decide the chairmanship?

288. Ms Woolmore: I will be honest; I am not too familiar with the process of your public appointments system, but if you can find a way, through your processes, to make members of the board feel that they have a say in the kind of person that will be helpful to them, that would be a positive step.

289. Mr McCallister: Our public appointments process is the same.

290. The Chairperson: It is very similar. There are two options. The first option is that members of the board sit on the panel or that the board makes the decision. Today is the first time that I have heard that. It is quite revolutionary when compared with what we envisaged happening, which is that the person would be appointed by a Minister of a Department. In that situation, the chairperson's independence would be questionable, because the appointee would feel obliged to the person who had employed him or her in the first place.

291. Ms Woolmore: I suspect that that is what members of the board would feel, particularly in light of the legislation as it stands. They would feel that the Department was saying that it could give them direction. However, the Department is saying that the board cannot even publish anything without its permission. The Department will have appointed the chairperson, who will, it is to be hoped, sign off any publications. If I were a member of that board, I would have questions about how much independence the chairperson had.

292. Ms S Ramsey: It is a case of whoever pays the piper.

293. Mr McCallister: Further to that point, any criticism of a Department is, potentially, problematic. There could be political interference in the timing of any such criticism, which could be unhelpful when dealing with such vital issues.

294. The Chairperson: Before I ask Dr Deeny to contribute, is it correct to say that there has been four years' experience of such boards in England?

295. Ms Woolmore: Yes, they were first set up in 2006.

296. The Chairperson: Is there any empirical evidence that a strongly independent, efficiently working board has made a real and tangible difference to child protection in its area? In other words, are the statistics beginning to show either a decrease in major cases or a slowing-down of the deterioration?

297. Ms Woolmore: There is no empirical evidence that is as tangible as that. As I suggested earlier, evidence shows that some boards function well. It takes a long time for such bodies to bed down. Often, one of the first things to do, before those differences can start to be seen, is to achieve a sense of collaboration between agencies. When boards in England have learned

from serious or critical local cases and implemented the lessons, similar cases have been monitored much more carefully than they were in the past. That difference is recognised to some extent. Often, however, we do not know about children whose lives have been improved; we find out only what has gone wrong. That is another reason why the SBNI, in common with safeguarding boards in England, must have in place mechanisms for taking on board good practice as well as learning lessons from situations that have gone wrong.

298. The Chairperson: Mr Anderson said that there should be not only the power to react to individual cases but the power to examine more broad-brush policy decisions that affect everyone. How much of that has happened over the past four years, or has the emphasis been mainly on reacting to individual statistics and cases?

299. Ms Woolmore: Much of what has happened has been reactive, particularly in the past couple of years since the death of one little boy in the London borough of Haringey. All the safeguarding boards were required to audit their processes against what happened in that case. Although there is something to be gained from that, it can mean a loss of local learning. I chair the board in a local authority in the north-west of England. What happens in London boroughs is interesting, and we need to understand that, but I am interested in what is happening in my borough. Lessons can be learned, but we cannot overlook and lose what happens locally.

300. You can learn from what happens in England, but you have a great deal to learn from Northern Ireland. You can call on local expertise and wisdom to find out what is happening for children and young people, and that must never be lost. I am keen on the idea of different types of review process, not only a case management review when a situation has gone desperately wrong. Cases that are going well should be studied, as should any near misses. It should be considered why, on a certain occasion, a child did not suffer significant harm and what was in place that prevented a tragedy.

301. It will be important and helpful if, in the formation of the SBNI, an expectation can be built in that it will consider not only the most desperate cases but others, too. In that way, the board will be able to answer your question: what difference does the SBNI make, and has it made a jot of difference to any child? That is the question that I must ask in the borough where I chair. We always ask ourselves the question: if we all disappeared tomorrow, would any child in the borough notice the difference?

302. Dr Deeny: Thank you, Sue and the three gentlemen. You seem to be getting all of the questions, Sue. That is what you get for coming to Stormont. You said that there is a window of opportunity here. The basis of my question is the accountability of the board. Earlier, I mentioned the RQIA and the PCC, which have been set up to look out for patients —

303. The Chairperson: The regulatory body has a different name in GB.

304. Ms Woolmore: It is called the Care Quality Commission.

305. Dr Deeny: The full titles are the Regulation and Quality Improvement Authority and the Patient and Client Council. The view of those who are concerned about certain people taking control is that no one must have overall control of the board. Many people think that the difference between here and England, Scotland and Wales is that elected representatives have run those three countries for some time. Some might say that they have not done so particularly well. Until recently, that has not been the case here.

306. There is a perception that senior civil servants still have a major say in Northern Ireland. I do not want a situation to arise in which civil servants control the new board, which is so important for children, particularly given that we want an independent chairperson and

volunteers who do not fear such control. We want those two patient watchdog groups to work efficiently. This is a much smaller part of the world than England, but I like to think that the board would be accountable to the Health Committee.

307. I work as a GP, and I like the fact that the groups that you mentioned have a good cross-section of different people who have worked with the public for many years. That is good to hear, and it would be nice for members of the Committee to be fed information on what happens to make us aware of any problems. Someone might be of the opinion that, as result of holding a position for a certain number of years, he or she could control this important board. I am not saying that senior civil servants will have control, but that it is a concern.

308. To whom are the LSCBs politically accountable: the House of Commons Select Committee at Westminster or local health authorities?

309. Ms Woolmore: At a local level, we are politically accountable to the lead member for children and young people, who is an elected member on the local council and has the portfolio for children and young people's services. That lead member must hold the board to account. Lead members can and often do attend board meetings as participating observers, although they cannot vote — how could a voting member hold the board to account? Therefore, they can attend meetings and ask questions, but not vote.

310. In my borough, as is the case with many local authorities, I, as the independent chairperson, attend scrutiny committees. I am scrutinised by those committees, which can request information in as much detail as they wish. I present the board's business plan to them for scrutiny, and I will, shortly, take my annual report to them, which they can scrutinise to find out exactly what is going on in the board. I am independent and am not there to protect or defend anybody. I answer questions candidly, because that is what I am there to do, and the board members know that I will do so. That is what they have asked me to do. That is the local-level political interface with safeguarding boards.

311. Dr Deeny: Do you suggest or recommend that the SBNI be accountable to the Health Committee?

312. Ms Woolmore: It would be helpful for the board to report to the Committee.

313. The Chairperson: Who decided that the post would be only a three-days-a-month position?

314. Ms Woolmore: The board made that decision. Often, the main reason for a safeguarding board to restrict the number of days is financial, because the way in which the boards are funded in England requires the member agencies to put money into the pot. Therefore, some boards are well funded, and others operate on a shoestring. The number of days allocated to a post in a month often depends on how much money the board has and how much it can afford.

315. It also depends on the level of understanding and the expectation of the chairperson's role: does a board want the person to do no more than chair a meeting, or does it want a chairperson to meet members outside of board meetings and to get involved in scrutinising documentation that is being explored by subgroups, and so on? The chairperson's job is as big as the board wants to make it. I argue that three days a month is the absolute minimum requirement, and the SBNI will require significantly more than that, because the plan is to have other panels beneath or alongside the SBNI. That will be a good operational model that will provide flavour from different parts of Northern Ireland, but the role of chairperson will require many more than three days a month.

316. The Chairperson: Thank you for your oral evidence and written material, which is much appreciated and will prove extremely useful as the Committee scrutinises the Bill. It is particularly useful to have one of the main players represented in such strength.

23 September 2010

Members present for all or part of the proceedings:

Mr Jim Wells (Chairperson)
Mrs Michelle O'Neill (Deputy Chairperson)
Mr Mickey Brady
Dr Kieran Deeny
Mr Alex Easton
Mr Tommy Gallagher
Mr Paul Girvan

Witnesses:

Mr John Growcott
Mrs Olive MacLeod Belfast Health and Social Care Trust
Ms Lesley Walker
Mr David Douglas Southern Health and Social Care Trust
Mr Paul Morgan

317. The Chairperson (Mr Wells): We will take evidence from the Belfast Health and Social Care Trust and the Southern Health and Social Care Trust. From the Southern Trust, I introduce Mr Paul Morgan, acting director of family support and safeguarding, and Mr David Douglas, head of safeguarding. From the Belfast Trust, I introduce Lesley Walker, co-director of family and childcare; Mr John Growcott, who has been in front of us before and is co-director of social work and social care governance; and Olive MacLeod, co-director of governance, patient safety and performance. Those of you who have been in front of us before know the routine. I ask you to take 10 minutes to give your evidence. Members who wish to ask questions should put their names forward to me or the Committee Clerk.

318. Mr John Growcott (Belfast Health and Social Care Trust): I will give a brief presentation on behalf of both trusts. On behalf of the Southern and Belfast Trusts, I thank the Committee for the invitation to participate in the Committee's hearings on the Safeguarding Board Bill. I wish to present an overview of the trusts' perspective on the Bill.

319. I will begin by providing some context. The population of children under the age of 18 years in the Southern and Belfast Trusts is approximately 165,000. As of 31 March 2010, the total number of children in need, those children in respect of whom the trust has a statutory responsibility to provide services on the basis of assessed need, was approximately 12,000. Of that cohort, a total of 1,050 children were registered on the child protection registers. A separate cohort of 1,014 comprised looked-after children.

320. Central to the organisational and service delivery arrangements that inform universal and discrete services for children in need in both trusts is an unambiguous focus on promoting the protection and well-being of children through multi-agency, multi-sectoral and multi-professional processes in partnership with parents, local communities and the spectrum of community, voluntary and statutory agencies. Engagement with, and support for, children and their parents is a core template on which the trusts discharge their statutory duties, particularly to those children in respect of whom there are safeguarding concerns. Such interventions are informed by

the paramountcy of a child's welfare; proportionate in the exercise of statutory authority; and underpinned by multi-disciplinary and multi-sectoral processes of assessment and care planning.

321. The safeguarding of children requires effective and integrated multi-sectoral, strategic, organisational and service delivery structures. Those must be appropriately resourced, predicated on robust evidence-based performance processes and have strong assurance arrangements. Regionally and nationally, there has been a significant and sustained increase in the number of referrals of children in need to family and childcare services in the period since the establishment of both trusts in April 2007, which reflects the impact of the Climbié and Baby Peter cases. That has been paralleled by an ongoing process of modernisation and reform in children's social services, which is informed by the recommendations of several independent inquiries. The trusts consider that structures are essential in affording a framework that optimises opportunities for integration, coherence, transparency and accountability.

322. Integral to the effective functioning of the safeguarding system are leadership and accountability; individual organisational arrangements that profile the priority to be afforded to safeguarding; inter-agency, multi-professional and multi-sectoral working; a skilled, confident and competent workforce; and communication, information and purposeful engagement with representatives and communities to address the challenges and uncertainties of child protection issues and to enhance public awareness and secure their confidence in the competence of safeguarding services.

323. The trusts welcome the proposed establishment of the safeguarding board for Northern Ireland (SBNI) and the functions of the board, as delineated at clause 3. In the trusts' view, the duty to co-operate, as referenced in clause 10, will afford a structure and related mechanisms to secure the engagement of key agencies across the spectrum in appropriately profiling the importance of safeguarding; developing robust safeguarding processes within their own organisations; and developing cohesive and integrated strategic priorities and related review and reporting arrangements. The trusts wish the Bill to articulate a duty on the board to establish effective arrangements to engage children and young people in the safeguarding agenda.

324. The trusts regard the local safeguarding panels, as referenced in clause 7, as key vehicles for the effective delivery of the safeguarding agenda. It is essential that such panels have appropriate community representation and engage effectively with other local organisations to facilitate mechanisms for communication and accountability to their communities. The trusts regard the role of the safeguarding board's chairperson as central to the operational effectiveness of the board; profiling and communicating the safeguarding agenda to the wider public and elected representatives; providing leadership and clarity in addressing the complexities, challenges, tensions and uncertainties that are integral dimensions of safeguarding; and facilitating critical challenges in policy and practice at strategic and service delivery levels.

325. The trusts are concerned to ensure that the primacy of children in need and child protection is not diluted in the context of the competing priorities across the width of the safeguarding spectrum.

326. In conclusion, the trusts affirm that the safeguarding board will facilitate the consolidation and enhancement of multi-sectoral and multi-disciplinary service development and delivery. Research on the effectiveness of the safeguarding board arrangements in England identified the importance of strong leadership, continuity of membership and agency participation, local engagement and accountability arrangements, effective communication processes, clarity, coherence and pragmatism in deliverable, although challenging, performance frameworks and achieving positive outcomes.

327. The Chairperson: As you know, England has the benefit of having such bodies since they came into operation four years ago; the legislation was enacted six years ago. Have the Southern or Belfast Trusts carried out any investigations to determine how successful those bodies have been or whether there is anything to be learned from child protection practices there? Has there been any such contact at all?

328. Ms Lesley Walker (Belfast Health and Social Care Trust): As I said to the Committee when I last appeared, I was the independent chairperson of a safeguarding board in England prior to coming back to Northern Ireland. I have some experience of how the safeguarding boards operated, their effectiveness and how they worked to make themselves more effective over time.

329. We have also studied the recently published research on the evaluation of the arrangements. Through ongoing contacts with several local authorities in England and Wales, we have been receiving regular feedback about what works well and what could be done better to improve the effectiveness of the boards.

330. The Chairperson: Are you content that the lessons learned and the structures in GB can be easily transferred to the Northern Ireland context? Given that we have five new trusts — we have amalgamated 18 into five — one might think that there would be greater efficiency and that safeguarding panels might not be necessary. It is a more difficult question, but what is your view on that model being brought across to the new situation here?

331. Ms Walker: In England, the system works slightly differently because each local authority has its own safeguarding board. That is why, in our evidence, we state that the way in which the local safeguarding panels operate is a key consideration. We are working to ensure that the links between the panels and the regional safeguarding board will work effectively. Those are key elements of the way in which the system will work in Northern Ireland.

332. The Chairperson: I do not know whether you read last week's evidence from a lady in GB, who is the chairperson of a local safeguarding board. We were quite surprised to hear that the board met three days a month. When you were in England, what time commitments did the chairperson give?

333. Ms Walker: That varied from board to board, depending on the arrangements. I will not go into all the detail, but some of the chairpersons of safeguarding boards in England were also involved in child trust arrangements, which are no longer in operation there. Those that sat on both groups contributed more days. Initially, however, the average commitment was about three or four days a month. For some, it was much more, and for a very few, less.

334. The Chairperson: The other issue that came up last week, and in a previous hearing, was the problem with the apparent control of the Department over the work of the board, as suggested in the proposed legislation. A strict interpretation would lead one to think that the board and its chairperson could do practically nothing unless instructed or authorised to do so by the Department. Should the legislation pan out that way, do the trusts not regard that as being a major constraint on the board's work?

335. Mr Paul Morgan (Southern Health and Social Care Trust): We are all involved in the safeguarding board for Northern Ireland project reference group that is debating several issues. The group includes the Department, the statutory sector and quite a number of representatives of the community and voluntary sector. The group has tried to consider the issues in conjunction with the policy document that we discussed in March. People have collectively signed up to the way in which we are trying to progress that. Some finer details of accountability and

relationships still have to be worked out, and we are hopeful that that will be done around the table by working through the regulations and guidance.

336. Ms Walker: The chairperson must sit within a clear structure. In England, the chairperson is employed by the local authority and is directly responsible to the director of social services. That is a similar situation, although the nature of the situation and legislation here makes it slightly different. In England, they are clearly not independent and do not sit as independent bodies. They are employed by their local authority and are subject to the direct scrutiny of the lead member and, ultimately, the director of children's services. Therefore, the chairpersons are not totally independent.

337. The Chairperson: It is markedly different, because we have a unified health and social care structure. That makes us even more worried about the power of the Department. At least with the local authority situation in England, should the Department try to interfere, the lead person or executive of the district council could say that it would not accept such interference. That independent voice does not exist in the Northern Ireland context, where it is a Department/trust issue. There is much uneasiness in the Committee about the role of the Department.

338. If, for example, you were sitting on the board and exposed institutionalised sex abuse in a children's home, that would be extremely embarrassing for the trust or the Department. You might be about to expose the abuse and to learn lessons from what has happened, but the Department would gently persuade you simply to let the issue drop. As far as we can see, the Department has the power to do that. Do you not regard that as an obvious weakness in what is being proposed?

339. Ms Walker: As I understand it, the Department would have to publish and be open about any issues of that nature that were raised. All of the constituent agencies around the table would still operate independently within their management structures and, therefore, would still have the ability to speak up about those issues. As I understand it, the Department does not want to use those powers to fetter the safeguarding board. In the same way, in England, the director of children's services could be regarded as being able to act in a similar way. If there were to be an issue with social services, the director could say that he or she did not agree with its being made public. There are discussions and controls, and, as my colleague from England said, there is a fine line when finding a way through some of those issues, but I feel that they can be overcome.

340. The chairperson must sit within a clear structure and within the accountabilities of the Department. However, it is equally important to have a structure in which any issues of non-performance can be addressed.

341. The Chairperson: Did you feel constrained at any time during your period on the board in England?

342. Ms Walker: It was a fine line — as was stated in the evidence that you heard last week — between my being aware of being employed by the local authority and knowing that I would sometimes be challenging that authority and asking appropriate questions. Most of the issues for the safeguarding board relate to working with the agencies to gain their co-operation and challenging them appropriately when required. I was aware that it was a fine line, but in the annual report and other published documents, I was able to express my view as the independent chairperson. I think that the SBNI's independent chairperson would be able to do so here.

343. The Chairperson: It has been suggested that, in addition to being reactive and dealing with issues as they arise, the board should have the power to carry out its own investigations and studies independently of any referral. That power would enable the SBNI to research or investigate a particular issue that it found to be arising consistently in a certain area. At present,

it seems that the toss of a coin would determine whether the board would be allowed to do that. Were you aware that boards or any other representative bodies in England had taken on that power to carry out widespread investigations, or have they continued to be reactive, case by case? Do you consider that power to be desirable?

344. Ms Walker: As I understand it, clause 3(10) allows the safeguarding board to: "engage in any other activity that facilitates, or is conducive to, the achievement of its objective."

345. Therefore, the Bill, as it stands, allows the board to carry out investigations. Similarly, in the English model, boards are able to address issues that arise, subject to their business plan and discussions with constituent members. If a key issue comes up, a board is able to lead on it, take it forward and address it.

346. The Chairperson: Should the board have powers to hold an inquiry? A couple of weeks ago, witnesses said that that subsection was ambiguous and that the board would need to have that power to carry out a formal investigation into an overall trend or situation. Does clause 3(10) as it stands give the board enough power? Is an amendment required?

347. Ms Walker: The wording of clause 3(10) gives the board fairly free rein to hold an inquiry should it wish to gather evidence and examine a particular issue in more depth.

348. Mr Morgan: It is important to take account of some of the structures that already exist in Northern Ireland, such as investigations through the case management review (CMR) process, which are also factored into the legislation. A CMR is usually taken forward by an independent chairperson. Investigation of specific cases is usually carried out on a multi-agency, multidisciplinary basis. We must not lose sight of those structures. The Bill's wording gives the SBNI flexibility to examine other matters, such as the potential trends that you mentioned, which may develop in Northern Ireland.

349. Mrs O'Neill: Thank you for your presentation. I do not wish to keep going back to you, Lesley, but we want to draw on your experience. Both trusts agree that engagement with children and young people is core to the board's effectiveness in the discharge of its duties. Will you share with the Committee some examples of that or any ideas about how that would work in practice?

350. Mr Morgan: The policy document states the intention to develop a youth forum to engage with young people. It is not expected that young people will sit on the SBNI, but that their views would be referred to it. We work closely with several voluntary groups, such as Contact Youth, Voice of Young People in Care (VOYPIC) and Include Youth. We expect to build on that work in Northern Ireland. We would use their expertise and skills to facilitate the voice of young people being heard by the SBNI.

351. The Chairperson: We chose to speak to the Southern Trust and the Belfast Trust because we wanted to consider an urban situation and a rural situation. We thought that your trusts would be representative. In the field of child protection, Northern Ireland is different. It may be that the issues that affect child protection in Northern Ireland are such that they cannot be addressed by the board. The fundamental issue is the ability to attract and retain social workers with experience of child protection. That is a constant problem. No amount of work or investigation by the safeguarding board will address the difficulty of the enormous stress that the trusts' social services are under.

352. How could the SBNI deal with that sort of issue? Will the public have a level of expectation and end up being extremely disappointed? Child protection is a terribly difficult job, it is hard to

retain staff, particularly those with experience, and it is an utterly thankless task. Is that not the fundamental issue facing child protection in Northern Ireland?

353. Mr Morgan: There are two elements to your question. First, everyone involved must sign up to the public awareness remit in the SBNI. That means getting some good messages out to the general public as well as the higher profile cases that tend to hit the media. There is an important PR role to play.

354. The Northern Ireland Association of Social Workers (NIASW) will give evidence to the Committee later today. NIASW is developing a 10-year strategy on the recruitment, development and retention of staff in the profession. Each trust has also considered that issue through workforce planning. I do not have the figures handy, but it is surprising that the turnover rate among some of the teams that work at the coalface is not as high as some people might expect. We have developed some staff who have committed to staying with that type of work over a long period.

355. The Chairperson: The Regulation and Quality Improvement Authority (RQIA) report identified that, in some specific offices, turnover had been a real problem. The profile of staff showed that a large number of them were recent graduates and that senior staff had left to work in other fields, sometimes in management. That was identified as one of the main problem areas in child protection in the Western and South Eastern Trusts.

356. Mr Growcott: We regard the chairperson as having a key role in profiling safeguarding issues generally and child protection specifically. At some level, the chairperson will be the public face through which the issues will be addressed to the general public. We envisage that level of engagement and articulation and an identification of the inherent tensions, difficulties and ambiguities that are part of the process of decision-making in child protection per se. The nature of the role emphasises the multi-disciplinary dimension to the child protection process.

357. Although social work and social services are the lead agency, services cannot be delivered and children cannot be protected without the active involvement of other professionals and other agencies. The chairperson will have the opportunity to reaffirm that. Part of the brief in the context of the strategic agenda is to profile the particular competencies, needs, strengths and learning opportunities across all professions, including social services, in order to develop, sustain and maintain the skills that are required to manage that.

358. The safeguarding board might wish to address discrete initiatives regionally or locally. It might, for example, wish to address the issue of joint training initiatives and joint practice development because a key requirement of the board will be to translate its strategic agenda to a local operational level in service delivery, practice competence and confidence among practitioners. At some level, that will be a measure of its performance and success. Our sense was that the board offered a unique opportunity to re-profile and revisit the agendas and priorities that relate to children and to engage with the public, political representatives and all agencies on the importance and significance of that responsibility.

359. Realistically, the difficult resource context into which we are moving in conjunction with the difficult nature of the work, offers an opportunity to have a more constructive dialogue with the public on their expectation and understanding of the management issues related to safeguarding and, specifically, to child protection.

360. The Chairperson: I am looking forward to meeting the chairperson of the board. He or she will be a very dynamic character.

361. Mr Growcott: Without wishing to sound flippant, it is a key role. Its importance is reflected regionally and locally, because a local chairperson will mirror those skills, and delivery is to local people. The chairperson will need the skills to manage the bringing together groups of agencies and professionals across the multi-sectoral spectrum. The chairperson must also have a relevant knowledge base, be of a certain status and have considerable gravitas. Thus, when the chairperson speaks and articulates an issue, we will be able to engage and work with him or her. It is an extremely challenging role at regional and local levels.

362. Mr Girvan: Thank you for your presentation. After listening to what you said, I still have a few niggling questions. Given the amount of top-end pressure that will come from the Department or the trusts, how will the board keep its independence and act accordingly? I can envisage only the reporting aspect remaining independent. How will cases be reported and dealt with? Will there be an open and transparent process, or will reports be concealed? I know that that happens. Only this morning, another Committee received only part of the picture. How will you make sure that the board receives the full picture so that it can make all its decisions properly? The chairperson of the board will probably link to all the other bodies with which the board communicates. Therefore, they will be open to all sorts of institutionalised bullying from individuals who do not want certain issues to be brought into the open. That goes on, and I want to find out how you will ensure that that will not happen.

363. The Chairperson: There is a recent example from another Department in which certain senior civil servants sat upon the members of an independent review panel. They were asked to put certain questions and to suppress information. That happened only a month ago, and the issue concerned was much less contentious than some of those that the board will handle.

364. Mr David Douglas (Southern Health and Social Care Trust): It is crucial that the safeguarding board will be open, transparent and accountable. To achieve that, there is a clause on the duty to co-operate. The chairperson must be independent, but everyone else around the table needs to be involved. The Bill contains a clear responsibility for the board to provide an annual report, which is to be placed before the Assembly and provided to the Department of Health, Social Services and Public Safety. However, the safeguarding board will be answerable not only to the Department but to the public and to this Committee.

365. We can strengthen openness, transparency and the sharing of information, particularly in relation to key issues, through clearly explicit regulations and guidance. When conducting a case management review or inquiry, it will be particularly important for us to be clear about the people with whom we share the information and about our accountability to the public with regard to our safeguarding practice.

366. Mr Morgan: The SBNI is not yet in place. However, the CMR process has provided some transparency. Some trusts took massive hits when certain issues were raised. They had to face those head on and deal with them. There was no hiding from those issues.

367. The other example of an independent body that has many linkages is the RQIA, which inspects the trusts. It hit us with regional messages, board messages, trust messages and recommendations. It has not shirked or hidden away from that task. That is testimony to the fact that the RQIA had been given the freedom to act and to express its views.

368. Mr Girvan: As regards the composition of the board, there was a debate about required legal representation. Is that imperative?

369. Mr Morgan: Was that legal in relation to —

370. Mr Girvan: The judiciary.

371. The Chairperson: Should there be a doctor on the board as well?

372. Mr Morgan: Our submission states that a medical representative is required. We are of the view that the representative should be somebody from paediatrics who is involved with and deals with children, rather than a GP.

373. As it stands currently, the core members are statutory and voluntary agencies that deliver services to children and families. There are other mechanisms for linking with the likes of the judiciary. We said that the relationship between the likes of the Children Order Advisory Committee (COAC) and the safeguarding forum would be a means of ensuring some input from the judiciary, as well as more local subcommittees. That would afford the judiciary sufficient opportunity to feed in. However, the Bill is not yet done and dusted. Therefore, as we stressed before, we must work on how to strengthen the relationships with, for example, COAC.

374. The Chairperson: We come now to Mrs MacLeod, who has not had a chance to come in. I am sure that you are very disappointed, Mrs MacLeod. Do you want to add anything?

375. Mrs Olive MacLeod (Belfast Health and Social Care Trust): No, no. Mrs MacLeod is a nurse who brings to the safeguarding board her knowledge of the multidisciplinary approach, the role of the nurse, the midwife and the health visitor to the safeguarding board. We could not survive in nursing, particularly in midwifery, without our social work colleagues. Often, when a pregnant woman — or a pregnant child — presents to us, that is the when we pick up on problems. That is where the multi-professional working starts and where we start to protect the child.

376. The Chairperson: I did not want you going out the door annoyed that you had not had a chance to speak.

377. Mrs MacLeod: No, I was glad. [Laughter.]

378. Dr Deeny: The theme today continues from last week's meeting. Paul, you mentioned the RQIA, which relates to an issue that I raised last week. I do not have the report of that meeting in front of me. However, we talked about the Department having control over what is said and done by the SBNI.

379. The more I hear about the Patient and Client Council, the more I begin to worry. I know members of that council, and I wonder whether it is a patient and client contentment group with no power and no clout. To be the patient watchdog, it must have power and clout.

380. Lesley mentioned the importance of the independence of the chairperson of the safeguarding board. However, we heard last week that the Department would have the power to remove the chairperson and, indeed, its members.

381. You talked about accountability. I was delighted to hear you say — correct me if I am wrong — that the SBNI would be accountable to the Department. The Department, I presume, is accountable to the public and to the Committee. However, I would like to hear how that will happen. Will the board, for example, have regular meetings with the Committee?

382. I want to talk about practical problems for individual board members. What if a member of the SBNI, the RQIA or the Patient and Client Council has a problem or concern but is told to keep quiet. To whom can that individual go? That is where transparency and accountability are required, because if members of those organisations feel that they have nowhere to go, they will leave, and, as a consequence of word of mouth, people will not apply for positions in those organisations. We need people who will do the job right. At the end of the day, the people who

are most important are the children, whom we must protect at all costs. Therefore, we need people with ability, and there must be channels available to them when they have to insist that something is done.

383. I work in a different area. However, people come to me, as a senior GP and MLA, with issues — nothing to do with child protection — and say that they are terrified to open their mouths in case they are penalised by those further up the line. We are trying to make sure that that does not happen with the safeguarding board.

384. Therefore, David, perhaps you will tell me how we, as a Health Committee, can see, on a regular basis, that the SBNI, through the Department, is working, and that the Department is being open and transparent.

385. Mr Douglas: It is important that not only the chairperson but everyone who is a member of the safeguarding board can stand up and be counted. If they feel that they are not being listened to, they must be able to put their head above the parapet if and when required. The trust will be included in the membership of the board. However, we also have a responsibility to our own organisation.

386. If we felt that there was a significant issue to which the board was not listening, or not being taken account of by another Department, we could take that back to the senior management team of our organisation, or we may approach the Minister or the Health Committee directly with that concern. It may be that more detail needs to be provided on those reporting arrangements. It is crucial to the board's activity that it report on the outcomes that it sets itself as a board. Those reporting arrangements are available not only to the Department but, for example, to the Committee. The board can be held to account and may have to come before the Committee to give evidence about its actions.

387. Ms Walker: As the trust understands it, the reporting arrangements and the details of the legislative group are still being worked out, and there will be more feedback in due course. Reports and discussions about annual reports are still being worked through along with other matters, but those mechanisms will provide good feedback. There will be a sense, through the chairperson, the organisations and other constituent parts, including the —

388. Dr Deeny: My concern, and I say this as an experienced GP, is that, sometimes, problems start at the bottom. They are bottom-up problems, but they do not get far enough to the top. We do not want a top-down situation in which complaints from any of the groups that have been mentioned get no further than the SBNI or, indeed, the Department. Our job is to monitor and scrutinise the Health Department, and that is why we need to be involved. We want to be assured that that will not be the case, and that if problems arise, they will not be halted at a certain stage and not get to where they should, which is to the Committee.

389. Mr Growcott: One of the strengths of the safeguarding board is its representation from outwith the statutory sector. Although I cannot speak for them, several substantial community and voluntary groups give me the impression that they would not countenance compromising their integrity in that sense. They would feel able to articulate any issues, particularly if there were any suggestion that their capacity to act was being compromised.

390. Mr Morgan: It is important that there will be statutory and voluntary and community representation on the reference group. Everyone is working to the best of their ability to ensure transparency. People are still working on the wording of those documents and the membership agreement to determine what a board member can expect when he or she sits at the table. I totally endorse John Growcott's point that many stakeholders would not allow the integrity of their agencies to be compromised.

391. Mr Growcott: That includes us as an organisation. We have our own integrity, and it is essential that that is not compromised. We are answerable to the courts, to our commissioner, to the public and to the members of the Committee as elected representatives as to how we discharge our statutory functions in the interests of children. Any attempt in the discharge of our statutory role or professional accountability, as individuals and collectively, to conceal, inhibit or deceive in that regard, would be unsustainable.

392. Mr Douglas: Our responsibilities as a workforce are regulated from a social work perspective. A social worker on a safeguarding board who had a concern would have redress through the Northern Ireland Social Care Council.

393. The Chairperson: The Northern Ireland Association of Social Workers expressed the concern that seniority does not appear in the criteria for appointment. If organisations did not take the board seriously and appointed junior members of their ranks, that might create a weakness in the board's function. From what level do you envisage trust representatives being appointed? At what level should the appointments be pitched? Would you have any problem with the regulations being changed to make seniority a criterion for appointment to the board?

394. Mr Morgan: We would have no issue with seniority as a criterion because we want that to be a priority. Seniority gives a stamp to the SBNI and reflects what it is about and how we need to work together at the highest level, as well as working operationally through the SBNI. The trusts' membership should come from director or assistant director level.

395. The Chairperson: That level, as opposed to token appointments, would considerably reassure the public that the entire issue was being taken seriously.

396. Ms Walker: That criterion should apply to all agencies. The evaluations of the English arrangements made clear the need for seniority and consistency to drive through the key messages.

397. Mr Morgan: We tried to reflect that in the policy document that was discussed back in February or March. It reinforced several times the notion that a board member must be a senior person in the organisation.

398. The Chairperson: You have generally welcomed the concept of the safeguarding board, and we are really only tweaking the Bill. Therefore, the Committee's questions have not been particularly detailed or hostile. Everyone seems to be on a common track. Nevertheless, your input has been extremely useful. Thank you very much for your time.

23 September 2010

Members present for all or part of the proceedings:

Mr Jim Wells (Chairperson)

Mr Mickey Brady

Dr Kieran Deeny

Mr Alex Easton

Mr Tommy Gallagher

Mr Paul Girvan

Witnesses:

Dr John Devaney
Ms Carolyn Ewart Northern Ireland Association of Social Workers
Ms Jacqui McGarvey

399. The Chairperson (Mr Wells): Good afternoon; thank you for attending. I am sure that you know the format: you have 10 minutes to make a presentation, after which members will indicate whether they wish to ask any questions. We received your submission. I welcome Carolyn Ewart, who is the manager of the Northern Ireland Association of Social Workers, and Dr John Devaney and Ms Jacqui McGarvey, who are members of the association.

400. Dr John Devaney (Northern Ireland Association of Social Workers): I thank the Committee for Health, Social Services and Public Safety for inviting the Northern Ireland Association of Social Workers to give evidence on the Safeguarding Board Bill. The Northern Ireland Association of Social Workers is a professional association for social workers in Northern Ireland and is part of the UK-wide British Association of Social Workers. The association has almost 13,000 members employed in front-line management, front-line services and academic and research positions in all social care settings.

401. The association fully supports the proposals that have been brought forward by the Department of Health, Social Services and Public Safety (DHSSPS) and welcomes the intent to strengthen the strategic leadership and inter-agency co-ordination that are at the heart of an effective system for promoting children's well-being and protecting them from all forms of abuse and neglect. As such, the association welcomes the proposal that the new safeguarding board for Northern Ireland (SBNI) will build on the success of the area child protection committees (ACPCs), which it will replace, in providing a forum for the development and implementation of a strategic vision for safeguarding children on an inter-agency and multidisciplinary basis.

402. In particular, the association supports the functions of the board as set out in the Bill. Unlike the arrangements in England, the SBNI will be a national safeguarding board rather than a small, local affair. As such, although important lessons can be drawn from the English experience, we are mindful that the proposed arrangements for Northern Ireland are more substantial and robust than those in the English system and, ultimately, have the potential to develop significant safeguards and supports for children and families beyond those in any other part of these islands.

403. In order to achieve that, the work of the new safeguarding board must be underpinned by three elements. First, individual agency representatives must have a clear mandate for contributing to the work of the SBNI and ensuring that their organisations adopt the work of the SBNI in their business planning cycle and priorities; secondly, there must be a clear role for the SBNI in holding member organisations of the board to account for their actions; and thirdly, there must be a clear focus on the outcomes to be achieved for children and their families. The proposals to strengthen those areas in comparison with the area child protection committees are welcome.

404. One welcome development that underpins the new SBNI is the principle of independence. That should not be confused with the issue of accountability, which we will return to shortly. From our time acting as advisers to area child protection committees and chairing one of them, I am aware that the committees achieved much that was positive in improving the lives of children and families. However, they were perceived by other professionals as a means of supporting and enabling social services to enact their child protection responsibilities. As such, the principle of independence in the safeguarding board is about all member agencies on the board feeling that they have ownership of the principles and functions of the SBNI and that they have a chairperson who is independent of any of the agencies represented on the board. The agenda should more accurately reflect the issues affecting a wider array of professionals and

organisations. If that sense of ownership can be engendered, it is likely that the SBNI can fulfil its functions as laid down in the Safeguarding Board Bill. That is the greatest challenge for the SBNI, alongside its most important role.

405. In reviewing the operation of child protection systems around the world, a key feature of success is the clarity of lines of responsibility and accountability from legislators to policymakers to senior managers and, ultimately, to practitioners. The SBNI must complement rather than compete with the other bodies and organisations that have a role to play in ensuring that the child protection system in Northern Ireland remains one of the better ones in the world. As such, it does not need to subsume the roles and functions of various inspectorates or regulatory bodies. In that respect, the Northern Ireland Association of Social Workers welcomes the Department's intent that the chairperson of the SBNI will have a direct reporting line to the Minister of Health, Social Services and Public Safety and, through this Committee, to the Assembly for the exercise of its functions as set out in the Bill.

406. We also welcome the legislative requirement that the SBNI's procedures and annual reports set out how the board discharged its function and the issues that it will address through its business plan across its member agencies. In evidence provided to the Committee by the Chief Social Services Officer, the association has been reassured that the issue of directions by the Department to the SBNI and the need for SBNI publications to be approved by the Department have been clarified. We welcome the assurance that regulations will prescribe that the annual report will contain details of any directions issued to the board by the Department.

407. As regards membership, to ensure clear lines of accountability, there is a need to retain clarity about the separate responsibilities of central government and public agencies that deliver direct services. The SBNI should have senior representation from a range of bodies that deliver services to children, families and adults across the education, health, criminal justice and social care sectors. The Northern Ireland Association of Social Workers supports the range of organisations that the Bill prescribes as members of the new board. However, one of the weaknesses of the area child protection committees, which the SBNI replaces, is the seniority of representation from those agencies. In order for the SBNI to provide the strategic leadership that will deliver the outcomes envisaged for children and families and avoid becoming focused on operational issues, it will be necessary for representatives from individual organisations to have sufficient seniority and experience to commit their organisation to the work of the board and, in turn, to deliver any necessary change in their organisation. Without that requirement, it is likely that the intent of the new board to provide a strategic, co-ordinated, inter-agency response to the protection and safeguarding of children will not be realised.

408. I stated at the outset that the Northern Ireland Association of Social Workers supports the Safeguarding Board Bill. It provides an opportunity to enhance the operation of the child protection system in Northern Ireland and to widen the perspective to consider a broader range of factors that impact on the well-being and safety of children. Thank you for inviting us to provide our views today, and we are happy to answer any questions.

409. The Chairperson: You raised some interesting points, which I will go through. Did you have the opportunity to listen to the previous evidence session?

410. Dr Devaney: No, we did not.

411. The Chairperson: I did not know whether you were in a room to which the session was being relayed. I may repeat a couple of questions. The issue of seniority is valid. The Southern Health and Social Care Trust and the Belfast Health and Social Care Trust said that representation on the board should be at director or deputy director level, which is a clear indication that that is the level of seniority that we are talking about. Do you think that the

legislation needs to be changed to reflect that, or would an assurance from the various bodies that they will pitch it at that level suffice?

412. Dr Devaney: In our written evidence to the Committee, we state that a specific term of seniority should be inserted into the legislation as a means of ensuring that agencies realise that that is a required criterion.

413. The Chairperson: Should that be done by regulation, or do you think that we need to amend the Bill?

414. Dr Devaney: Introducing that through regulations would be one way of trying to ensure that it happened, and we would be content if it were specified in regulations.

415. The Chairperson: At last week's evidence session, we had the advantage of hearing evidence from Sue Woolmore, who has direct experience of being a chairperson of one of the local safeguarding children boards in GB. She talked about how we could ensure the independence of the chairman, chairperson or chairlady — I need to be careful with the terminology, and it will probably be a chairlady because there seems to be many of them out there. She said that one way to ensure that the chairperson's independence is maintained is for the board, rather than the Minister, to appoint the chairperson. In other words, the Minister would set up the board, and the various statutory agencies — the NSPCC, and so on — would appoint their representatives. They would then advertise for, trawl for, interview and appoint a chairperson. That would give the chairperson some independence, and he or she would at least be perceived by the public as having more independence than the Minister sending out an encyclical stating that the chairperson shall be Mr Smith or Mrs Jones. What do you think about that idea?

416. Dr Devaney: As I mentioned in our evidence, the issue of ownership of child protection across agencies that deliver services to children and families is important. However, a key function of the chairperson will be to ensure that the agencies on the SBNI are in some way held to account and that, if they sign up to a business plan and a strategic vision for child protection over a three- to five-year period, the chairperson is in a position in which he or she can ask them how the individual agency or organisation has delivered against that. Therefore, I am slightly concerned that if the chairperson's appointment, and future appointments, were made by the people around the table, there would be a slight potential for that important accountability role to be compromised.

417. The Chairperson: The public appointments procedure in Northern Ireland has been shown to be quite robust in ensuring that people who are appointed to key decision-making positions have the confidence of the public, and the way in which people are nominated and elected is transparent. The difference between the situation in Northern Ireland and the local safeguarding children boards in England is that quite often the person who is appointed is from one of the agencies on the board. Therefore, there is a potential conflict of interest, and we have seen how, in certain local authorities in England, that has run into difficulties whereby people are not able to challenge themselves or sufficiently challenge people around the table.

418. The Chairperson: That is an interesting response, and those points did not come up at last week's evidence session. That gives a counterbalance to the situation. Earlier, I also asked the two trusts whether we are building up a false sense of expectation in that the more that I learn about the work of a social worker, the more glad I am that I never became one. It is an incredibly difficult job and an awfully thankless task.

419. Some of the perceived problems with child protection simply come back to the fact that we have great difficulty in retaining experienced child protection workers and that much of the work is being carried out by recently graduated members of staff who are under the most enormous

stress with their case load. What could the SBNI do to address that fundamental problem, which is about resources and retention rather than anything being structurally wrong with the processes?

420. Dr Devaney: Occasionally, practitioners can feel isolated from other professionals. The unique role of the safeguarding board for Northern Ireland is to ensure that all agencies and organisations that deliver services to children and families, whether those are support services or services responding to child protection concerns, do so in a more co-ordinated and joined-up way. The lesson that we learned from the past is that, where the greatest tragedies have happened, quite often, that was because individual practitioners and organisations were working independently, even though others may have been involved. If there was a common and shared understanding of the issues in the families involved and of the best way to respond, families are more likely to receive a much better and, ultimately, more successful service. Therefore, inexperienced and new practitioners can benefit from the experience of other more experienced practitioners, who may work in other organisations or who may fulfil different roles.

421. The SBNI cannot solve the problem of inexperience in particular disciplines. As an association, we are concerned with ensuring that new practitioners receive the right level of support and are not allocated cases that are too complex for their level of experience. However, the SBNI should be able to provide a more coherent structure to ensure that professionals are able to work together rather than trying to work in isolation or, as sometimes happens, in parallel to one another.

422. The Chairperson: Let us say that a certain trust is under incredible stress because of the number of gateway referrals that it receives, the average age of its child protection teams and the sheer weight of its casework. The Committee examined a Regulation and Quality Improvement Authority (RQIA) report that stated that there are some worrying stats in certain parts of the country, where it is quite clear that the number of referrals is out of control in comparison with the resources that are available to deal with those. If the SBNI takes that on board and decides to produce a scathing study and to lobby the Minister, are you content that, under the current structure — the chairperson of the board being appointed by the Minister and the Minister approving any SBNI publications — the board would have sufficient independence to deal with that?

423. Dr Devaney: Two issues are involved. First, we must ensure that the line of accountability between the trusts, the Health and Social Care Board and the Department is maintained and that the SBNI does not in some way cut across that clear line of accountability, which, ultimately, comes back to the Assembly. Secondly, although the Department retains in the legislation the right to view any reports before they are issued —

424. The Chairperson: That strikes me as a form of censorship.

425. Dr Devaney: The evidence that Sean Holland, the Chief Social Services Officer, gave to the Committee a number of weeks ago made it clear that that would be used only in exceptional circumstances and was in part to get around the legal liability that the SBNI may or may not have as a particular type of body housed within the Public Health Agency. Our view is that the annual report could be the mechanism for ensuring that that happens only in exceptional circumstances. Any directions issued by the Department would be included in the annual report, and all reports sent by the SBNI to the Department would be included in the annual report. Therefore, if anybody, whether as an individual or as a member of the Committee, wanted to check whether any report had been held up in the Department, that would become apparent through the annual report.

426. The Chairperson: That point was made last week.

427. Finally, there has been a discussion on the composition of the board and whether the judiciary, GPs and the police should be represented. Obviously, the trusts and the lead agencies from the voluntary sector, such as the NSPCC, are named in the Bill, which is unusual. Has your association any thoughts about the remaining representation?

428. Dr Devaney: It is about trying to strike a balance between having enough of the right individuals and agencies represented on the board and the board being too unwieldy to operate. The judiciary has an important role to play in safeguarding children. If a trust thinks that a child cannot stay at home, an application is made to the courts. For some of the arrangements, it is about looking at existing structures, and, in Northern Ireland, we have the Children Order Advisory Committee, which is chaired by the head of the Family Court division in Northern Ireland. I do not see any reason why the chairperson of the SBNI could not become a member of that committee to ensure that there is a clear interface between the legal systems to safeguard children and the delivery of safeguarding services by a range of public agencies that work directly with children and families before a case reaches the stage at which the court becomes involved. That is an example of how we can try to ensure that existing structures work with the SBNI rather than trying to squeeze everyone into the SBNI and finding that it becomes so unwieldy that it is inoperable.

429. The Chairperson: Our evidence sessions on the Safeguarding Board Bill have been quite low key because there is general unanimity on its principles. We are tweaking around the edges and suggesting little improvements, many of which the Department would probably accept. There does not seem to be any fundamental issue with the basic thrust of the legislation. You may wonder why today's session has been quiet compared with others, and it is because we are all heading in the one direction.

430. Dr Deeny: The Chairperson talked about the composition of the board. Should geographical issues be taken into account? This awful problem affects not only Northern Ireland but the entire planet. John, you talked about ownership of child protection, which was a nice thing to say for all of us who are involved in caring for children.

431. You also mentioned joined-up working, which is essential. Will you reiterate how the new SBNI, working with the Department and the various agencies, will result in 100% joined-up working? I know people and groups working in Omagh, for example, but we still had the terrible McElhill tragedy. People were doing things but in different ways.

432. I put the following scenario to the Southern Trust and the Belfast Trust. If a social worker or any member of an organisation that is involved in child protection raises a concern, there must be a cast-iron guarantee that that concern goes all the way up, through the trusts, the board, the Department and this Committee. Unfortunately, I have known of people who have had problems with other services in the Health Service and were terrified of opening their mouths for fear of punishment by more senior people in the trusts. That cannot be allowed to happen, given that we are talking about safeguarding and protecting children.

433. Those are my three questions. The first is about geography. The second is about guaranteeing joined-up thinking, the importance of which was revealed in the Omagh tragedy. Lastly, if a person has a real concern, how will that be addressed? How can we prevent a more senior person from avoiding that concern because it might be an embarrassment for the trust? How can we ensure that that does not happen and that the concern is brought to the attention of the people at the top, not just to the Department but to the Assembly and to this Committee?

434. Dr Devaney: The Northern Ireland Association of Social Workers' view is that if anyone felt that there was an issue that they were unable to raise legitimately with their employer, they

could come to us, and Carolyn, as manager of the association, would be able to raise it without placing the individual at risk of being disciplined or suffering for raising a legitimate concern.

435. Ms Carolyn Ewart (Northern Ireland Association of Social Workers): I support that absolutely. Our role, as the professional body, is to promote excellence in practice and to ensure that social workers practise in safe environments. Certainly, as manager of the association for Northern Ireland, I want to hear from any of our members who have concerns or issues about the safeguarding of children or, indeed, vulnerable adults. We have systems that allow us to make contact with the trusts and their directors. We have relationships with them through which we can report back.

436. Dr Deeny: If a social worker were frightened of revealing information because of what his or her line manager may do, could he or she go directly to you in confidence?

437. Ms Ewart: Yes. They could come to us, and we could raise that issue. If there is an issue about the safety of a child, that would have to be addressed.

438. The Chairperson: It is worth saying that the Northern Ireland Audit Office has a whistle-blowing policy as far as public bodies are concerned. The SBNI will be a public body, so if a situation arose in which people felt that they were being intimidated, they could report it directly to the Audit Office.

439. Dr Deeny: Whistle-blowing has been talked about for years, but people are still terrified of doing it.

440. The Chairperson: As a member of the Public Accounts Committee, I saw that in action. I just hope that people in the situation that you mentioned will feel free to avail themselves of that service.

441. Ms Ewart: We have specialist advice and representation staff. They provide direct support to people who are in those circumstances, such as social workers, to help them to report those issues.

442. Ms Jacqui McGarvey (Northern Ireland Association of Social Workers): As well as the whistle-blowing policies, the SBNI, when implemented fully, will be about ensuring that social workers know about the role of the board and that they can report up as well. It is about explaining the differences and what the board does.

443. Dr Deeny: Lastly, the geographical —

444. Dr Devaney: I will deal with the first two points together. The SBNI will have two levels. The main board will be region-wide and will cover all of Northern Ireland. Five safeguarding panels, which will be coterminous with the five health and social care trusts, will feed into that. Whereas the main board will develop a strategic vision for Northern Ireland, my understanding is that the panels will comprise middle management and local practitioners who are on the ground delivering services. That means that they will feed local issues into the SBNI and will be able to continue to promote and develop local working arrangements. It is about people being comfortable and familiar enough with one another's roles and responsibilities to ensure that they work together rather than in isolation. It is my understanding that the local safeguarding panels at trust level are the mechanism to try to promote and facilitate that.

445. Dr Deeny: How many people will be on each safeguarding panel in each trust area?

446. Dr Devaney: My understanding, from reading the policy document and the legislation, is that there will be one panel for each trust. I imagine that that will comprise between 15 and 20 people to try to cover the range of different professionals and agencies that work in a local area.

447. Mr Girvan: Thank you for your presentation. It helped to clarify a number of points and reinforced some of the issues that we had already discussed. What role will the RQIA have in the process?

448. Dr Devaney: The RQIA has an important role in respect of quality assuring the delivery of services in health and social care. Therefore, it is important that it has an inspection role to ensure that services that are delivered by health and social care trusts are at the correct standard and that its reports are shared with the SBNI so that, if the RQIA identifies key areas of learning, the SBNI may want to commission training. It may want to develop policies in the future on issues that develop from the inspection process, or it may want to examine how what happens in health and social care may interface with other sectors such as education or criminal justice.

449. Mr Gallagher: I am encouraged to hear that you feel that you have the confidence of social workers who are out there on the ground and that they can confide in you about issues of concern, and that you feel free to take those concerns to what you think is the appropriate level. There is absolutely no question that social workers operate in a difficult environment. They have all types of sensitivities and even conflicts in their work setting. However, I sometimes get the impression that there is already enough bureaucracy — too much, perhaps — and that information about serious cases involving the abuse of children does not always get through the system quickly enough. You seem confident that the new arrangements will be better than they are at the moment. I know what the board is trying to achieve, but how do you feel that it will be able to do that without having the bureaucracy drawback?

450. Dr Devaney: The SBNI is one step forward. In my view, it will not be a panacea for all the areas that challenge the way in which child protection services are delivered in Northern Ireland. However, it will reduce some of the bureaucracy because, until now, we have had four area child protection committees, which were coterminous with the former health and social services boards, whereas agencies such as the police and the Probation Board were regional. It was, therefore, difficult for issues to be handled uniformly across Northern Ireland, but the SBNI will be able to reduce some of that bureaucracy and simultaneously ensure better outcomes for children and families.

451. However, some of those challenges will still remain. How do we ensure that practitioners and, from our point of view, social workers have enough time to work with families rather than dealing with all the processes and paperwork, which are important but are not necessarily what social workers think that they should be spending their time on?

452. The Chairperson: Thank you for your evidence and the clarity with which you presented it; it was extremely helpful. This is all part of an extensive programme of witnesses giving evidence on crucial legislation.

30 September 2010

Members present for all or part of the proceedings:

Mr Jim Wells (Chairperson)

Mrs Michelle O'Neill (Deputy Chairperson)

Mr Mickey Brady

Dr Kieran Deeny

Mr Alex Easton
Mr Tommy Gallagher
Mr Sam Gardiner
Mr Paul Girvan
Mr John McCallister

Witnesses:

Mr Paul Hill
Ms Kath Tunstall Bradford Safeguarding Children Board

453. The Chairperson (Mr Wells): I welcome Kath Tunstall. Are you anything to KT Tunstall, the famous pop singer?

454. Ms Kath Tunstall (Bradford Safeguarding Children Board): No; sadly, I am no relation.

455. The Chairperson: That was my immediate response when I saw your name. Kath is the strategic director of services to children and young people in Bradford Metropolitan District Council. I also welcome Paul Hill, who is the manager of the Bradford Safeguarding Children Board.

456. As the witnesses know, the Committee for Health, Social Services and Public Safety was due to visit the Bradford Safeguarding Children Board in February, but, unfortunately, members got caught up in the Icelandic volcanic dust cloud. We were one of its first victims, and we reported for duty at Belfast City Airport at 5.50 am only to be sent home. Members were really looking forward to that visit. However, the mountain has come to Muhammad, as it were, which is good news. The reason why members wanted to visit you in Bradford was because we heard that your board had done some interesting and novel things in this field. Members were keen to meet you and to see your work at first hand.

457. Perhaps you would give the Committee a flavour of what you do in Bradford in a 10-minute presentation. The Committee has a series of questions that it will put to you after that.

458. Ms Tunstall: Thank you, Chairperson. It is a pleasure to be here. It is our first visit to the Assembly, and we have been made very welcome.

459. Bradford is a large district within West Yorkshire. Like all English authorities, we were obliged to address the issue of local safeguarding children boards in 2005. That was as a result of the Children Act 2004, which required local authorities to establish local safeguarding children boards in each local authority area.

460. By way of context, members will see from our briefing paper that Bradford is a diverse district with extremes of wealth and poverty. Indeed, I am ashamed to say that one third of our children are classified as living in poverty. I say "ashamed" because, as the director of services to children and young people, I am responsible for the health and well-being of those children, and one of my challenges is to address that.

461. Bradford has a population of approximately 500,000 people, and children make up approximately 145,000 of that figure. Of those children, almost 400 are subject to child protection plans, and over 900 are in the care system. To meet those challenges, we set up our safeguarding children board, which was required to be in place by April 2006.

462. Before I became the director of services to children and young people, I was the director of social services. In England, the director of children's services and the director of education roles amalgamated to form an integrated director role for all children's services, which encompasses child health. As the director of social services, I was the chairperson of the area child protection committee (ACPC). As the director of services to children and young people, I took up the role of the chairperson of the Bradford Safeguarding Children Board and oversaw the transition from ACPC to safeguarding board.

463. The legislation was in place to enable us to do that, and that legislation also placed a statutory duty on all agencies to co-operate. Those agencies included the police, probation services, youth offending teams, strategic health authorities and local primary care trusts. However, interestingly, neither GPs nor teachers were included at the beginning, and although new legislation was passed this year that imposed a duty of co-operation on schools and teachers, GPs are still not covered.

464. One thing that is strikingly different in the new arrangements is our considerable autonomy as a board. There was a big debate in England about whether there was a conflict in independence and accountability for directors of services to children and young people, such as me, serving as chairpersons of local safeguarding children boards. Earlier this year, we moved to a position of having an independent chairperson, and I no longer chair the board. In the interests of continuity and seeing through the change, our board felt that it was right for me to continue in my role as chairperson, but we are now in a more mature position, and it is the right time to bring in an independent chairperson. He is a local professor of social work from an academic institution in the area, and he brings a refreshing challenge to the board's activities.

465. The board was fortunate to have Tony Morrison as a consultant. We held some challenging sessions about a safeguarding board's scope compared with that of an ACPC, and it was important that we kept focused and were realistic about what the board could achieve. We knew that our responsibilities were broadening to safeguarding as opposed to child protection, and we had a great deal of professional debate about that.

466. One of the experiences that we would share with you is that taking on that wider brief was quite overwhelming. We retained our focus on child protection, but did not, for example, take on bullying as an issue until we had been established for a full 12 months. Therefore, we took on issues around child safety and the broader agenda but realised that that had to be done at an incremental pace.

467. As I state in the briefing paper, we had much consultation with young people and all the stakeholders about how a change to the arrangements could make a difference to protecting children in the district.

468. There have been interesting debates about the board's funding. The costs were touched on earlier. A prescribed budget is not set for the establishment of safeguarding boards in England. Local agencies and partners agreed budgets for their individual boards. We were fortunate in Bradford because the different partners and agencies have good relationships. However, when it comes to budgets, those relationships are really tested. We came up with a formula funding arrangement, which was loosely based on the number of staff who would benefit from the training and services that the board would offer. That is set out in the briefing paper. Our current pooled budget is around £236,000, but that is absolutely based on consensus and a voluntary arrangement and agreement. There is no national guidance and no direct funding to any authority in the district to establish a budget. We have a small grant, which is due to finish at the end of this financial year. It enabled us to set up the child death overview panels. That is a more recent development; they came into being in 2008. I am happy to touch on that matter.

469. We had to discuss the cost of an independent chairperson at the board because I, as the director of services to children and young people, came free because it was part of my duties. Costs vary around the region. It costs anything between £500 and £800 a day for an independent chairperson. At the moment, the chairperson works about five days a month, and we assess his role. However, that arrangement is fluid; it is still early days in that regard.

470. We were clear that board membership should reflect appropriate seniority as well as a balance of professional expertise and those who had the ability to take key decisions. When we moved from an area child protection committee to a safeguarding board, it was interesting that it raised the profile of the issue, which was very positive. The level of seniority subsequently rose in the membership of the board.

471. The briefing paper contains details of practical issues, such as the frequency of meetings, and so on. I want to emphasise that I hope that the board provides strategic leadership across the district. The real work and activity takes place in the number of subgroups that we established to take that work forward. I have listed some of those subgroups in the paper. The child sexual exploitation subgroup, for example, came about because we recognised the fact that we had an issue in the district that needed to be tackled. The hidden harm subgroup concerns the misuse of alcohol and drugs. We set that subgroup up in response to a serious case review. A very young child died from ingesting methadone, and the subgroup was a direct response to that incident. We also have small task and finish groups. We had one for abuse in faith settings, which has been an issue for us. All the subgroups are accountable to the board. We have been able to exercise that autonomy by setting activities in response to locally identified issues. We undertake a significant needs analysis of the boards so that we understand our child population, look at the trends and see how we need to respond to those strategically.

472. Another key issue is accountability in governance and the relationship at a local and national level. The arrangements in England are slightly different. There are 150 safeguarding boards, which reflects the local authority structure. We also have Children's Trust arrangements, which are similar to the health and social care arrangements here but are much more embracing in that they bring in education and all the other agencies. Our board is accountable to its local Children's Trust board, but our board is also there to challenge that board. It is quite a complex relationship. Our board is required to bring an annual report to the Children's Trust board, but it is also there to challenge the Children's Trust board to ensure that child protection and safeguarding issues are a priority for that board.

473. With regard to the local political arrangements within the local authority, there is an overseeing scrutiny committee for children's services. As the director of services to children and young people, I report to that committee on issues such as the number of children who are subject to a child protection plan and whether they have all been allocated social workers. There is detailed accountability in monthly and three-monthly reporting to that committee.

474. With regard to the individual agency challenge, we have a performance subgroup and a requirement for agencies to self-assess their performance annually. We set up mechanisms such as challenge panels, audits of case files and much practical work. After the Baby Peter case in Haringey, we immediately undertook two exercises. We brought in an independent firm to scrutinise a number of child protection cases across agencies and almost ran our own inspectorate. We also brought in a professor of social work from the University of Bradford to look at all our procedures to ensure that they were robust. It is important to have a culture that is open to challenge, learning and constantly improving practice. Until his very sad and untimely death, we also continued to involve Tony Morrison every year in a day out to reflect on practice and progress of where we were heading as board, whether we were meeting the needs of our children and young people in the district and what we were doing to improve their lives.

475. My final point is about the voice of the child. It is difficult to encompass and engage properly and wholly with young people in the process of child protection. We involved young people in consultation about the board and how they could become involved. We also asked them about their priorities. The board had a high-profile launch, and we had a statement of intent that was signed and witnessed by a young person. It was a simple gesture, and the chief executives of all the agencies signed their commitment to the board in a public and formal way. Those young people monitor our activity, because I strongly believe that our ultimate accountability is to the young people of the district.

476. I have just pulled out some of the key issues from the briefing paper. I am happy to take any questions.

477. The Chairperson: As you were arriving at the meeting, you may have overheard our discussion about the fact that an advertisement has been placed for the chairperson of our safeguarding board. Having someone with your experience is too good an opportunity to miss. You now have an independent chairperson of the Bradford Safeguarding Children Board. Sparing his blushes, from what kind of background does that person come?

478. Ms Tunstall: He is a professor of social work at Leeds Metropolitan University. He was a practising social worker, and I have known him for 30 years. We were social workers together a long time ago. Nick has now gone into the world of academia, which has been very positive as he is absolutely independent from the operational activity and has come from a different city. Leeds and Bradford are very close — so close that they are competitive — and that is healthy in a positive way. He has an academic social work background with a particular interest in prevention and family support. We feel strongly about prevention and family support in Bradford — it is part of our principles and vision for supporting children — so it was important that the chairperson came with the same values as the board, while also bringing that independent challenge so that we did not become complacent.

479. The Chairperson: I have to be very subtle about how I phrase this: you pay your chairperson between £500 and £800 a day. Our ad is in the newspapers with a salary of £17,000 a year for a two- to three-day week. A payment of between £500 and £800 a day is an awful lot more than £17,000 a year for a two- to three-day week. We do not want to reduce the issue to being only about remuneration, but you explained that your chairperson is a professor with 30 years' experience in social work. Do you think that you would have attracted the same calibre of candidate with what is on offer in Northern Ireland?

480. Ms Tunstall: There are commercial sensitivities involved in having this conversation, because this is a public Committee. Our chairperson is paid at the lower end of the scale that I outlined. It is quite complicated. I am conscious that Jan Horwath is sitting behind me in the Public Gallery, but the university benefits from the fact that Professor Frost is our chairperson. It is not a one-way street. The university is quite pleased that a member of its staff is the chairperson of the Bradford Safeguarding Children Board, because we have a very strong reputation. It is positive for the university to be connected to a board that has a reputation for good practice; there are benefits for the university. The university is relaxed about the amount of time that the individual spends with us, and it does not tie us down to the last penny. The rates also change in line with what is happening and how high profile child protection work is. When the pressure is on, the rates go up. Getting the appropriate level of payment for the chairperson of a board is a complex piece of work.

481. The Chairperson: From your experience, what type of people are the chairpersons of the safeguarding boards of surrounding local authorities?

482. Ms Tunstall: Many of them are retired directors or assistant directors of social care and retired senior health professionals. The vast majority of chairpersons are retired senior officers of health and social care authorities.

483. The Chairperson: Is it not a bit unusual that, for the initial period, you were the chairperson of the board even though you were still employed by the local authority in a senior social work position? I have not heard of that happening before. Was that specific to Bradford, or was it more common?

484. Ms Tunstall: No; it was very common. The vast majority of the area child protection committees were chaired by directors or assistant directors of social services. When safeguarding boards were introduced, at least half the local authorities in England and Wales continued with the same chairperson. In the past three or four years, there has been a debate in England about whether chairpersons should be independent. There are arguments on both sides. There is an argument that a current director of children's services will have the networks, contacts and infrastructure to shape and influence that power positively. The other side of that argument is that such a chairperson will almost be accountable to himself or herself as a director, and, therefore: where is the accountability?

485. Following the case of Baby Peter, the previous Government's policy was to say that all boards should move towards having an independent chairperson. A period of two years was given for all boards to move to having an independent chairperson. I think that that two-year period is up this year.

486. Mr Paul Hill (Bradford Safeguarding Children Board): It will be up in December.

487. Ms Tunstall: The change has been incremental. I was certainly not alone. Directors of children's services came from one of two backgrounds: they were either ex-directors of education or ex-directors of social services. I was an ex-director of social services who happened to have a child protection specialism. Areas in which there were previously directors of education tended to go immediately for having independent chairpersons. It is quite complex. Bradford has not been alone in my position, but every board in England will, by the end of this year, have an independent chairperson.

488. The Chairperson: Two models of choosing a chairperson have been presented to us. In our legislation, the chairperson has a pivotal role. He or she will not simply chair meetings; it goes way beyond that. I am sure that that is also the case in Bradford.

489. Ms Tunstall: They have to go beyond simply chairing meetings.

490. The Chairperson: One option is that the Minister, after advertising and interviewing, decides that Mrs Smith or Mr Jones is the new chairperson of the board. The other option is that the board does the interviewing and appoints the chairperson. Which model do you use and which is most common in your area?

491. Ms Tunstall: The legislation states that the local authority, in consultation with board members, should appoint a chairperson. In Bradford, I, as the outgoing chairperson and the director of services to children and young people, involved the board in the selection process. We have an inclusive approach in that regard, but we did not have to do that. I felt that it was important that the new chairperson was accepted in his role because a number of members of our board did not want an independent chairperson. They were happy with the existing and previous arrangements. I felt that it was really important that the responsibility for the appointment of the chairperson was owned by people on the board, so a cross-section of board members was involved in the selection process. Ultimately, the decision would have rested with

the local authority, or, in this case, the equivalent of the Minister, if we translate the national arrangement as being like the local arrangement as a safeguarding board.

492. The chairperson needs to have a passion for the issue and a commitment to supporting and protecting children and young people. He or she needs to have the confidence to challenge where he or she thinks that the voice of the child needs to be heard; that is probably the most important issue. He or she also needs to have the professional competencies and expertise to discharge the functions of the role. Who makes the final decision is a difficult question. I would be reluctant to pin my colours completely to the mast in that regard. I can share with the Committee only the experience that we had in Bradford, which seemed to work very well.

493. The Chairperson: You said that your current chairperson is employed for two or three days a month.

494. Ms Tunstall: We agreed that it could go up to five days a month because the job is not simply chairing a meeting and leaving; it is about understanding the business and getting to know the different agencies. It also involves attending functions and undergoing training. A chairperson is involved in a range of activities. He or she has to be careful about not going too far in that regard because of being independent. A chairperson cannot become too involved in operational activity because his or her role is to challenge as well as lead the work strategically.

495. The Chairperson: Is it actually three or five days a month, or does the chairperson simply do the job but gets paid for only five days? Some chairpersons of our health and social care trusts are employed, technically, for two days a week, but it is almost a full-time job, and they simply accept that. What level of activity is the chairperson involved in?

496. Ms Tunstall: It is not a full-time job. Our chairperson's full-time job is professor of social work at Leeds Metropolitan University. However, he does more than he is paid for because of his commitment to the work. Inevitably, that happens with chairpersons' roles in those paid capacities, but it varies. The chairperson reports to me, as the director of services to children and young people, monthly, and I scrutinise his work. At present, it is an average of five days a month, but there are peaks and troughs. The appointee must have the capacity to respond to need. He might work eight days in one month and four days the following month. He probably works at least a couple of days over and above what is stipulated.

497. The Chairperson: Several members want to ask questions on that issue, but you have led on neatly to my final question. We are concerned that, as the legislation is framed, it could give the Department considerable powers to control the work of the chairperson and the board. You said that the chairperson of the Bradford Safeguarding Children Board reports to you. What would happen if that report included a scathing comment about some aspect of the work of your staff with which he was extremely unhappy and in which, he felt, they had failed miserably? How does that work if the chairperson reports to you? Presumably, you authorise whether he continues to pursue that issue?

498. Ms Tunstall: If the chairperson brought serious concerns to me, I would have to investigate and deal with it. That would be my responsibility as the director of services to children and young people.

499. The Chairperson: What if the chairperson said that he intended to publicise the issue, which would be embarrassing? What if he felt the need to highlight it? You would have the power to say no.

500. Ms Tunstall: I would not have that power. However, I would have a conversation with him and ask him whose interest he would serve by highlighting the issue. I would ask him whether it

would improve the position of children. As a concerned chairperson, he would want to be satisfied that I was taking actions to address the concerns and to ensure that they would not arise again. To put such concerns in the media and in the public domain would not necessarily assist in the process.

501. I have had a conversation with the chairperson about such an issue. He said to me that I could not tell him to do something with which he did not agree, that he was independent and was not employed by me. At the end of the day, he would be able to walk away from the issue, as opposed to my staff, whom I employ. He is employed by the safeguarding board, but because of my statutory responsibilities as the director of services to children and young people, I have final responsibility and accountability for the outcomes for all children in the Bradford district. In that sense, the chairperson has to account to me. However, he is not employed by me; he is employed by the board. It is a complex issue and a complex set of relationships. We have to work hard to make them work.

502. The Chairperson: The chairperson has to be a critical friend. He or she has to be critical and not too friendly. The following type of scenario concerns me. The chairperson reports on some aspect of your department's staffing. He wishes to highlight that issue publicly, perhaps in the board's annual report, which you, as the director of services to children and young people, will find embarrassing. Are his options to print and resign, or can he stay if he agrees to do what you tell him? You say that he can walk away. Do you mean that he will have to resign as the chairperson in order to go ahead and highlight the issue?

503. Ms Tunstall: If we were in a print-and-resign situation, that would constitute a serious failure and a breakdown in the relationships and the arrangements in Bradford. I would like to believe — I do believe — that if the chairperson had serious concerns on matters that had been brought to his attention, he would bring them to me in the first instance, confident that I would act on those concerns and deal with them. To go to the media would not be a constructive way to deal with those issues. It would be a serious situation if I refused to act on, or follow up, his concerns, and he may then decide to take the matter further by going to the press independently. However, if that ever happened, it would constitute a breakdown in good child protection arrangements in the district.

504. The Chairperson: It has been known to happen.

505. Ms Tunstall: Yes.

506. The Chairperson: From many cases, we have learned that people who stay silent in such situations can often allow abuse to continue. There is a balance. Do not get me wrong: one does not want a chairperson to be a completely loose cannon and criticising everything for the sake of it. Equally, our legislation seems to imply that the Minister can bridle whatever the chairperson does. That worries us, and we are considering the best way to address it. I am, therefore, intrigued by the relationship whereby the chairperson reports to you monthly. That is the crucial issue.

507. Ms Tunstall: The chairperson reports to me, but he is genuinely independent, and I respect that independence. When Nick became chairperson, he had absolute free rein to go into any of the services, have a look round, talk to front-line staff and do whatever he felt that he needed to do to satisfy himself. I totally respect that. He is accountable to me because I have overall accountability for the children of the district. However, Nick remains independent, which I genuinely respect. If he had any issues or concerns, he would, appropriately, bring those concerns to me. However, if he felt that I had not responded in a way that was right for the children of the district, he could take his concerns to OFSTED, which is the overall inspection

agency. In our setting, that would be the next step, and it would then trigger an inspection into children's services in Bradford.

508. Mr Easton: Is the Bradford Safeguarding Children Board accountable to the local council?

509. Ms Tunstall: Yes, it is. We are accountable to the chief executive of the council.

510. Mr Easton: Does the council have the power, as our Minister envisages, to dictate the reports and investigations that the safeguarding board must carry out. Does it have the power to force the board to call in a report before that report is published, or does the board have total independence on what it reports and decides to do in case studies, and so on?

511. Ms Tunstall: It is a complex arrangement. I am accountable to the chief executive. However, the Children Act 2004, which established the role of the director of children's services and the Children's Trust, gives me statutory rights that can almost compete with those of my chief executive. Therefore, if I, in my role as director, felt that the council or the chief executive were taking actions, or asking me to take actions, that compromised the health and well-being of children of the district, I could refuse to do that. Therefore, the accountability of the director of children's services, which is a unique post in English law, is in statute.

512. Mr Easton: I roughly calculated the remuneration available in England and estimated that it would be around £6,000 a month and £18,000 over three months. Therefore, in three months, chairpersons there are earning more than can be earned in Northern Ireland in a year. If the chairperson post in Bradford is at the lower end of the remuneration scale, I suggest that there is a serious problem.

513. The Chairperson: We are not simply demanding more money. We are talking about the status of the position and are trying to reflect that status in the remuneration. It is a pity that it gets down to pounds, shillings and pence.

514. Ms Tunstall: That is the reality of what we are dealing with.

515. The Chairperson: It indicates the Department's perception about the level at which the chairperson is appointed. Quite clearly, the perception of your chairperson is on a different planet. As a university professor, he is clearly in a very senior position.

516. Mr Gardiner: It is lovely to have you in Northern Ireland. Thank you very much for your assistance thus far.

517. Clause 7 provides for the safeguarding board to establish a case management review panel. It also provides for a child death overview panel. Do you have such a panel in your organisation? If so, how does it handle cases concerning a child's death and how are the parents dealt with?

518. Ms Tunstall: We have a serious case review subgroup, which is the equivalent of the case management review panel. If a child dies or is very seriously injured in suspicious circumstances, we initiate a serious case review. A set of regulations ensures that that is done independently. The serious case review subgroup oversees that work and ensures that the recommendations for change and the necessary actions to be taken by agencies have been delivered, and they monitor that delivery. That is for specific cases. In the past few years, Bradford has had, on average, about one extremely serious case a year, such as the case that I mentioned earlier in which a child died from methadone ingestion.

519. The requirement for a child death overview panel came into force in 2008. Its function is to oversee all child deaths in the district: sudden infant death; road traffic accidents; serious illness, and so forth. Each year, there are about 100 child deaths in the district. The role of that panel, which is chaired by a paediatrician, is to monitor the causes of death to determine any patterns and, if so, whether those should affect policy. The panel determines whether any trends are emerging. In a sense, that reflects the general duty of safeguarding the health and well-being of children. That duty sits alongside the panel's specific role to investigate individual cases of child abuse and child neglect to determine whether agencies could have prevented the death of each individual child.

520. As it happens, our serious case review subgroup is also chaired by a consultant paediatrician, because that individual is highly experienced in child protection. She was a member of the ACPC for several years and is now a member of the safeguarding board. Other agencies, such as social care and the police, are involved and sit on that subgroup. The child death overview panel is also multi-agency.

521. Mr Gardiner: What support do you give to parents?

522. Ms Tunstall: Do you want to answer that, Paul? It will give you a chance to speak. I have been dominating the session.

523. Mr Hill: I might be able to be of assistance. One responsibility of the child death overview panel is to ensure that bereavement support arrangements for parents are appropriate. The panel must also ensure that those support arrangements are not delivered in a way that conflicts with the possibility, in some instances, that a criminal investigation might be considered, as it can be some time before the circumstances of some child deaths become clear.

524. The child death overview panel produces a leaflet, the contents of which are based on advice from organisations that specialise in giving support to those who are grieving. The leaflet also refers to particular legal obligations that apply. That is a general leaflet, which is given to parents only by people who have a relationship with them, because it is a time of great distress. Those leaflets are available from a variety of sources: the chaplain's office at the hospital; midwives; health visitors; and staff who work in palliative care units in which a death may be anticipated.

525. It is extremely important that skilled practitioners have a relationship with the family and are able to use that to explain to the family, in a manner that is appropriate to their needs and ability to take information on board, the role of the child death overview panel. As Kath said, that panel considers every child death.

526. Additionally, although an annual report is produced, we are clear that written information must not be given to parents by that overview panel. To the best of my knowledge, that is the practice of all child death overview panels. We are clear that the purpose of that panel is to gather information that will assist in providing a general understanding and increased knowledge of the causes of children's deaths in the Bradford district. Such information will assist us in developing policy and providing public health and safety messages. That might include ensuring that information is provided to professionals about issues such as sleeping arrangements for children and the risk of children dying as a result of overlaying. Two cases were reviewed in which that was a concern, and they were addressed by the child death overview panel, even in its early stages. We do not give specific advice to bereaved parents or other family members. That is the role of the professional who knows that family and understands their circumstances.

527. The Chairperson: You have created much interest; the questions are piling in.

528. Mrs O'Neill: I want to pick up on two issues: subcommittees and the voice of the child. Is there a danger that subcommittees operate in a vacuum and deal with issues that are outside the board's main remit? Could they become sidelined? How do you ensure that that does not happen?

529. Ms Tunstall: In Bradford, every subgroup must be chaired by a member of the full safeguarding board. At each safeguarding board meeting, brief minutes and all key actions of the subgroups are reported to the board so that it always has an overview of their activities. Any recommendations that require decisions come to the board; therefore, there is a clear line of accountability from the subgroups back to the safeguarding board through the chairpersons of those subgroups.

530. Mrs O'Neill: Has there always been a positive relationship between the subgroups and the board? Has that always worked out? Has there ever been an instance when it has not?

531. Ms Tunstall: We sometimes have quite lively debates, and there are good professional challenges. The relationship is constructively healthy in that professionals and practitioners who sit on those subgroups bring a healthy degree of challenge to a strategic board, which examines policy. Such input will shape and challenge policy.

532. Mrs O'Neill: Has a subgroup decision or recommendation ever been completely rejected by the board?

533. Ms Tunstall: Paul, can you remember one?

534. Mr Hill: The pace of certain developments has been debated, and the board may have to take a view, from its wider perspective, of the range and co-ordination of initiatives being pursued by agencies. At any point, a subgroup may be told that it must approach a matter at a different pace or prioritise matters differently. It may help the Committee if I explain that the board has an annual work plan, as does each subgroup. Although there are opportunities to react to specific developments or, for example, information from a serious case review, there is broad agreement and knowledge across the board about priority areas being addressed by subgroups in the course of the year and how they link into the board's overall work plan.

535. Mrs O'Neill: Your briefing paper states that the voice of the child is a challenging area for the board. I read that you have had consultations and participative events. Voice of Young People in Care (VOYPIC) suggested that there should be a shadow board for young people. Have you ever gone down that line? Do you have a group of young people on whom you always call? You talked about the statement of intent to which they all signed up, but the voice of young people must be at the core of safeguarding. It is important to progress from the correct starting point. How do you feel about the suggestion that there should be a shadow board of young people?

536. Ms Tunstall: We are always open to suggestions about how to involve young people, because that area is challenging. Young people are full members of the Children's Trust board. Bradford has a young people's parliament — the Bradford and Keighley Youth Parliament (BKYP) — to which there are elections every two years. Members of the parliament meet regularly, and they meet me, as the director of services for children and young people. We discuss issues about the board with the BKYP. We also have a children in care council to which we talk about issues such as Facebook. We have some interesting debates about sharing information on Facebook, which opens up a whole area of work.

537. We have not thought about having a shadow safeguarding board. We do have a network of participation for young people, whereby the youth parliamentarians are linked into other children

and young people's groups through school councils, youth services and the voluntary sector. Bradford is a large, spread-out district. Therefore, we need a complex set of arrangements to ensure an inclusive approach to children's participation. I am completely open to the idea of a shadow safeguarding board. However, we would have to ensure that it did not become isolated from the complex arrangement of networks for the inclusive engagement of children and young people.

538. Mr Girvan: The Bradford Safeguarding Children Board was formed in 2006, some four and a half years ago. Did you have difficulty breaking away from a culture in which agencies acted on their own to moving towards working in collaboration with others to effect change? Was it difficult to break that culture? Do organisations still attempt to hang on to their own areas of expertise rather than volunteering to work in collaboration?

539. Ms Tunstall: I am worried that I am giving a rosy picture and not addressing the realities. That is not a picture that I recognise. Before the establishment of the safeguarding board as a statutory body, the agencies always worked well together on child protection.

540. Mr Girvan: I asked that question because, given that your safeguarding board was formed in 2006, you can now assess whether there has been any material change in delivery? For example, are more children or fewer children on the at-risk register? Have there been any improvements because of the establishment of the board?

541. Ms Tunstall: There has been improvement. Putting the board on a statutory footing has raised its profile among senior people in agencies and organisations. Before the establishment of the safeguarding board, for example, a senior nurse might have represented a primary care trust. After the formation of the board, its profile was raised, and I found myself having conversations with the chief executives of trusts. The board was taken much more seriously, which was a positive and helpful step that could be built on. We have been able to take on more responsibility through broadening our remit. Therefore, we consider child safety, anti-bullying and other issues that we did not previously consider. That has resulted in a better service for young people that is better able to address their issues. For example, the issue of domestic violence receives more attention than it did previously.

542. Mr Girvan: Is that because of the make-up of the board, in that senior officials are now members as opposed to, historically, clinicians?

543. Ms Tunstall: That is a factor. Previously, it was very much about practitioners — experts — and clinicians. However, the board now has wider management accountability and responsibilities, and that has helped. There is a greater awareness. In my experience, it often comes down to individual personalities who have a commitment and a passion for this area of work and who make things happen in their organisations.

544. Mr Hill: The fact that we have a pooled budget is another aspect of the board's arrangements that has contributed to a more effective, collaborative approach. If an agency is committing a substantial amount of money to the operation of the board, that agency has an additional interest in the effectiveness of the board. There are examples of greater transparency of arrangements in individual agencies about how they address issues of child protection and wider safeguarding arrangements.

545. Certainly, the type of information on which I can call on behalf of the board now compared with what I could call on four years ago has improved greatly. For example, I can seek the number of police investigations into crimes in which children were victims or witnesses, or the number of children who are hospitalised as a result of an accidental injury and break down that information to try to understand it better. However, it is a constant journey. When we receive

further information, we recognise the fact that there are other areas in which our joint working could become more effective.

546. In addition, a benefit of the board, given the wider remit of safeguarding rather than narrow child protection, is that it raised the profile of agencies that previously received little recognition or appreciation of their work. For example, people who work in road safety units to try to reduce the number of child casualties on our roads have particularly welcomed the developments of the safeguarding board because it raised the profile of their work. They are able to frame it as a way to improve the well-being and safety of children in the district, alongside other, perhaps more commonly perceived, aspects of road safety. It has improved their capacity to reach into schools and other areas in which people work directly with children and also raise the profile of road safety. I could talk about other aspects of safeguarding, but that is one example in which that has been noticeable.

547. Ms Tunstall: Performance frameworks in host agencies sharpened people's commitment. A primary care trust is judged on its commitment, engagement, arrangements and procedures for child protection in a way that it previously was not judged. That is always a helpful driver.

548. Dr Deeny: You are welcome, and thank you for allowing me to have a lovely lunch today. I am sorry that I missed the start of your presentation.

549. The answer to Paul Girvan's question answered one of my questions. Almost two years ago, there was a terrible tragedy in Omagh, in which a family of seven burned to death in a house fire. You may have seen it on the national news. All sorts of fingers of blame were pointed at social workers and policemen, and it was said that they should have done this, that or the other. For most of those who have considered the case since, there was a lack of working together. People did their own thing. For example, the man who started the fire had two previous convictions and had served a custodial sentence. Everybody wondered how in God's name that man was allowed to live in the same house as young children. Somebody, whether in the legal system or whatever, felt that that was acceptable. On looking back, it certainly was not.

550. That tragedy occurred in my area. It was in my nearest big town, and I attended the funeral. I will never forget the sight of those coffins. Nobody wants to blame any individual. I know the police officers and the social workers who were involved, and they were asking themselves how that man had been allowed to live in that house.

551. How do you ensure that there is good teamwork on the board? Paul Hill talked about councils, road safety and schools. Does the board have relationships with, or include representatives of, the local police or the judiciary? All those agencies have a part to play so that we can safeguard our children to the best of our ability. None of us ever wants to see what happened in our area happen again elsewhere. There was a complete breakdown in communication among the different agencies. They were all trying to safeguard children in their own way but, unfortunately, in isolation.

552. Ms Tunstall: The membership of the safeguarding board is prescribed in legislation and includes the police, both community police and specialist child protection units. It also includes the local probation board. However, it does not include the local fire service, but we still engage with it. There have been a couple of fire tragedies in Bradford.

553. It is difficult. In every serious case review, the key issues are communication, exchange of information and awareness. With child protection work, we can never be complacent and must strive for the most robust set of arrangements and procedures. That requires people to exchange information and work together at an operational as well as a strategic level. When

tragedies happen, we must ensure that lessons are learned, procedures are changed and arrangements are constantly improved.

554. A serious case review that is due to be published shortly involves the death of a child in a house fire. We are examining how information about the adults in that household was shared among different agencies. In such cases, collective risk assessments are undertaken to weigh up the risks posed by the adults living in the household. It is important that child protection procedures work alongside adult risk assessment procedures and that multi-agency risk assessments are carried out.

555. The agencies on the board have close working relationships. The Probation Board's role on the board is crucial, because it is the interface between adult and child risk assessment. Members involved in adult social care also sit on our board. That plays a key role in ensuring that we think about "family" as opposed to silos of "children" and "adults". It is, therefore, about lining up systems with procedures. However, we are constantly striving to improve those systems and procedures and to learn from those terrible tragedies.

556. Dr Deeny: Will you provide us with details of the make-up of your board — not the names but the individual posts? As we look forward to the establishment of the safeguarding board for Northern Ireland, do you have any suggestions as to how we ensure communication? I presume that there should be regular communication to avoid a breakdown when things go wrong.

557. Ms Tunstall: We include details about the safeguarding board website at the end of our briefing paper. There is a great deal of information about our procedures on the website. We brought some documentation with us for the Assembly Library. However, we are aware that you must be inundated with papers.

558. I wish to commend a couple of features on the website. First, there is our training strategy, which concerns multidisciplinary training for all agencies with different levels of sophistication around child protection. The training is for the police, the fire service, health visitors, doctors, social workers and teachers. A delivery plan flows from that strategy. We have training for thousands of childcare staff. I am using the word "childcare" in its broadest sense to mean paediatricians and others across the board. Secondly, there is e-learning, which is used to reach people who cannot attend courses. E-learning covers a comprehensive set of arrangements from raising awareness and dealing with concerns to training people to a sophisticated level, depending on the role of the professional involved. Those are just a couple of examples. Publications on the website include 'Anti-bullying Strategy 2008-11' and 'Getting Serious about Safety'.

559. Mr Hill: Subgroups are extremely important in that respect, because they provide an opportunity for people, be they managers or practitioners from agencies, to work together with people from other disciplines. Although they work on the subgroup's programme of work, the experience improves their understanding of agencies' different roles and powers. Therefore, although our local fire service, for example, is not represented on the board, its staff are involved in our subgroups. They give advice, help to draft policies and procedures, and they ensure that other agencies have up-to-date information about the way in which the fire service operates. In doing so, they ensure that people understand, for example, how to invite the fire service to a school to give information to children and young people.

560. People who sit on the main board meet at a strategic level every two months, which is extremely important. However, you should also consider the breadth of the subgroups, each of which is made up not only of managers but practitioners from health settings, the fire service, the police and local authority services. From that, you get a sense that the number of people

who are directly involved in delivering the board's agenda is wider than the membership of the headline board suggests.

561. Mr Brady: My question is on inter-agency relationships. You mentioned challenge panels, which, presumably, facilitate front-line staff through holding meetings to discuss particular cases. Is that regarded as merely a cosmetic exercise, or do you consider that it could be an evolutionary process whereby improvements could be made about how things are done? In your experience, do staff find that to be a useful exercise?

562. Ms Tunstall: Yes, they do. It is important to hold such events when not reacting to a tragedy or doing so as part of an inspection process. In other words, such meetings should happen when the pressure is not necessarily on. That frees people to be more open to learning, engaging and being honest about various cases. That is one plank in the overall management performance arrangement, but it is a valuable one, and front-line practitioners love it.

563. Mr Brady: In a sense, you have answered the next part of my question. I was going to ask you whether such meetings were proactive or reactive.

564. Ms Tunstall: They must be proactive.

565. Mr Hill: They are scheduled for the next 12 months. Only yesterday, I signed off the latest version of the action plan. One extremely important aspect has, perhaps, not yet come through. In all safeguarding activity, it is vital to have information when something has gone wrong. However, we also like to celebrate good practice, by which I mean that we draw attention to it and people learn from it. Of course, we learn from our mistakes, but there is also extremely good practice. It is important that bodies such as local safeguarding children boards showcase good practice, commend people on it and encourage others to follow their example.

566. The Chairperson: On a practical note, when the annual report or any document that has been produced by the board is ready for publication, must it be brought to you, Kath, for approval?

567. Ms Tunstall: The board approves the annual report, after which it goes to the Children's Trust board. I will open up a can of worms now, but that body is chaired by a politician from the district who is the lead member for children's services.

568. The Chairperson: Could that lead member say that a document was not suitable for publication?

569. Ms Tunstall: In theory, probably yes. I spoke earlier about my being accountable to the chief executive, yet I have the statutory power to challenge. I am not politically naive. I operate in a highly political world in which there are powerful influences that must be managed. The lead member, as chairperson of the Children's Trust board, could say that he would not accept an annual report. However, powerful representatives of agencies sit around that table, and I am sure that he would think carefully before taking that course of action, because it would have consequences. Therefore, he would not take that course of action lightly. As the chairperson of the Children's Trust board, however, he could say that he did not think that a certain document should be published, but that would give rise to a lively debate.

570. The Chairperson: Thank you for your evidence, which was very helpful. Feel free to stay for the next session, or there is no problem if you wish to retire. Needless to say, as we plough through legislation for our own safeguarding board, the input from those who have been there for four years already will prove to be very useful.

30 September 2010

Members present for all or part of the proceedings:

Mr Jim Wells (Chairperson)
Mrs Michelle O'Neill (Deputy Chairperson)
Mr Mickey Brady
Dr Kieran Deeny
Mr Alex Easton
Mr Tommy Gallagher
Mr Sam Gardiner
Mr Paul Girvan
Mr John McCallister

Witnesses:

Ms Patricia Lewsley
Ms Jacqueline Melville Northern Ireland Commissioner for Children and Young People

571. The Chairperson (Mr Wells): Some of us have waited a long time for this, although I had the benefit of seeing the Children's Commissioner when she appeared before the Committee for the Office of the First Minister and deputy First Minister. You are welcome back to what was your old stomping ground for many years, Ms Lewsley. With you is Jacqueline Melville. You know the routine extremely well. You have 10 minutes in which to make a presentation, after which members will ask questions.

572. Ms Patricia Lewsley (Northern Ireland Commissioner for Children and Young People): Thanks very much. I appreciate the opportunity to speak to the Committee for Health, Social Services and Public Safety. I will begin by acknowledging the considerable time that members have invested in scrutinising the policy proposals and the primary legislation to establish the safeguarding board for Northern Ireland (SBNI). In July, the Committee received our written submission, which considered each clause of the Bill. My comments today will concern two key themes that have emerged for us. The first is the relationship between the safeguarding board and the Department of Health, Social Services and Public Safety (DHSSPS); the second is the relationship between the board and key stakeholders, including children and young people.

573. As the Northern Ireland Commissioner for Children and Young People (NICCY), it is my job to promote and safeguard their rights and best interests. It is also my job to monitor the extent to which the Government act, or fail to act, to promote children and young people's rights and best interests. One of the most fundamental rights that should be afforded to all children and young people is that they are protected from harm, neglect and abuse. The development of a safeguarding board for Northern Ireland represents an important opportunity for government to strengthen safeguarding arrangements and ensure that the highest standard of protection is afforded to children and young people.

574. NICCY supports the establishment of such a body. As some of you may know, in my former capacity as an MLA, my private Member's Bill did not, unfortunately, reach the Floor of the Assembly because of suspension. The aim of that Bill was to put area child protection committees (ACPC) on a statutory footing. Although it is about six and a half years later, it is pleasing for me to see the safeguarding legislation coming to fruition.

575. We are keen to ensure that the principles and spirit of the Department's policy proposals are embedded in the legislation and regulations and that the issues that we raise today reflect those areas in which the primary legislation does not achieve that fully. As I said, my first

concern relates to the independence of the board and its relationship with the Department. NICCY acknowledges the need to ensure that appropriate oversight structures are in place for the safeguarding board, and we appreciate that a line of accountability must run from the board to the Department and the Minister. We welcome the commitment that the safeguarding board will have an independent chairperson, selected through the public appointments process. The independence of that chairperson must, of course, go beyond the appointments process. We draw attention to the need for the chairperson to act as a critical friend to government and statutory authorities.

576. However, we have a number of concerns about other related clauses that require departmental approval prior to the safeguarding board's publication of material. We are concerned about the Department having the capacity to give general or specific direction to the safeguarding board on any of its functions, with or without consultation. We also have concerns about the board, in exercising its function, being required to have due regard to any guidance from the Department. Although governance arrangements must be in place for the safeguarding board, those should be proportionate. We have concerns that the detailing of those clauses in the primary legislation raises questions about the ability of the safeguarding board to operate independently and function effectively.

577. We acknowledge that the Department stated that the legislation is intended to ensure that clear accountability structures are in place so that, for instance, information released by the safeguarding board is factually accurate. However, NICCY is of the view that those clauses should be amended or removed. Clause 3(9)(c), for example, could be revised to reflect that approval is needed only to ensure factual accuracy in publications. Clause 4 could state that the Department will give directions only in exceptional circumstances and that such directions will be documented publicly in, for instance, the board's annual report.

578. The Bill offers the opportunity to establish a strong and effective body with an independent voice. Our purpose in raising our concerns is to ensure that no provisions in the legislation, either in principle or in practice, would have the capacity to undermine that position.

579. My second theme is the range and nature of relationships that the safeguarding board will have with other bodies and stakeholders. To be effective in approving safeguarding arrangements for children and young people, the board must ensure that it engages meaningfully with, and draws on, the experiences of all relevant sectors. As our written submission notes, we appreciate the challenge of securing representative membership while ensuring that the board operates as an effective working forum. However, we remain concerned that sectors that play a key role in the protection and safeguarding of children and young people, such as the judiciary and the medical profession, are significantly absent from the board's membership.

580. We welcome the duty of co-operation that will be placed on members of the safeguarding board, and we are concerned that the spirit of that duty should also be evidenced in the co-operation demonstrated among Departments and the board. We are particularly concerned that co-operation is secured with the Departments of Education, Justice, and Health, Social Services and Public Safety, which are central duty bearers in delivering services to children, young people and families. Work must be done among the groups of professionals and Departments involved to establish clear and meaningful processes for communication and collaboration.

581. In addition, the safeguarding board must ensure that effective mechanisms are in place to engage with the community and voluntary sector, which provides many services and supports for children, young people and families, particularly for some of those who are most vulnerable and disadvantaged. We recognise that that engagement may occur through the local panel and

subcommittee structure and in the board's arrangements for consultation and discussion. However, we feel that that should be more clearly articulated in the regulations.

582. In considering the safeguarding board's engagement with children and young people, we welcome the duty placed on the board to take reasonable steps to promote communication. However, we consider that engaging directly with children should be an active duty placed on the safeguarding board and recommend that the relevant clause be amended to reflect that.

583. Children and young people have talked to me and my staff about child protection processes leaving them feeling powerless and frightened. They have shared their experiences of not understanding what is happening to them and their families and of feeling that professionals and agencies make decisions for them rather than with them. For me, the most poignant example is the McElhill case, which concerned a fire in a house in Omagh, in which a 14-year-old had asked for help. The response involved adults speaking to her parents without anyone ever asking for her opinion about what was going in the house. Perhaps, if somebody had taken the time to speak to that 14-year-old girl, she may have painted a totally different picture of what was happening inside the house than the adults did at the time. The safeguarding board must ensure that it listens and acts on the experiences and views of children and young people who have had contact with the child protection system.

584. In considering other aspects of the Bill, I have two additional comments. NICCY welcomes the statutory responsibility placed on the safeguarding board in relation to case management reviews and the review of information on child deaths. We draw attention to the importance of the safeguarding board monitoring the implementation of action plans and recommendations that arise from those reviews to ensure that lessons are learned about weaknesses and failures in the protection of children and young people. The primary or secondary legislation should place a positive duty on the board to fulfil that function. The board's work in that area should be documented in an annual report.

585. Finally, the Committee should note that it is our expectation that the safeguarding board will be regarded as a relevant authority in relation to NICCY legislation.

586. The Chairperson: I should have pointed out to the Committee that you are the Northern Ireland Commissioner for Children and Young People. I did not give you your formal title, although we all know who you are and what you do. Jacqueline is the policy and research officer for NICCY.

587. Thank you for that very helpful contribution. I remember your private Member's Bill. Mr McCallister may be behind the Assembly's first successful private Member's Bill, which is on caravans. It has taken 12 years for that to happen.

588. Are you content that it is better to have one statutory board for all Northern Ireland rather than placing the local area panels on a statutory footing? Are you happy with the way that that has worked out?

589. Ms Lewsley: I am, as long as it is a strong safeguarding board. Northern Ireland is a small place. At the time of my private Member's Bill, the area child protection committees were in place. They were given a statutory footing, and we believed that that was the right way to go. However, I am happy to have a safeguarding board for the whole of Northern Ireland. It will probably have subcommittees that will, I hope, touch on many of the issues that we discuss.

590. The Chairperson: Every witness mentioned the problem of independence and the link between the board and the Minister. I am sure that you have been following the thread of our argument that there are concerns about having to refer publications for approval. I like your idea

that such referral should relate only to factual accuracy. That is a reasonable compromise, because a purely factual mistake could be made when printing a document. Perhaps a document quotes a figure of £2 million, and the Minister corrects that and states that the figure should be £3 million; that is fair enough. However, we are worried about more critical changes being made.

591. You also raised the issue of the role of young people. The Voice of Young People in Care (VOYPIC), which is the lead voice in the voluntary sector, suggested the creation of a shadow board. However, the Committee heard evidence from representatives of local safeguarding children boards in England who said that it had been quite difficult to get young people involved and engaged. Even when an offer was made that the chairperson of a shadow board could sit in on the main board, that offer was not taken up. Are you confident that young people feel strongly motivated enough to become involved at the level of a shadow board?

592. Ms Lewsley: Yes, I am, because this Government take the participation of young people seriously. We have children's champions in each Department, and they look at how they can participate with children more effectively. Our young people are much more aware of the issue of participation. In this area in particular, we have highly capable young people who could be part of a shadow board.

593. The Chairperson: You are an independent commissioner, yet you also have to issue a report to the Office of the First Minister and deputy First Minister (OFMDFM). Have you any evidence of attempts to persuade you to tone down, modify or retract something that you were about to publish?

594. Ms Lewsley: Not to date.

595. The Chairperson: You have not been aware of any such interference. Why should we fear attempts to try to suppress the safeguarding board from doing something?

596. Ms Lewsley: It is better that the prevention be included from the outset, rather than finding that it is needed later.

597. The Chairperson: It is more for appearance rather than practicalities. My next question is one that I have asked every witness toady. I almost feel guilty about doing so, but the topic is fresh off the press. What should be the status of the chairperson of the safeguarding board? In the overall scheme of things, from what level of seniority should he or she come?

598. Ms Lewsley: The chairperson should be fairly senior, as the post requires a mix of skills. However, the core issue for me is about his or her understanding of children and young people and how the board will engage with them in future. I have seen today's advertisement for the chairperson, and I am disappointed because of the people whom that remuneration will attract.

599. The Chairperson: The advertisement has only just appeared in the paper. People have not had a chance to look at it.

600. Ms Lewsley: For me, the advertisement reflects the seriousness that the Department accords to the safeguarding board.

601. The Chairperson: Is the salary appropriate?

602. Ms Lewsley: No.

603. The Chairperson: One or two others would agree with you on that.

604. Mr Gardiner: It is lovely to see you again, Patricia. Do you know how many young people have come to your office with their problems? Do you break them down into age groups?

605. Ms Lewsley: Although I do not have that information today, we hold those details and can provide them to you. We deal with a number of cases across the board. I will write to you with the detailed figures.

606. Mr Gardiner: If that information could be broken down into age groups, it would be helpful.

607. Mr McCallister: I met you a few weeks ago, and it is good to see you again, Patricia. I want to follow on from my questions to Jan Horwath. Will there be too many agencies with which to engage here? OFMDFM is taking the lead, and, in yesterday's Committee for Education meeting, I discovered that each Department supposedly has a children's champion. However, when I read some of the content of the nought-to-six strategy, I wonder what all those champions have been doing.

608. If OFMDFM takes the lead in developing children's services and plans while your office engages directly with children, how does that all feed in? How do we get the best out of the safeguarding board and panels? Will we have too many layers of people chasing after things? Who engages with whom, and who decides on the best policy? I am worried that too many people are involved.

609. Ms Lewsley: I will clarify something for you. There is the children's strategy, but there are also children's services planners, who are part of the Health Department and are under the aegis of the boards. They would probably have more direct contact with the safeguarding board.

610. The Chairperson: Are they under the one board or the five trusts, Patricia?

611. Ms Lewsley: I am sorry; they are under the trusts. There is a children's services planner in each of the trusts. I assume that they would have a much closer working relationship with the safeguarding board. The children's strategy is a 10-year strategy on which OFMDFM takes the lead. Those are two separate entities. We are disappointed that the provisions for the safeguarding board do not directly address its relationship with the outcomes of the children's strategy or with the children's services planning process. We want stronger links between the safeguarding board and those two elements.

612. Mr McCallister: Is there a danger of doing exactly what was outlined in the previous presentation and that something will fall away?

613. Ms Lewsley: What happens is that one element delivers the services planning, while, higher up, is the overarching strategy. When child protection issues are brought to NICCY, our job is to put them through a process that involves the gateway teams, the trusts and others. Mechanisms are in place to help us to avoid duplicating what others do, and there is a clear line of accountability throughout all the organisations. We hope that that line of accountability will extend to the safeguarding board. For me, the strength of the safeguarding board is that it will be able to consider the issues and determine quickly where there are gaps that need to be addressed.

614. Mr McCallister: Many people belong to organisations, such as youth groups, in which child protection is an important issue. My background is in young farmers' clubs and in community

and voluntary groups. How can issues that affect those groups be fed into the safeguarding board and local panels?

615. Ms Lewsley: Each organisation should have a mechanism. First, each should have a child protection policy, such as the one that we have in NICCY. We also have child protection officers. If a child discloses an issue to one of my participation officers, he or she will automatically refer that to a child protection officer who, in turn, will refer it to the gateway team. Organisations such as youth clubs and the Scouts should have those mechanisms in place so that they are familiar with the line of accountability and know who is responsible and what they need to do.

616. Mr McCallister: As things change and the years go by, will the safeguarding board have a role in changing or developing policy?

617. Ms Lewsley: Yes. If a number of specific issues are raised with the safeguarding board, it will become involved with policy. That will be the board's opportunity to raise those issues and ensure that any gaps are closed.

618. Ms Jacqueline Melville (Northern Ireland Commissioner for Children and Young People): It is important to recognise the opportunity that the Bill provides to establish a body that has not been in place in Northern Ireland before. The board has a region-wide remit and a core function of ensuring the co-ordination and effectiveness of its members in meeting their duty to safeguard children and young people and to promote their welfare. When the safeguarding board beds down and becomes effective and strong, the two key elements that fall into that function should affect practice and policy developments across Northern Ireland. At that stage, the board should ensure effective communication, information sharing and collaborative working across all the agencies with which it is involved. It should also ensure that, through its specific case management review function and in reviewing information related to child deaths, lessons are learned and that recommended actions become embedded in the system. The safeguarding board should be a vehicle for achieving real change as part of child protection arrangements.

619. The Chairperson: I will follow on from John's question: do you regard the safeguarding board as a body that will simply review individual cases or as a body that will embark on studies and investigations of its own volition?

620. Ms Lewsley: I envisage the board embarking on studies and investigations of its own volition if it thinks that it needs to do so because there is a gap. It is the same in our organisation. We have the right to launch investigations, and we do so where we see fit.

621. Mr Gallagher: Thank you, Patricia. You were probably present when the previous witness mentioned the safeguarding boards in England. She gave clearly honest answers about the boards and found it hard to point to any improvements. The boards were set up in England in 2006, and there are, of course, gaps and room for improvement. Bearing that in mind, I presume that you, in common with me and other members, would not like to think that, four years after the establishment of the safeguarding board in Northern Ireland, we will be drifting along without any real improvements to show for our effort. Exactly what improvements would you like to have been made four years after the board's establishment?

622. Ms Lewsley: We would like the biggest improvements to have been made in the areas that Jacqueline mentioned: effectiveness, communication and the delivery of services to children and young people who need protection. Northern Ireland is some way ahead of other jurisdictions on child protection, but that is not to say that we do not have more to do. Our area child protection committees were already in place. However, the problem with those centred on the sharing of information and the multi-agency approach. Six years ago, when I was trying to put a private Member's Bill through the House, I identified the need to make people accountable and to make

that responsibility much stronger by placing it on a statutory footing. The ultimate aim of the Bill is to ensure that better child protection processes are in place for children and young people.

623. Ms Melville: The other point is that the Bill is only one aspect of what Northern Ireland must have in place to reach the highest standards of child protection arrangements. The other issues that need to be considered are the resourcing of personal and social services and the resourcing of services for children, young people and families.

624. As the Committee is aware, there has, historically, been underinvestment in Northern Ireland. Research by NICCY demonstrated that Northern Ireland has the lowest per capita spend of all the jurisdictions in the UK. NICCY's research with DFP and OFMDFM on the percentage spent on personal social services, which include child protection, demonstrated that 14% is spent on children's social care services in Northern Ireland, whereas 24% and 26% are spent in England and Wales respectively. Therefore, some structural issues of funding and resourcing must be examined.

625. The Chairperson: If more money is wanted for social services and children protection in England, it can simply be added on to the community charge. Here, however, child protection must fight for its share of a bigger block within DHSSPS. That problem will always exist here, because we do not have the option of simply going to the ratepayer. I had heard the figure of 14% being bandied about before, but I did not know that it came from NICCY's research.

626. Mr Girvan: Thank you for your presentation. In your July submission, you suggested that issues that were identified in your child strategy were not being addressed through the drafting process and were not being taken on board. How could that be achieved, and how could those issues be included? How do you envisage that fitting in with children's services?

627. Ms Lewsley: It is not our children's strategy; it is OFMDFM's children's strategy. It is a question of examining the six core priorities that emerged from that strategy and identifying how they match with some of the issues that the safeguarding board will deal with. It is a matter of joining everything up and ensuring its effectiveness.

628. Mr Girvan: You felt that those issues were not being addressed.

629. Ms Lewsley: That is what I am saying. We are disappointed that the legislation does not directly address the safeguarding board's relationship with the outcomes of the children's strategy and the children's services planning process. We would like a provision for a much stronger match in the legislation. It is a matter of trying to achieve joined-up government.

630. Mr Girvan: How could that be achieved?

631. Ms Lewsley: It could be achieved through its being more specific in the legislation.

632. Ms Melville: The Children Act 2004, for example, places a duty to co-operate on the safeguarding boards in England to promote the well-being of children and young people, and that related directly to the five high-level outcomes of Every Child Matters, which is the equivalent children's strategy in England and Wales.

633. Dr Deeny: Welcome, and thank you for your presentation. Patricia, as has been discussed in previous Committee meetings, we share your concerns about the proposal that the Department will have to give approval to the board and, indeed, that it will be able to dismiss the chairperson and members. In previous meetings, I mentioned two other groups that are within the confines of the Department of Health, Social Services and Public Safety: the RQIA and

the Patient and Client Council — I do not like the word "client" in that context. It appears that those groups must also seek, or be given, the approval of the Department, which is worrying.

634. I am extremely disappointed by the Department's advertisement for the post of chairperson, which I do not think will attract the right candidates.

635. Patricia and Jacqueline, you said that the whole community must be involved, and so it must. Jan Horwath mentioned the idea of transparency. I hope that the board will work well and result in great improvements in the safeguarding of all children. We need to know about all problems, not only those in the Department. If good work is being done, the public need to know about it, because they are interested in, and concerned about, the issue.

636. Transparency is important. It appears that almost all of the responsibility is with the Department of Health, Social Services and Public Safety, which must be accountable to, for example, the Health Committee. You mentioned that the Committee could study the annual report. However, once a year is not enough, because the public and Committee members will want to know more. My concern is that the information will stay in the Department of Health, Social Services and Public Safety, but it is our duty and the public's wish that we receive it. If good work is being done to protect children, the public want to hear about it. If problems occur and are identified, the public will want to know how they are being addressed. If we were consulted every three or four months, for instance, we could tell people that the board was doing what it was set up to do.

637. It is worrying that everything seems to be happening within the Department, yet the Department almost seems to be acting as Big Brother and checking what everybody is saying. You mentioned the McElhill case, which I also mentioned earlier. I will never forget that funeral. We never want that to happen again. We have to reassure the public, because they need to know what is going on.

638. Ms Lewsley: Your comments go back to the issue of effectiveness, communication and how the board communicates with the public. That will happen through various strands. One strand will be trying to engage members of the community and voluntary sector and the general public. One aim of such engagement will be to encourage them to come forward to report incidents, as you mentioned earlier.

639. It is important that people who may have questioned whether they should report an incident have the confidence to do so. There are several important elements in achieving such confidence: the reaction of the board to someone who reports an incident; the feedback that the board provides; and whether the individual is kept informed about the process and what will happen next.

640. Dr Deeny: Good. Are you saying that the board can talk to the public through the community and voluntary sector? It will not be allowed to do that unless it has the approval of the Department.

641. Ms Lewsley: You are saying that you are worried about the Department's veto or the Big Brother role that it might play by curtailing the board's members and how they engage. It would be much better for board members to report to the Committee or to the Assembly, rather than to the Department. Our situation is the same: we have to report to OFMDFM, yet it also funds us. We would prefer to report to a Committee or to the Assembly, but that would require legislation.

642. Mr Brady: Thank you for your presentation. You mentioned that a safeguarding board has never existed in the North before. Do you regard the board's work as complementary to your own?

643. There are more children-related problems coming down the road. In a report that was published about three years ago, Save the Children stated that 39% of children in the constituency that I represent, Newry and Armagh, lived below the poverty line. As is well documented, we have some of the worst childcare provision in western Europe.

644. The Welfare Reform Bill will have a huge impact on lone parents and, therefore, a knock-on effect on children. That reinforces the necessity of the safeguarding board, which will work in tandem with your organisation and complement what it does.

645. Ms Lewsley: It is our job to monitor and make sure that the government deliver. That is why I said that it was important for the safeguarding board to become one of the authorities under NICCY's legislation, so that we are allowed to scrutinise and monitor it to ensure that it does its job properly. Many organisations, particularly the Department of Health, Social Services and Public Safety, deal with children through child protection services. Although we do not offer such a service, we must ensure that the services are in place. If we find a gap, it is our job to tell the government that it must be filled.

646. The Chairperson: When you left the Assembly, the health boards were still in existence. Now, we have trusts; no doubt there will be boards again when you come back. Thank you for your evidence; it has been most helpful. The Committee has benefited enormously from expert witnesses' evidence on what is an important issue.

30 September 2010

Members present for all or part of the proceedings:

Mr Jim Wells (Chairperson)

Mrs Michelle O'Neill (Deputy Chairperson)

Mr Mickey Brady

Dr Kieran Deeny

Mr Alex Easton

Mr Tommy Gallagher

Mr Sam Gardiner

Mr Paul Girvan

Mr John McCallister

Witnesses:

Professor Jan Horwath University of Sheffield

647. The Chairperson (Mr Wells): I do not know how long it has been since Professor Horwath was with us last. It must be eight or ten months?

648. Professor Jan Horwath (University of Sheffield): Perhaps less.

649. The Chairperson: You came in at the initial stages of the process, and we are now taking advantage of the Province's combined knowledge on this important issue. As usual, you will have 10 minutes to make a presentation, after which quite a few questions will come flying in from various members. You will have grasped the tone of our concerns. There is broad consensus

throughout the voluntary and statutory sectors, which is good. The concept is good, and we are going in the right direction, but issues about accountability, control and membership seem to come up time and again.

650. Professor Horwath: I endorse what you said. The framework in the Bill provides you with an excellent opportunity to develop safeguarding and the promotion of children here in Northern Ireland. In my presentation, I will reflect on various clauses and, in light of experiences in England and Wales, consider some issues that you may wish to tease out further on the operationalisation of the Bill. In doing so, I will concentrate on directions, regulations and additional guidance.

651. As you said, Chairperson, the notion of independence and what that means for the safeguarding board and, indeed, for what you hope to achieve through the safeguarding board vis-à-vis independence, has already been identified as an issue by the Committee and other witnesses. As I was reading the various clauses, it struck me that there is a tension concerning the extent to which the Bill, as it is set out, would lead to the board's ending up as an arm of the Department, rather than being at arm's length. Consideration must be given to defining what is meant by independence and how the board should sit within that context.

652. There are also accountability issues to consider. The role of the chairperson was the first issue that struck me. As we have heard today, the chairperson is, ultimately, accountable to the Minister. However, I was not clear on whether he or she will be held to account as an individual for the operation of the board or whether the board will be accountable collectively for its operation and effectiveness and the chairperson will, in effect, report on behalf of the board. There is a difference between those two scenarios. If you hope that board members will engage in the statutory duty to co-operate, all members must take collective responsibility for making the board work, rather than harbouring an expectation that it is up to the chairperson to do so.

653. That raises a second issue about how individual members of the board can be held to account for the way in which they implement the duty to co-operate. As I understand it, the various agencies are responsible to different Departments and Ministers, in addition to voluntary organisations, and, as is the case in England and Wales, the safeguarding board has no control over the internal operation of any agencies represented on the board. That has serious implications for the board's power to ensure that member agencies discharge their functions. As we discussed when I gave evidence previously, that means that the board acts as a critical friend. However, perhaps the implications of that need to be thought through with regard to how the board can take responsibility for discharging its functions.

654. On the question of governance, I understand that consideration is already being given to specifying the roles and responsibilities of members of the board. My experience indicates that it must be made clear that members of the board should come from the most senior management level in their organisations.

655. The Chairperson: We dealt with that specific point at the previous Committee meeting. We have received an assurance that board members will be at director or assistant director level, which would suffice.

656. Professor Horwath: That would give the board the profile that it needs.

657. One issue that I have come across time and time again in England relates to the nature of the way in which organisations are structured. Often, people at senior management level, particularly those for whom child protection is not their organisation's core business, may not have a professional background in child protection or, indeed, a background in working with children and families. Therefore, it is essential to ensure that members of individual agencies

that are represented on the board receive the professional advice that they require from their agency. It should also be considered whether that should be spelled out when clarifying members' roles and responsibilities.

658. Another issue that arose in England and Wales was that of members' understanding of their role on the board. Members of several boards with which I worked perceived themselves primarily as representatives of their agency, rather than taking a collaborative approach to making safeguarding work. Any agreements with board members must spell out that not only do they represent their agencies but they have a joint responsibility to make the board work. It is a collaborative leadership role.

659. In the same way that members of the board must be clear about their roles and responsibilities, clarity is required on the roles and responsibilities of members of the various panels, particularly the safeguarding panels that operate at a local level. Arising out of that are issues of communication, to which you referred. Based on my experience, if there is no effective communication between the main board and the local panels, the latter may work in a vacuum. The panels must balance local need with general issues that are brought to their attention by the safeguarding board, and they must feed information back to the board.

660. In many ways, the panels operationalise the strategic plan of the boards: they are the engine room. Therefore, although they must be given clear guidance on their remit and priorities, they must balance that with local need. That raises tensions and issues, particularly for the chairpersons of those panels. It is commendable that the chairpersons are independent. However, the requirement for those who chair the panels is the same as that for those who chair the safeguarding boards in England. They require exceptional knowledge and skills, or, in the Chairperson's words, the judgement of Solomon and the wisdom of Einstein. It will be difficult to find people who are not so entrenched in local issues that their independence is compromised.

661. It is worth thinking about what the board or the Health Committee can do should there be a lack of confidence in the chairperson of the board. That has become an issue for two boards with which I have worked in England. Systems must be in place to address those issues. I guess that that would also apply at panel level.

662. In England and Wales, the management of the interface between the safeguarding board and children's services planning is another issue. Again, systems must be in place to ensure that the work of the board and of those who work on the children's plan complement each other. They must avoid duplication but leave no gaps. Bullying, for example, may be of concern to the safeguarding board, but those whose remit is planning children's services may already address it. How will the board be made aware of that? To what extent does the board hold children's services planners to account for what they deliver on safeguarding issues, and so forth? The governance arrangements between the safeguarding board and children's services planning require clarification.

663. In England and Wales, many directors who sit on the board are also involved in children's services planning through the 10-year strategy, and so forth. Clarity is required on which hat the directors wear when sitting on different boards and partnerships. Are they clear about the interface between the two?

664. As far as the board's two objectives are concerned, experience in England and Wales, and the evidence that we heard from Bradford, reinforce the point that safeguarding is a general term that covers all sorts of activities. A clear definition of safeguarding and guidance on how the board should prioritise its activities would be helpful. A key finding of the Loughborough University study was that the most effective boards were those that were realistic about what

they could achieve. They prioritised their safeguarding activities rather than spreading the butter too thinly across the bread.

665. Another objective in ensuring effectiveness is one of the biggest challenges faced by boards in England and Wales: how is effectiveness measured? The ultimate measure is improved outcomes for children. However, that is a long-term measure. In the interim, boards must think about how to demonstrate that they make a difference. I have been involved with work in Wales that highlights the conditions that are necessary for a safeguarding board to be in a position to promote better outcomes for children. That work also examined how to measure annually the extent to which the board works towards those conditions or whether those conditions exist.

666. Another crucial part of measuring effectiveness is determining whether the board understands what is going on at the front line. It is crucial that that be measured, whether that is through its panels and subcommittees or through forums with front-line practitioners and managers. My work shows that senior managers think that they understand what is going on at the front line, but the front-line practitioners' experience paints a different picture. Therefore, how does the board know whether it is effective in making a difference to staff on the front line?

667. I wish to make two points about the functions of the safeguarding board, the first of which concerns the case management review (CMR). As Paul Hill highlighted earlier, as much can be learnt from cases that have gone well as from tragic cases. The tragic cases are those that are high risk and low probability. However, much can be learned from cases that work well, such as the ways in which to improve effectiveness. It is worth considering the extent to which a case management review process should facilitate the routine consideration of those kinds of cases.

668. My second point is about whether the safeguarding board should have the additional function of inter-agency training. Inter-agency training is considered an effective vehicle for promoting inter-agency practice, and a recently completed study in England reinforced that. One of the most effective ways of getting practitioners to work together is to train them together. Therefore, the board could play a role in specifying who should receive training and what kind of training that should be. As part of measuring effectiveness, the quality of that training should also be measured.

669. Clause 3(7) demonstrates that the Bill is keen for children and young people to be involved in informing the activities of the safeguarding board. That has been done successfully by a couple of safeguarding boards in England. However, it is becoming clear that that is incredibly challenging. I am completing a study across Europe on what is required to encourage young people who have been abused and experienced violence to engage in decision-making bodies, such as a safeguarding board. My briefing paper lists the key factors, as identified by young people that must be in place if they are to engage in active decision-making or in informing activities such as those undertaken by the safeguarding board.

670. The same is true of lay members. In the past couple of years, people expected safeguarding boards in England to include lay members, but that has proven to be a challenge. It has turned out to be crucial that those lay members receive comprehensive training and are well prepared before sitting on a board. It is also a challenge to find the right people. Some boards seem to have recruited lay members as an act of pure tokenism, so that they can tick a box. Others recruited ex-professionals, some of whom have been unable to take off their professional hats. That issue must, therefore, be thought through.

671. The Chairperson: Thank you, Professor Horwath. You have, yet again, come up with some extremely interesting material. We appreciate your coming over from Sheffield, because it is good to hear an academic view as well as the views of those who practise. You heard the discussion with the previous witnesses about the chairperson, but I must raise it again with you.

The chairperson requires the wisdom of Solomon, the brains of Einstein and, I suspect, the negotiating skills of Kissinger. With those as the requirements, we now have the initial advertisement for the job. It is advertised as being for two to three days a week and is pitched at £17,000 a year. I do not want to get wrapped up in the money; my concern is about the status that that reflects. From your experience in GB, is that an appropriate salary for someone whose board will cover five health and social care trusts and 1.7 million people?

672. Professor Horwath: No. I concur with what the representatives from Bradford said: the rate in England and Wales is £500 or more a day. I do not know who would be attracted by the salary that has been advertised here. Perhaps someone who is extremely committed to that kind of work may be prepared to take up the post.

673. The Chairperson: An academic will hardly leave his or her department for a couple of days a week to —

674. Professor Horwath: No.

675. The Chairperson: That was my initial view. When I read it, I thought that there was a zero missing or that the post was for two or three days a month. I was a bit surprised, and we will take that up with the Department.

676. In GB, there are two modes of investigation. The panels are reactive, and they step in and investigate when something goes wrong. I understand that, in England, some safeguarding boards initiate their own research and investigations. They may decide to investigate, for example, childcare in relation to drug and alcohol abuse and how social services and the voluntary sector deal with that in their district. Safeguarding boards in England have been up and running for four years. Have many boards started their own investigations as opposed to simply reacting to cases that have been referred to them?

677. Professor Horwath: Yes. The Sheffield Safeguarding Children Board, for example, has appointed a research officer to undertake research on any particular issue that it feels is pertinent, so that it can be more proactive than reactive in its response.

678. The Chairperson: Has that led to changes in social services? What effect does that have on changing policy?

679. Professor Horwath: That has an impact in so far as practitioners may read a research report about practice elsewhere and decide that it is not relevant to them. However, if they know that the research was local and involved their staff and that the findings relate to practice in their board area, there is no way that they can ignore those findings.

680. The Chairperson: Concern about the independence of the chairperson and the board in general is a recurring theme in all the evidence. We are slightly concerned by the reference to the fact that publications must be referred to the Department for approval. However, we may be worrying about something that, in effect, does not occur. More than 150 safeguarding boards have been operating in GB for four years. Has your research uncovered any examples of attempts to suppress, curtail or cover up critical reports and investigations by boards, or has there been freedom, in which case we are getting too worried about the legislation?

681. Professor Horwath: Interestingly, the focus of the annual report has changed. The most recent edition of the guidance to safeguarding boards, which came out this year, made it clear that the annual report must be an honest, critical reflection on safeguarding activities in a board's area. Previously, many annual reports were pretty factual documents without any critical analysis. Although some were excellent and did include such analysis, by and large, many simply

provided data, such as the number of people that a board had subjected to various categories of multidisciplinary child protection plans. Those figures might have been followed by a comment on the trend and something about areas that caused concern and thus led to a new training provision. Reports of that type were much more factual accounts of what had happened. We have yet to see what the new set of much more self-critical annual reports will be like.

682. The Chairperson: You also raised the intriguing issue of the board's losing confidence in the chairperson. Under present GB legislation, how would one get rid of the chairperson in that situation?

683. Professor Horwath: That has proved to be a challenge. Two boards with which I worked had no confidence in their chairperson, but both realised that their contractual arrangement with the chairperson meant that it was extremely difficult to get rid of him or her. You need to think about that. Although it is a rare occurrence, it can happen.

684. The Chairperson: There are two models of appointment. The first is that the chairperson is appointed by the Minister — in England and Wales, it would be the council — after the post has been advertised. In the second model, the safeguarding board is constituted and then makes the appointment. Which is better?

685. Professor Horwath: That is difficult to answer. I have worked in Northern Ireland for more than 15 years, and I know that it is a very small world. It would be difficult for members of the board to appoint a chairperson because it is likely that the candidates would be people whom they know well.

686. The Chairperson: They are absolutely bound to know them.

687. Professor Horwath: Perhaps the public appointments process creates a little distance. That said, the members of the board should be consulted about what they want and expect from a chairperson, and that should inform the process. However, in the Northern Ireland context, I have reservations about the board appointing a chairperson.

688. Dr Deeny: My question is of a practical nature. Our population of less than 1.8 million is small. You mentioned the relationships between the board and, for example, front-line health professionals. GPs, nurses and other health professionals take their concerns to social workers. I presume that the same happens with schools and that they have a channel through which they raise concerns.

689. Is there anything that you do, or that you think that we should do, as far as the general public are concerned? England is different in that it has more big cities. People in cities here and in Dublin will say that, often, they do not know what their next-door neighbours are doing. People feel that what happens next door is neither their business nor their concern. However, if one watches soap operas, and I have to admit that I watch 'Coronation Street', one would think that everybody knows what everybody else is doing. However, that does not seem to be the case.

690. We do not want any children to slip through the net because people think that what is happening to them is none of their business. Paul Hill mentioned the importance of including adult behaviour and its associated problems. However, if, for example, a family or an individual were concerned about the welfare of children next door or a couple of doors up the road, what could they do? They may feel that it is none of their business. Should we advertise a confidential telephone line that people can contact? People approach their GP only when they are 100% sure of their facts. However, even a suspicion that a child is at risk is reason enough for that to at least be reported.

691. Professor Horwath: The issue is how we convey to the general public in various communities that child protection, or safeguarding, is everybody's business. Several safeguarding boards in the UK have used lay members to great effect. However, I also talked about the danger of their representation being merely tokenistic.

692. A few safeguarding boards set up a subcommittee to focus on communication strategies. That subcommittee examines how it can engage with the general public, particular religious and ethnic groups, and so forth, within the community. The lay members on the main board are part of that subcommittee, and they played a significant role in providing an informed approach to engaging with various groups in the community. As a result, some boards developed specific communication strategies to convey to local groups that safeguarding is their responsibility and to outline what they should do.

693. Dr Deeny: Has the message that safeguarding children is everybody's business got through to the public across the water?

694. Professor Horwath: It is a slow process, but people are becoming increasingly aware.

695. The Chairperson: John McCallister wants to come in on this subject, but I have a question on a similar point. You mentioned the chairpersons of the panels. Do you envisage those appointments being trawled externally?

696. Professor Horwath: The legislation refers to the chairperson's independence —

697. The Chairperson: The chairpersons are independent, but do you envisage the panels and subcommittees simply being drawn from the board?

698. Professor Horwath: I presume that they will be drawn from agencies that are part of the safeguarding board. Are you asking whether members of the board will sit on the subcommittees?

699. The Chairperson: Will the panels and subcommittees be chaired by somebody who also sits on the board or by members of the agencies that are represented on the board, but not necessarily by the same individuals who sit on the board? If Mrs Smith, for example, represents the NSPCC on the board, could Mrs Jones, who does not sit on the board, represent that group as chairperson of a panel or subcommittee?

700. Professor Horwath: No, I thought that the independent chairpersons would be independent paid appointments in the same way as the chairperson of the main safeguarding board, but that might be my misunderstanding. Again, the issue is what "independent" means.

701. The Chairperson: You believe, therefore, that the independence must extend down to the next level, which would mean that the chairpersons of the panels would be public appointments?

702. Professor Horwath: Not necessarily. The key issue at that next level is that a direct line of communication must be established between the local safeguarding panels and the board. If you are saying that members of the board would chair those panels, that would provide direct communication.

703. Mr McCallister: The follow-on from that discussion is how we link everything. Have you seen a huge difference in England between the boards that involve the community and voluntary sector and try to influence the policy agenda by making changes to suit different youth groups,

as opposed to those that do not? Is there a huge difference in England between the boards that engage will and those that do not engage at all with such groups?

704. Professor Horwath: I am able to give you only my impression, because I do not work with all 150 boards.

705. Mr McCallister: OK. Will you give us an average?

706. Professor Horwath: The boards that work most effectively are those that have a good relationship with the children's services planners. Often, the planners and the children's services plan have already brought community and voluntary groups on board. Therefore, there is a route via which the safeguarding boards can promote safeguarding activities, engage actively with those groups and avoid the duplication that I mentioned earlier. The boards that have a genuine understanding of the difficult child protection issues are those whose members have made an effort to find out about front-line practice.

707. Mr McCallister: Presumably, the closest thing that we have to children's services planners is the Children's Commissioner, who is sitting a few feet behind you and is due to give evidence next. You have had a fair involvement in Northern Ireland over the past 15 years. Do you regard the Children's Commissioner as our point of contact with the safeguarding board? Could we use her office as our equivalent of the children's services planners in England?

708. Professor Horwath: Is the Children's Commissioner responsible for the children and young people's strategy?

709. Mr McCallister: I am told by the Children's Commissioner that she is not.

710. The Chairperson: The Office of the First and deputy First Minister is responsible for that plan, which means that it must be right.

711. Mr McCallister: You mean that no one is responsible? As OFMDFM leads on the strategy, should it have links to the board, and must we ensure that those links are created?

712. Professor Horwath: Yes; I think so.

713. Mr McCallister: The Committee has not yet heard evidence on the Bill from OFMDFM. We may need to consider doing so.

714. Professor Horwath: Yes. There have been issues in GB about how to manage the interface and avoid duplication. The other issue is how to prevent children from falling between the gaps when each of two different bodies presumes that the other is working with a particular group.

715. The Chairperson: I am conscious of the fact that the Deputy Chairperson has not yet had a chance to ask a question. Do you have any questions, Michelle?

716. Mrs O'Neill: I liked Professors Howarth's line that the board appeared to be an arm of the Department, rather than at arm's-length. That issue may come up again.

717. You said that communication must be strengthened, which brings us back to the point about some subcommittees in England working in a vacuum. Should we legislate to ensure that there must be a minimum level of communication between the local safeguarding panels, the subcommittees and the board?

718. Professor Horwath: I do not know whether that would come under the legislation or under the directions and guidance to the board.

719. Mrs O'Neill: It may be in regulations.

720. Professor Horwath: The Bill states that each local panel must provide an annual report, but more is required. One way to achieve that is to be more explicit about the role and responsibility of members of the board who chair the various subcommittees and panels and to state more explicitly that they must act as the conduit for communication.

721. The Chairperson: Subordinate regulations could be brought in to stipulate that relationship. Therefore, it may not be necessary to include it in the Bill. The regulations enable us to decide later on the exact linkages.

722. I want to ask you the same difficult, but necessary, question that I asked of the previous witnesses. The whole idea is wonderful, and it seems that we will achieve some form of co-operation and establish a common cause of child protection. We all support that. However, does it actually work? We will put a great deal of time and effort into the safeguarding board, albeit not much money for the chairperson. However, is there any evidence that the first four years of operation of the 150 safeguarding boards in England have produced better policies and better child protection? To some extent, we may have the veneer of doing the right thing, but can we point to various boards in England and say that practice has improved dramatically as a result of scrutiny by the safeguarding boards?

723. Professor Horwath: That is the 10 million dollar question. I refer members to Wales rather than England. The Care and Social Services Inspectorate Wales introduced the self-assessment and improvement tool to which my written evidence referred. Recently, it completed its first audit of all the safeguarding boards in Wales. In doing so, it used as a benchmark the different criteria in that audit tool. I am told that they believe that there has been an improvement in the quality of co-operation between agencies and an improvement in the conditions that are necessary to promote collaborative working. To that extent, there have been improvements. I do not know whether the boards have made a difference to outcomes for children; that is the one element that we have not measured effectively.

724. The Chairperson: Are the statistics for the number of gateway referrals of children who are on the child protection register beginning to show any difference or is the situation merely worsening more slowly?

725. Professor Horwath: It is difficult. Previously, we tended to focus on service output and examine that kind of quantifiable data, but what does that tell us? If the number of referrals goes up, it could be that the community or professionals take safeguarding much more seriously and make more referrals. Does that mean that the safeguarding board is working effectively because it has raised the awareness of issues? It is difficult to take such data in isolation and state that we want a drop in the number of referrals in certain areas, because that is not necessarily the case. Rather, we want the right children to receive the right services, and to measure the extent to which that is happening requires a much more qualitative study.

726. The Chairperson: Thank you very much, Professor Horwath. Today's session has been extremely useful, as have all the evidence sessions on this important issue. The next witness is the Children's Commissioner; you are welcome to stay on to hear the evidence from Patricia Lewsley and her team.

7 October 2010

Members present for all or part of the proceedings:

Mr Jim Wells (Chairperson)
Mrs Mary Bradley
Mr Mickey Brady
Dr Kieran Deeny
Mr Alex Easton
Mr Sam Gardiner
Mr Paul Girvan
Mr John McCallister

Witnesses:

Mr Fergal Bradley
Ms Patricia Nicholl Department of Health, Social Services and Public Safety

727. The Acting Chairperson (Mr Easton): I welcome Fergal Bradley, who is a senior principal officer in the childcare policy directorate of the Department of Health, Social Services and Public Safety (DHSSPS), and Ms Patricia Nicholl, who is from the office of social services. I invite you to make a 10-minute presentation, after which I will invite questions from members. I will allow up to 30 minutes for the session.

728. Mr Fergal Bradley (Department of Health, Social Services and Public Safety): We are grateful for the opportunity to talk about the remuneration and appointment of the chairperson of the safeguarding board for Northern Ireland (SBNI). As you are aware, the appointment was advertised in the local media on 20 September. The policy proposals on which we consulted, and which are reflected in the Safeguarding Board Bill, were to establish a safeguarding board and put in place suitable arrangements to meet the needs of Northern Ireland. We worked closely with colleagues across several sectors, including the statutory and voluntary sectors, on developing those proposals.

729. The proposals built on learning from local safeguarding children boards (LSCBs) and how they have worked in England and Wales. However, they are intended to reflect our specific circumstances, structures and needs. As a result, the Bill does not establish a local safeguarding children board. Instead, it establishes a regional safeguarding board for Northern Ireland.

730. In that regional arrangement, the role of the chairperson of the SBNI will be underpinned by a substantial infrastructure and resources that will be directly available to him or her. The chairperson will have a dedicated team of staff at his or her disposal. Two staff members will be appointed at director and assistant director level. As such, those are executive senior management posts. They will be accountable to the SBNI's chairperson, rather than to a senior manager in one of the statutory agencies of the SBNI, which is what happens in England and Wales.

731. The SBNI chairperson will be able to commission other services or appoint other staff members as required. In addition to such recurrent funding, member agencies of the SBNI will be expected to make contributions in kind. The level of support available to chairpersons in England varies between local safeguarding children boards. In some cases, they depend almost exclusively on contributions in kind. However, in the current financial climate, contributions in kind in Northern Ireland and GB may be vulnerable.

732. Under our arrangements, the chairperson will also be supported by the chairpersons of the five safeguarding panels. That is not the norm for local safeguarding children boards. The

evidence from England is that, to function effectively, local safeguarding children boards must have clear lines of demarcation between the board's operational and strategic functions. The model that we are establishing builds that into the arrangements. The chairpersons of those panels will have a direct reporting line to the board's chairperson. They will be responsible for implementing operationally the strategic direction that will be set at board level and for providing input into that direction.

733. The direct resource being made available by the DHSSPS to meet the staffing and running costs of the SBNI will be about £750,000, which we believe is approximately three times the amount that is available to a typical local safeguarding children board. That is a clear indication of the Department's commitment to the SBNI. By funding the director and assistant director posts to work directly to the chairperson, the total investment at the top of the SBNI, including the chairperson's remuneration, is approximately £170,000 per annum.

734. The time requirement for the chairperson of a local safeguarding children board is two to three days a month, or 30 to 40 days per annum. Although the chairperson of the SBNI will be expected to be available on two to three days a week, he or she will still have available the significant resource and infrastructure that I described.

735. The chairperson of the SBNI will play a key role, and, given that the arrangements in Northern Ireland differ from elsewhere, we worked hard to arrive at a position on remuneration. The figure at which we arrived was determined in line with other local chairperson positions in Northern Ireland. The specific level partly reflects the fact that the SBNI chairperson will have the significant resources that I outlined at his or her direct disposal.

736. In considering the level of remuneration for the SBNI chairperson, we looked into other public appointments. The Committee is aware of the levels of remuneration for the likes of chairpersons of health and social care (HSC) trusts. The chairperson of the Belfast Trust, for example, receives about £34,000 per annum. However, that chairperson is responsible for an organisation whose budget is approximately £900 million. The trust delivers a wide range of complex regional and local services, including the discharge of statutory functions in the Belfast area.

737. When considering the remuneration of the SBNI chairperson, we focused specifically on the Regulation and Quality Improvement Authority (RQIA) and the Northern Ireland Social Care Council (NISCC). The chairpersons of those organisations are expected to work for about two to three days a week, and those posts are funded at between £17,000 and £17,500 per annum.

738. The RQIA's annual budget is £6 million, and it is responsible for the oversight of the quality, governance, accountability and discharge of statutory functions of health and social care services across the region in both the statutory and non-statutory sectors. The NISCC has an annual budget of approximately £2 million, and it is responsible for the registration of much of the social care workforce and the regulation of social work training across the region.

739. The chairpersons of the RQIA and the Northern Ireland Social Care Council have roles in the corporate governance of their bodies. As the SBNI is an unincorporated statutory body, its chairperson will not have the same level of responsibilities for the board. In the end, however, the Department felt it appropriate that the chairperson of the SBNI should be recompensed in line with the above organisations. In that regard, we are satisfied that, in expending public money on the remuneration of the chairperson of the SBNI, we have done so in accordance with comparable payments to high-calibre independent chairpersons of other public bodies in Northern Ireland. It has never been our intention to remunerate the position based on the daily rates for chairpersons of some local safeguarding children boards. In our view, those rates are akin to those for consultancy.

740. The chairperson of the SBNI is a non-executive position. The appointment of the chairperson through a public appointments process was a key part of the regional policy consultation that was undertaken by the Department and subsequently approved by the Executive. The establishment of the SBNI as a ministerial priority and the timeline for the public appointment have been set in order to try to have a chairperson in place and to establish the SBNI by April 2011. The post will be that of chair designate, which will allow the chairperson to take up his or her position before the commencement of the legislation and allow him or her to play a key role in the recruitment of staff, particularly the director and assistant director. The involvement of the chairperson in those staff appointments will be crucial to the success of the team and will help to ensure that the preparations for the SBNI will be well under way by the anticipated commencement of the legislation in April 2011.

741. To meet the timescales for both recruitment processes, the position of chairperson is being advertised now. We are looking for someone with commitment, knowledge and expertise, who meets the essential criteria for the post. We are confident that, in Northern Ireland and further afield, there is a significant pool of qualified people who could undertake the role. It is a prestigious position to be taken on by someone who sees the role as more than a job and who has the time, commitment and dedication to develop the roles and responsibilities of the chairperson. In advance of the conclusion of any recruitment or employment process, no one can gauge the level of interest or the calibre of candidate who will apply. I acknowledge the Committee's concerns, but I stress that, under the public appointments process, no one will be appointed unless he or she meets the criteria.

742. I would also like to take the opportunity to clear up an apparent misunderstanding that relates to the process of the appointment of the chairperson of the SBNI. The Department stated in its evidence on 9 September that it would share the SBNI chairperson's pack with the Committee:

"at an appropriate juncture in the recruitment process".

743. As members may recall, I was a member of the team that appeared before the Committee at that time. I understood "an appropriate juncture" to mean when the advertisement appeared in the press and the pack was in the public domain, but I should have clarified that for the Committee at the time. We also stated that, if the Committee wished to share its views on the competencies on which the job specification should be based, we would be happy to discuss that with the Committee. In the absence of any communication, we assumed that the Committee did not wish to take up that opportunity. I am the policy lead, and I should have ensured that the Department contacted the Committee to ensure that it did not want to take up that offer. I apologise for any confusion. I assure members that no disrespect was intended, and it was not our intention to undermine the role of the Committee.

744. By way, I hope, of reassurance to the Committee, the key criteria in the pack are standard criteria that are used in the public appointment of chairpersons to a wide range of health and social care bodies in Northern Ireland. The pack also includes material drawn from various recruitment packs that are used by local safeguarding children boards in England to recruit their chairpersons.

745. The specific relevance, knowledge and expertise of candidates for role of the SBNI chairperson will be examined at interview. That is why we approached Jan Horwath, a recognised expert in the UK, to be part of the interview panel. The panel will also include an independent person nominated from a central list that is maintained by the Office of the First Minister and deputy First Minister (OFMDFM) central appointments unit, whose role is to maintain the integrity of the public appointments process. The third panel member is the Chief

Social Services Officer as a member of the departmental board and the main departmental sponsor of the SBNI.

746. I hope that I have been able to provide some clarity and understanding regarding the Department's thought process on the remuneration and appointment of the chairperson. I am happy to take questions.

747. The Chairperson: Thank you, Mr Bradley. Recently, a list of payments to district councillors in Northern Ireland was published in a local newspaper. A district council meets three or four times a month, or half a dozen times. Many councillors bring home more than the chairperson of the SBNI. Last night, indeed, I noticed that one councillor takes home £28,000 a year. Obviously, as a district councillor, I am missing something, because I do not know how he does that. However, it can be done.

748. My daughter is a teacher of music, and, in four years' time, she will earn more, pro rata, than the chairperson of the SBNI. I am unsure that your offer reflects either the importance of the position or the fact that the chairman is enshrined in the legislation and will not be there simply as a chairman. He — or she — has a whole series of roles that are outlined in legislation. I do not know whether what you suggest reflects that level of importance. There are chairpersons, such as me, whose role is simply to chair; in my case, I chair the Committee. That is my role, full stop. However, other chairpersons lead organisations. The chairperson of the SBNI will have a much more important adversarial role. The role extends far beyond chairing meetings to working on behalf of the SBNI and participating in many other activities. Therefore, I regard that role as different from the other chairpersons to whom you referred. Have you reflected in the pay, terms and conditions the legislative role of the individual who takes up the role of chairperson of the SBNI?

749. Mr F Bradley: In determining the pay of the chairperson of the SBNI, we sought to reflect the comparison with the chairpersons of some of the other key bodies, such as the RQIA. However, we also sought to take account of the fact that the chairperson will attend the board on up to two or three days a week. However, the SBNI chairperson will have two executive staff, one at director level and one at assistant director level, who will operate explicitly and exclusively according to his or her direction. In addition, there will be five panels, one for each trust area. Each panel will be separately chaired, and those chairpersons will report back and be accountable to the SBNI chairperson. In reaching a level of remuneration, we tried to reflect the total package as part of the total resource that will be available to the chairperson.

750. The Chairperson: Since the ad was published, we have spoken to quite a few folk who work in the field of child protection. All agreed that if they were taking early retirement, for example, they would not even think of applying. It must be remembered that the SBNI is being pitched at a particular level, and its constituent members will be directors or assistant directors of social services, trusts, the NSPCC, the voluntary sector, and so forth. You expect a chairperson to come in and manage that group and act as its spokesperson. However, the Committee has heard that the sort of people whom you want on your interview shortlist would not touch it. It is not about the money, because most of them have taken early retirement and are, probably, reasonably secure. The problem is that the post has been pitched at a level below that of a district councillor.

751. Mr F Bradley: All I can say is that the chairperson is a non-executive position. At this point, the only indication that we have about the level of interest is the number of packs requested, and that is pretty much in line with the number that one would expect in a fairly robust recruitment process.

752. Ms Patricia Nicholl (Department of Health, Social Services and Public Safety): By 6 October, we had received 19 requests for packs for the position of chairperson of the SBNI.

753. Mr F Bradley: We must be clear that this is a public appointment and, therefore, our involvement is limited. We know the number of packs that have been requested, but no one knows who will come forward. We tried to benchmark the position against other posts of chairperson. The closing date is 21 October, by which time everyone will know the number of applicants. By early November, the panel, including Jan Horwath, will have identified the number of those candidates who appear to meet the criteria — at least for shortlisting for interview. The process will move quickly. It will become apparent whether we have pitched the post at the right level, which means not only the appropriate level of remuneration but the fact that the chairperson will have staff working directly to him or her. They will do much of the day-to-day work under the chairperson's direction.

754. The Chairperson: You seem to be quite generous in your allocation for the two executive positions. You could have a chairperson who earns less than a district councillor. However, the chairperson will have a pioneering role, particularly in the important early stages. He or she will try to establish a safeguarding board for a much larger population than that for which the equivalent chairperson in GB is responsible.

755. Mr F Bradley: The chairperson in GB has neither the panels nor their five separate chairpersons.

756. The Chairperson: That means that the chairperson will have even more responsibility, because he or she will have to oversee the work of five panels.

757. Ms Nicholl: The management structure that we established for the SBNI includes support for the chairperson from senior executives at director and assistant director level. They are there to provide independent advice and briefings on SBNI matters and will assist the chairperson in carrying out his or her role. It is important that the role of the director of safeguarding and that of the chairperson complement each other. It will be for the director to assist in ensuring that the decisions that are made by the SBNI and the chairperson are taken forward. The director and assistant director will do much of the donkey work. We have set in place a structure for the SBNI that does not exist in the local safeguarding children boards in England and Wales. Key paid staff will be attached to the chairperson to support his or her function. The chairperson will not undertake this important role alone but will be ably assisted by qualified senior grade staff.

758. The Chairperson: Will those people be employed by the Department?

759. Ms Nicholl: They will be employed by the SBNI. They will be line-managed directly by the chair and appointed through the Public Health Agency's recruitment process.

760. The Chairperson: Will they be paid by the Department?

761. Mr F Bradley: Yes.

762. The Chairperson: Someone really wicked might say that you are looking out for folk who are likely to transfer from your Department to take on those roles, but the poor chairperson will simply have to sit there.

763. Mr F Bradley: No. Those people will be recruited to and employed by the SBNI. They will be line-managed by the SBNI. They are not in any way beholden to any of the member organisations of the SBNI or to the Department. The arrangements in England typically involve

local authorities recruiting safeguarding board staff who are line-managed by directors in those local authorities. The arrangement that we have come up with for Northern Ireland gives the SBNI chairperson a considerable degree of extra autonomy in that, as I said, he or she will not receive advice only from professionals and experts from the member agencies. The chairperson of the SBNI will also have his or her own staff who can provide advice, analysis and briefing. That means that the chairperson will not have to rely totally on member agencies.

764. The Chairperson: Are those staff at director level?

765. Ms Nicholl: They are at director and assistant director level.

766. The Chairperson: Why would you need someone at director level to do that work?

767. Mr F Bradley: We wanted to provide to the chairperson an individual who could work full-time, at his or her discretion, on whatever the chairperson wanted.

768. The Chairperson: Dare I ask what the average salary of someone at director level is?

769. Ms Nicholl: The salary for a director is £82,000 including management oncosts; the take-home pay is £67,000, which is a senior 8C Agenda for Change band salary. The director will be supported by an assistant director receiving about £57,000 take-home pay.

770. Mr F Bradley: Those are the chairperson's staff and will do the work that he or she wants them to do. To some extent, when it comes to the requirements of the chairperson and the amount of flexibility and additional support that he or she has in discharging the role, it is a matter of swings and roundabouts. Those unique arrangements are not the same as those for local safeguarding children boards in England. We tried to make those arrangements in a way that ensures that the SBNI is properly resourced and that the chairperson has access to his or her own resources to allow him or her to do the job.

771. The Chairperson: We all hope that we are wrong and that the advertisement will attract the type of person whom we want for such a crucial role — a person who will deal with incredibly sensitive material and with the safeguarding of our children — and that there will be a stream of able-bodied people. However, there is a small pool of people in Northern Ireland whom, we believe, have the skills to take the post on. Most of them — all of them, in fact — have said that they will not touch it because the salary being offered is derisory.

772. Ms Nicholl: Fergal mentioned the benchmarking exercise that we undertook to arrive at the figure for the chairperson's remuneration. We took account of other similar health and social care bodies that have been able to appoint successfully, through the robust public appointments process, high-calibre distinguished individuals at the level of chairperson. We will know within the next six weeks whether that will be the case for the SBNI. Given the timescale for recruitment, the public appointments office will be able to let us know whether it is in a position to recommend an individual who meets the criteria set out in the recruitment pack and is prepared to undertake the role at the remuneration identified. That should happen before the conclusion of the Committee's clause-by-clause consideration of the Safeguarding Board Bill.

773. Mr Easton: I had not given much thought to the director. At the beginning of your presentation, you mentioned the figure of £170,000.

774. Mr F Bradley: That is the total remuneration for the chairperson and the two full-time director and assistant director posts. The latter two are the big hitters; they are the chairperson's staff and will work at his or her behest.

775. Mr Easton: My main query is whether the director will be accountable to the chairperson. Will the chairperson have control over everything that the director does, or will it be the other way round?

776. Mr F Bradley: The chairperson will have total and exclusive control. It is a clear line management position. It is not the situation that you will find in GB, whereby staff who work as part of a local safeguarding children board are line-managed by someone who is a permanent employee of the local authority. That will not be the position here. The director and assistant director will be the chairperson's staff.

777. Ms Nicholl: It will be the role of the chairperson to set the strategic direction and the vision, but it will be the role of the director to implement that in accordance with the directions of the chairperson.

778. Mr Easton: The director or the deputy director will, therefore, not need the Department's clearance for anything.

779. Mr F Bradley: That is correct. When the work programme for the SBNI has been agreed by its members, it is the chairperson's job to lead the process through which the programme will be delivered. With regard to the Department's role, this is a public appointment; the chairperson is a non-executive chairperson. Our involvement in this will, typically, involve a twice-yearly accountability meeting, and that will focus on the extent to which the SBNI chairperson and the board are delivering on their functions, as set out in the legislation. The SBNI will deliver its annual report to the Department, and, subsequently, we will put that before the Assembly. The chairperson will have an annual appraisal.

780. Ms Nicholl: In accordance with the public appointments appraisal process, the chairperson will be appraised annually by the Chief Social Services Officer through the sponsor branch in the Department.

781. Mr F Bradley: The same process applies to the chairpersons of the RQIA and the Northern Ireland Social Care Council.

782. Ms Nicholl: All 17 health and social care bodies are appraised through the public appointments appraisal process, and the SBNI chairperson will be exactly the same. Under our regulations, we will also have provision to bring forward arrangements for the appointment, tenure and disqualification of the chairperson in relation to any performance appraisal matters.

783. Mr F Bradley: The Committee will be able to see the sort of thing that we are talking about.

784. Dr Deeny: You say that it is a non-executive post. What is your understanding of what non-executive means?

785. Ms Nicholl: A non-executive post is usually one that is appointed by the Minister. It is usually on a part-time basis, and it is usually appointed through the public appointments process to give independence and scrutiny to the delivery of the functions of a body that has been established to deliver on health and social care issues.

786. Mr Easton: Therefore, the person is not an employee.

787. Ms Nicholl: The chairperson is not an employee of the SBNI but is there to give strategic oversight and to ensure the effective delivery of the board's work. There will be support from other non-executive lay members, of whom there will be no fewer than two and no more than

four. Their role will be to scrutinise and to ensure the effectiveness of the work of the executive members and the SBNI in the delivery of their objectives and functions.

788. Dr Deeny: I take on board what you said about non-executives, Patricia. However, what you said about this non-executive post, which the entire Committee considers to be extremely important, was contradictory.

789. I disagree with you, Fergal. You said that the post requires an expert who has considerable prestige. You also said that the post of chairperson was treated like a consultancy post across the water but that you did not agree that that should be the case here. However, I regard the post of SBNI chairperson as being at that level, because that is the sort of person whom we hope to attract.

790. You said that the role of the non-executive chairperson is to scrutinise and that he or she will direct the director and the assistant director. Therefore, the chairperson will use his or her expertise, skills and experience to make decisions that he or she will ask the director and the assistant director to carry out. In that context, the use of "non-executive" is contradictory. That seems — I was going to say "arse about face", but that may not be the appropriate language to use on camera. It does not seem right for someone on £17,000 to direct two senior people who are on more than £80,000 and £56,000 respectively. It worries me that the non-executive post might be that of a figurehead to enable the Department to state that the board has a chairperson, whereas the real work will be done by the director and the assistant director.

791. My other worry is that the remuneration in the advertisement will not attract the right people. The Chairperson already referred to that. You will attract quite a number of people who are underqualified for the position and do not have the ability to direct staff at director and assistant director level. The chairperson must have a high level of relevant experience and should be paid accordingly. A situation in which someone on that level of annual remuneration directs people on a much higher salary is a recipe for disaster. How can you say that the position is non-executive but that the director and the assistant director will act "on the direction" of the chairperson?

792. What is the rush? This is an extremely important post. Is it not more important to get the right chairperson and other staff in place? Do you think that you will receive applications from many people who are underqualified for the post?

793. Ms Nicholl: The safeguarding board is a ministerial priority. We set out a timetable in conjunction with the public appointments unit for the appointment of a chairperson —

794. Dr Deeny: I am sorry for interrupting, but it is not just a ministerial priority; it is a priority for the population of Northern Ireland.

795. Ms Nicholl: We agree, which is why we want to appoint a chairperson by December. We also want to appoint the chairperson by then so that he or she will be in a position to appoint his or her team, which will consist of a director, an assistant director and administrative posts. The appointee will want to be party to the recruitment process.

796. Fortunately, the job advert has appeared in the paper. We are mindful that we will know the number of candidates who have applied by 21 October. By 5 November, we will know whether we have sufficient candidates to field a shortlist. By 19 November, we will know whether the public appointments unit is in a position to recommend the appointment of an individual who meets the criteria. No one is prepared to appoint an individual who does not meet the required criteria to the post of chairperson of the safeguarding board for Northern Ireland.

797. The Chairperson: The danger is that you will attract the type of person with whom the Department is comfortable. The position is more than that of chairperson: whoever is successful is meant to be a critical friend and expose poor practice.

798. Ms Nicholl: We are fairly satisfied that we have independent experts on the interview panel. Those people are there because of their safeguarding expertise and experience, and in the case of Jan Horwath, an expert in the field of local safeguarding children boards. The panel will also include an independent expert appointed by the public appointments unit. Although the Chief Social Services Officer will sit on the panel, he will be ably assisted by two further experts who will bring their experience and scrutiny to play in appointing the chairperson.

799. Mr F Bradley: I want to emphasise that the person with whom the Department is comfortable will meet the competencies. There is no other agenda or set of criteria. We want someone who is capable of doing the job, and it is our desire to achieve that goal.

800. Dr Deeny: Do you imagine that people in any other company would take directions from a member of staff who is paid one quarter or one fifth of their salaries?

801. Ms Nicholl: We can use only the example of chairpersons of other health and social care organisations, who are paid a similar salary to that of the safeguarding board's chairperson. The chairperson of the Northern Ireland Social Care Council receives about the same remuneration. The NISCC has a series of directors and a chief executive who are paid substantially more than £17,000 per annum, and the same is true of the RQIA.

802. The Chairperson: I have not seen much criticism of the Department from any of those folks in the papers.

803. Ms Nicholl: Perhaps there is nothing to criticise.

804. The Chairperson: I suspect otherwise.

805. Mr F Bradley: We pay attention to the Committee's meetings and sometimes watch them on 'Democracy Live'.

806. The Chairperson: What a sad person you are.

807. Mr F Bradley: I must say that you all look well on television. I have heard Committee members speak positively about the RQIA's role and about its reports that identified shortcomings in health and social care. Therefore, it is not true to say that the sorts of bodies that we are talking about do not produce reports or identify shortcomings to which it is difficult for agencies and the Department to respond. The Department must respond to those. One such body is the RQIA, whose chairperson is remunerated at a similar level. In a previous life, I had dealings with the chairpersons of the RQIA and the NISCC. They had both been extremely distinguished individuals in their previous careers, and I imagine that they remain so in their current roles.

808. Mrs M Bradley: My mind is boggling. I cannot believe that the job will be advertised at that salary. You will not get the person whom you need. The person who is appointed will safeguard children and will be responsible for advising how that should be done. However, the director and assistant director will be paid £82,000 and £56,000 respectively. Why are those two posts needed? I cannot understand why two positions attracting that amount of money are required. If you advertise the job of chairperson at a measly £17,000, you will not attract a person of the right calibre. It is the most important job that has been advertised for a long time.

809. Ms Nicholl: One of the first things that must be said is that the chairperson's appointment process was subject to public consultation. The public consultation document asked specifically whether the chairperson should be appointed through the open and transparent public appointments process and, if not, what alternatives people could suggest. Some 75% of respondents supported the public appointments process for the chairperson's appointment. We followed through on that commitment from the public consultation.

810. Mrs M Bradley: You have not told me why there is the need for a director and an assistant director who will be paid £82,000 and £56,000 respectively. Will the five panel chairpersons be paid at that level as well?

811. Ms Nicholl: At present, the policy intent is to appoint five safeguarding panel chairpersons in line with the public appointments process. However, we are mindful of the need for transitional arrangements between the current regional child protection committee and the new safeguarding board panels for the SBNI. Therefore, there will probably be temporary appointments in the first instance.

812. Mrs M Bradley: It is one job that the public will scrutinise to ensure that it is done properly, because it is so important. I hope and pray that you get the right person for the post.

813. Mr F Bradley: A critical element in the process is that creating a safeguarding board for Northern Ireland and having an SBNI chairperson do not in any way reduce the current statutory responsibilities of all existing agencies, whether they are in the sphere of justice, health and social care or education. The people who deliver those services retain their statutory responsibilities in all those areas.

814. Mrs M Bradley: You said that the chairperson's remuneration will be £17,060 for two to three days a week only. Given that the chairperson will have the main organisational responsibility, and so forth, for the board, why will he or she work for only two to three days a week? I cannot see how he or she could do it.

815. Ms Nicholl: The chairperson's role is to lead the SBNI and set its strategic direction. SBNI members will contribute to the strategic plan. The chairperson will be supported by two executive members at director and assistant director level in implementing that strategic direction and taking forward the board's vision. In doing so, they will be ably assisted and supported by the chairperson. Their posts are necessary to support the chairperson in delivering the objectives and functions of the SBNI.

816. Mrs M Bradley: Excuse my ignorance, but if the chairperson will direct everything, why does he or she need two more highly paid director posts above him or her? I do not understand that part. It is very confusing.

817. The Chairperson: That was my point. Given that there are extremely well-paid folk at director and assistant director level, perhaps the chairperson should only be employed for one day a week. If they do so much of the work, what does the chairperson do on the other two days of the week?

818. Ms Nicholl: On the basis of similar posts in other health and social care organisations, we benchmarked not only the remuneration but the tenure of the chairperson in relation to the number of days' work. Any issues about the SBNI will be subject to review. Thus, if we were to find that the chairperson did not have enough to do, that would be subject to review. However, to all intents and purposes, in the initial stages, a great deal of work will be required to build the SBNI's strategic vision and its action plan on how to meet the objective of promoting the welfare and safeguarding of children.

819. Mr Girvan: I listened with interest because I am new to the Committee, and I was intrigued to find that many of the management structures already seem to be in place or have been decided, which was not something that we had previously discussed. You quoted the figure of £170,000 for three positions. I know that you feel that you are dealing with it properly, but giving someone the title of director already places that individual on another scale. By doing that, it takes away some of the responsibility of the chairperson, because the director will ultimately steer the board.

820. Some of us around the table are members of councils, and we know the key role that chief executives of councils play. My impression is that the director will steer the chairperson of the safeguarding board, as opposed to the other way round. Given the level of remuneration, it does not look as though the chairperson will be independent. Rather, he or she will be there as the puppet of a director who is paid much more.

821. The only people who will be interested in the post of chairperson will be those who are retired, have plenty of time on their hands and can devote two days of their week for a return of £17,000. The chairperson will let the director and assistant director do all the work, and he or she will simply run the board. However, that is not what we are looking for, and it does not accord with what I heard during several earlier evidence sessions when the role of chairperson was the central issue. Many people who have seen the post advertised in a job centre will think that they should apply. I envisage the post being readvertised, because it will not attract the calibre of people whom we require.

822. Mr F Bradley: It will quickly become apparent whether that position is correct. With regard to the director and the assistant director, I restate that they will work for the chairperson.

823. Mr Girvan: I appreciate that. I know that the chief executive of a council is supposed to act on its direction, but we all know what happens there.

824. Ms Nicholl: Importantly, the level of direction provided will form part of the performance appraisal. A key outcome of the establishment of the safeguarding board for Northern Ireland will be a shift away from the focus on social services as the main protagonists in the arena of safeguarding of children. It will be for the chairperson to challenge that and render it much more of a multi-agency focus. It will be the chairperson's role to set and take forward that new vision for safeguarding, because the professional advisory remit, under which the director and assistant director roles will probably come, will probably be social services oriented.

825. Mr Girvan: Do you agree that the position of the chairperson is more important than that of the director?

826. Ms Nicholl: We have never doubted that.

827. Mr Girvan: How can someone who works for three days a week be paid £17,000, whereas someone who works for five days a week is paid £83,000 or £86,000? It does not add up. It makes no sense whatsoever.

828. Ms Nicholl: You may be right. However, other health and social care organisations with bigger budgets and larger remits for accountability and governance arrangements have high-calibre chairpersons. The process works. Those chairpersons were appointed at a similar remuneration to that which has been identified for the chairperson of the SBNI, who will also be appointed through a robust public appointments process.

829. Mr Girvan: We are not trying to set up another quango. The board should be nothing like that. It is not about jobs for the boys. The board will have an important role. I would be happy to look at how the £170,000 could be split more fairly in proportion to the responsibility given.

830. The Chairperson: That need not necessarily mean more money, merely a redistribution of the existing budget.

831. Mrs M Bradley: Perhaps I am out of line, but if I am, I am. However, what criteria apply to the appointment of the directors, and what experience will they bring to the board?

832. Ms Nicholl: The criteria for the appointment of the directors are not dissimilar to those for the appointment of the chairperson. Primarily, they will focus on knowledge, skills and experience in the field of safeguarding children. We are probably looking for people with a social care or social work background and a significant background in the delivery of child protection and safeguarding children services. We want professional people with experience in the field who can advise and brief the chairperson on those matters as and when it is necessary.

833. Mr Brady: Thank you for your presentation. You describe the chairperson as having an almost pioneering role that will pull everything together. Initially, the chairperson will work for two or three days a week. Given that the board will be starting from scratch, will that be enough? Presumably, the chairperson has the ultimate responsibility for making decisions. Surely the remuneration must be requisite to the responsibility of the role. There seems to be an anomaly somewhere.

834. Mr F Bradley: We want to provide that level of staffing to bolster the position of the chairperson by increasing the level of his or her autonomy. We do not want to leave the chairperson in the same position as many chairpersons of local safeguarding children boards, whereby they are dependent on resources provided in kind by member agencies. The chairperson of the SBNI will start off on two to three days a week. However, the chairperson will have his or her own staffing resource to drive things forward for them, with them and under their direction. Overall, that will put the chairperson in a stronger position than the chairpersons of local safeguarding children boards in England.

835. Mr Brady: Do you accept that it is the norm for people to be paid according to their responsibility? Ministers in the Assembly receive more money, because, as the heads of Departments, if things go pear-shaped, their heads will roll. I have difficulty reconciling that with what you are saying.

836. Ms Nicholl: It comes back to that fact that, having consulted on the means by which we would appoint the chairperson, the consensus was that the chairperson be appointed through a public appointments process. Therefore, we benchmarked chairpersons from similar organisations. The chairpersons who met similar criteria to those required by the SBNI chairperson were from the Northern Ireland Social Care Council and the RQIA, both of whom work for two to three days a week. We then took into account information about the chairpersons of local safeguarding children boards. They tend to be appointed to work one day a month for a maximum of 30 to 40 days a year. Ultimately, we tried to strike a balance. I stress, however, that the number of hours that the chairperson will be required to work is subject to review. If we find that the chairperson is underutilised or stretched, that will have to be reviewed.

837. Mr Brady: I do not advocate people being paid too much. However, for a director to be paid £82,000 a year for working five days a week is totally disproportionate when the chairperson's level of responsibility is taken into account. Paul made the point that we are not looking for a quango. The role of the chairperson should not be a sinecure with a rubber stamp. The board

will have a working responsibility, and the chairperson must be someone who is willing to take much of that on board.

838. Ms Nicholl: It is fair to point out that we do not intend to pay a director at Agenda for Change level 8C, which is £82,000 a year. That amount includes all the management oncosts. A director will be paid £67,000 a year.

839. Mr Brady: That is not a bad reward.

840. Mr F Bradley: If you compare the remuneration of the chairpersons on any of the health and social care bodies with what the chief executives or senior management are paid on a pro rata full-time basis, you will find that it is not anywhere near that sort of rate.

841. Mr Brady: I wish to make one final point. Last week, we heard evidence that some chairpersons in England are paid £500 a day, and you say that that is equivalent to what an external consultant would be paid. However, that is another issue. Presumably, those chairpersons, whether they are paid £500 or whatever, effectively do the job and perform the role for which they are employed.

842. Ms Nicholl: The Committee also heard much evidence about the variable amounts paid to chairpersons across local safeguarding children boards.

843. Mr Brady: Last week, the witnesses from the Bradford Safeguarding Children Board talked about the lower end of the scale. Its chairperson is, I think, a professor of social work at Leeds Metropolitan University and is paid £500 or £600 a day for chairing the board, which is at the lower end of the scale. Yet, here is somebody who is, if you like, a real bottom feeder.

844. Mr F Bradley: We are trying to compare the totality of the SBNI's resource with what is available to the LSCBs. A full-time chairperson who earned £500 a day would earn something like £100,000 a year, and if the daily amount was £800, he or she would receive £160,000 a year. When we developed the proposals and the structures, we were persuaded by many of the organisations that were part of that process, particularly those in the voluntary sector, of the need to go down a process of public appointment, which is why we have done so.

845. The chairperson will be independent of member agencies, and that is critical to the future success of the board. We will know in a matter of weeks whether suitable people of the calibre sought have come forward. Two out of the three people on the interview panel that will test the candidates are non-departmental staff, and the other panellist, as I said, is Jan Horwath, who has possibly given evidence to the Committee on one or more occasions and is an expert in the field. The process will not appoint someone who does not meet the criteria.

846. Mr Brady: Let me make this point: the reason that members of the judiciary are paid so much is to ensure that their independence is maintained. Therefore, there seems to be an anomaly in your argument.

847. The Chairperson: On a practical point, what would happen if the Committee decided that the chairperson should be appointed by the new board? In GB, one option is that the board is appointed first, and it carries out the selection process. What would happen if the Committee were to decide on that option?

848. Mr F Bradley: I read the evidence, but I will not mention any names. A similar option was considered earlier in the process when we were developing the proposals. However, if that scenario were translated to the situation in Northern Ireland, the chairperson could be an

existing employee of any of the member agencies. The chairperson would be appointed by the member agencies and would be accountable to those member agencies that recruit, manage and employ him or her. That option has pros and cons. In the end, we did not opt for, or consult on, that proposal. Instead, we decided on the appointment of an independent chairperson through the public appointments process. I am not clear about how a chairperson could be independent of the member agencies if he or she had been appointed by them.

849. The Chairperson: There are two models of appointment. In the first model, the chairperson is appointed from within the membership of the board. In the second, the board makes the appointment, having advertised, interviewed, and so forth, thereby ensuring that the appointee has the entire board's seal of approval. My only point is that if we, as a Committee, had decided to put the latter option into the legislation, it would have been too late, because the Department has already shot the gun by going ahead and doing it its way.

850. Mr F Bradley: I wish to be clear: that is the policy on which we consulted, and that is the policy that the Executive approved when we were constructing the legislation.

851. The Chairperson: The Committee and the Assembly make the legislation.

852. Mr F Bradley: Obviously, but the Executive approved that change in the policy.

853. The Chairperson: That is just tough. If the Executive laid that down in tablets of stone and the Assembly decided to change it, it would have the right to do so. That is holding the Executive to account. You assumed that we would agree to that method of appointing the chairperson. We might agree to that, but we might not. If we were to decide not to go down the line that the Department has chosen, what would happen? In particular, what would happen to the person whom the Department had appointed?

854. Ms Nicholl: The policy paper that was put before the Executive determined, not least for reasons of efficiency and cost, that the SBNI should not be established as another quango in the guise of a non-departmental public body but as an unincorporated statutory body. As such, it will not be a legal entity. It will be hosted in the Public Health Agency, and, as such, it will not be able to hire and fire its own staff. For that reason, the SBNI will not be able to appoint a chairperson.

855. The Chairperson: That is our decision.

856. Ms Nicholl: At this moment in time, that is —

857. The Chairperson: You recommend that that is the nature of the body, but this Committee could recommend something else. The horse has bolted because you have started the process to appoint a chairman in a way in which you perceive that we will agree to, but we have not. Quite a strong body of evidence suggests that that is not the best way to appoint a chairperson. There may be an interim chairman, but once the board is established, it could take ownership of whom it appoints. What happens if we adopt that approach?

858. Mr F Bradley: The process that has been instigated is to appoint a chairperson designate. Ultimately, if the legislation were to change in that way, there would be no appointment at the end of that process. However, I am unclear about the body of evidence to support such a change. Our reference groups and stakeholder groups include most of the key voluntary sector organisations in Northern Ireland and most of the statutory agencies. I am not aware that any of them advocate moving away from the public appointments process. We were persuaded to go down the route of public appointment in order to arrive at a situation in which the chairperson

would be independent of member agencies. I am not aware that any of the main organisations take the contrary position.

859. The Chairperson: We received evidence from GB that the system that I outlined works there. That is the purpose of bringing in experts from outside. We will seek the view of experts from GB on the package that you suggest to find out whether they would be comfortable with it. We do not want a second-rate chairperson or a well-qualified and highly able chairperson who is a poodle of the Department, which could happen. That has happened many times with public appointments in Northern Ireland. The danger is that the chairperson, although perfectly effective, brilliant at the job and at chairing meetings, might be able to do absolutely nothing to hold to account the Department or the various agencies. Was the dark hand of the Department of Finance and Personnel (DFP) involved? Was it consulted about the remuneration package?

860. Mr F Bradley: DFP did not influence the level of remuneration. DHSSPS worked on the figures and comparisons, so it would not be fair to say that any DFP officials had a hand in that. The Department's position is to establish an SBNI that is chaired by someone who is independent of the member agencies. We take that position with a view to strengthening safeguarding in Northern Ireland. Safeguarding does not involve one Department alone; the range of agencies involved in the SBNI come under the domain of several Departments, including the Department of Justice and the Department of Education.

861. Some of the organisations that gave evidence to the Committee, particularly those from the community and voluntary sector, invested a great deal of time and effort in persuading us of the way in which we should establish the board. If the process were to go in the direction that has been suggested, I honestly do not believe that the Committee and the world and its uncle would not know about it. Most importantly, however, we are here because the Department wants the board to work. There is absolutely no intention of setting up a board for the sake of it; we want it to work. Inter-agency working is a critical part of safeguarding.

862. I listened to some of the previous discussion about budgets. If various Departments and agencies face financial difficulties as we move forward, the risk is that agencies will return to concentrating on their core functions and that some of the areas on which they work together, or in partnership, will be squeezed. The creation of the SBNI, with its chairperson maintaining the focus on inter-agency working, will be critical to the future of cross-agency working and safeguarding. We are committed to making it work.

863. Dr Deeny: I want to clarify something that I said earlier. I said that the SBNI was a priority for the whole community of Northern Ireland. I was not referring to the timing or suggesting that everything be pushed through as quickly as possible. I meant that it was important to get the right people in place.

864. Fergal, you said that the chairperson will be the boss. I take it, therefore, that the director and assistant director will be accountable to the chairperson.

865. Mr F Bradley: Their work programme, role and activities will be at the direction of the chairperson.

866. Dr Deeny: Therefore, they are accountable to the chairperson.

867. Mr F Bradley: Yes.

868. Dr Deeny: This has been an interesting and worthwhile debate. I think that you looked too closely and too much at other bodies, but it may be that you did not compare like with like. You

spoke, for example, about trusts and quoted the salary of the RQIA chairperson. Does the RQIA chairperson have people working for him or her whose salary is four or five times higher?

869. We all know, for example, that the trusts have chairpersons; we know most of them. By and large, however, the chief executive of the trust is the boss. When we think of any organisation or company, the boss has the ultimate responsibility, and those below are accountable to him or her. The chairperson carries the can, and the buck stops there. That happens in general practice, for example, in which GPs are at the most senior level. Therefore, all our staff come to us if they have a problem, because we have that responsibility and are paid accordingly.

870. I would not go so far as to say that the SBNI will be unique, because other organisations look out for and protect the rights and needs of the public. However, the SBNI will safeguard children and, as such, will be an incredibly important organisation. Its boss will have ultimate responsibility and will be the individual to whom the director and assistant director will be accountable. Therefore, I cannot understand why they will earn four and five times the chairperson's salary. That simply does not add up, and it will have to be re-examined. Do you not think that that is contradictory? If that chairperson earns only a fraction of what the director and assistant director earn, I cannot envisage them even treating their boss with due respect. I have never come across such a situation before, and it does not make sense to me.

871. The Chairperson: Some of those points have already been covered. Is there anything that you want to add?

872. Mr F Bradley: The critical point is that the chairperson will be appointed through the public appointments process, and people appointed through that process must have a certain level of competence and command a certain level of respect.

873. Dr Deeny: Do you not accept that we have different expectations of the chairperson of the SBNI than of the chairpersons of the RQIA or the trusts?

874. Mr F Bradley: We acknowledge that it is a unique arrangement. However, I emphasise again that it is not the same as the arrangement in England; the SBNI is not a local safeguarding children board. The resources that we invested and the way in which we organised the process were designed to ensure the autonomy of the chairperson. We wanted to give the chairperson the ability to operate much more independently than the chairperson of a local safeguarding children board.

875. The Chairperson: Thank you, Ms Nicholl and Mr Bradley, for your evidence. You have given us an interesting insight into how you feel that the SBNI will work, which has been educational, because it is slightly at odds with what we thought was going to happen. It has been quite a difficult session for you, but we appreciate your candour and useful information. We will take away all that we have learned today and decide how to proceed.

876. I am sure that someone like Sean Holland will resign from his post immediately to take up the post — cutting his salary by about 90% in doing so. On a more serious note, I hope that you will attract the sort of people whom the Committee considers appropriate for this job.

877. Mr F Bradley: I repeat that we are not interested in appointing as chairperson of the SBNI a person who does not command the respect of other agencies. We want the board to work.

878. The Chairperson: Thank you.

7 October 2010

Members present for all or part of the proceedings:

Mr Jim Wells (Chairperson)
Mrs Mary Bradley
Mr Mickey Brady
Dr Kieran Deeny
Mr Alex Easton
Mr Paul Girvan

Witnesses:

Detective Inspector Anne Marks Superintendent Alister Wallace	Police Service of Northern Ireland
Mr Hugh Hamill Mr Ivor Whitten	Probation Board for Northern Ireland
Ms Paula Jack	Youth Justice Agency

879. The Chairperson (Mr Wells): I welcome representatives of the Police Service of Northern Ireland (PSNI), the Probation Board for Northern Ireland (PBNI) and the Youth Justice Agency to the Committee for Health, Social Services and Public Safety. You gained a flavour of how we operate by being in the Public Gallery for the previous evidence session. This is one of a series of ongoing evidence sessions on the safeguarding board for Northern Ireland (SBNI), which is a crucial body. We usually ask witnesses to give a 10-minute presentation, after which members may ask questions. Are you giving evidence jointly, or is each group giving its own presentation?

880. Mr Hugh Hamill (Probation Board for Northern Ireland): We will give separate presentations. I will be brief.

881. The Chairperson: I will introduce you: Superintendent Alister Wallace and Detective Inspector Anne Marks are from the Police Service of Northern Ireland; Paula Jack is the chief executive of the Youth Justice Agency; Hugh Hamill is the assistant director of the Probation Board; and Ivor Whitten, who has been before the Committee many times, is the communications officer for the Probation Board.

882. Mr Hamill: I thank the Committee for affording us the opportunity to give evidence on the Safeguarding Board Bill.

883. As members know, the PBNI is a non-departmental public body that was set up in 1982, and its aim is to reduce reoffending and to contribute to creating safer communities. We employ over 400 staff of mixed grades in over 31 locations in Northern Ireland. All our probation officers are professionally qualified. We have a forensic psychology unit and a victims' unit. We also provide grant aid to community organisations for the rehabilitation of offenders.

884. At any given time, the PBNI supervises more than 4,000 offenders in the community. We do so in compliance with a wide range of court orders. We are heavily involved in protection and safeguarding issues. We supervise a number of young offenders who are defined as children under the Children (Northern Ireland) Order 1995. We also provide pre-sentence reports for those individuals.

885. In our supervision of adult offenders, we are mindful of child protection issues that may arise. Some of those individuals have serious problems that relate to alcohol dependency, domestic violence, and so on. If concerns are evident, we will refer those individuals to social services. We also supervise individuals in the community who have committed offences against children. PBNI managers also chair local public protection arrangements Northern Ireland (PPANI) panels. They risk-manage and risk-plan for individuals who have been convicted for sexual offences and certain violent offences. The PBNI also sits on the five trusts' child protection panels and the regional child protection committee. We also have our own child protection policy and procedures.

886. We have made it clear in our written submission that we welcome the Safeguarding Board Bill, particularly its statutory duties to co-operate and promote child welfare. We have no significant reservations about the Bill as it is currently constituted. We welcome its introduction.

887. Superintendent Alister Wallace (Police Service of Northern Ireland): Rather than go through our written brief word for word, I will summarise it. Thank you for inviting the PSNI to give evidence on the Bill. We believe that it is highly important. I emphasise that we regard the Bill as a significant opportunity to increase the level of child protection and safeguarding in Northern Ireland. We already contribute to the regional child protection committee, which, perhaps, has been a step towards a safeguarding board. We hope that the Bill will take us to the next level in safeguarding children.

888. We have good working relationships and partnerships with all the other justice agencies and, indeed, the health and social care trusts. We believe that it is particularly important to be proactive. There is no straightforward definition of child protection. It tends to refer to protection from child abuse in various forms — sexual, physical, mental, and so on. That is an important aspect of police work in detection and investigation. We see safeguarding as a much wider issue that includes Internet safety; child safety at home; safeguarding children on the roads, and so on. We envisage that the safeguarding board will take on a much wider remit than previous bodies.

889. I must admit that I have not considered the situation in England and Wales in great depth. However, it appears that because boards there are independent within their council areas, there may not be consistency. The Safeguarding Board Bill is a great opportunity to provide uniformity in strategic direction and also in operational, day-to-day matters.

890. With regard to accountability in the legislation, we are satisfied that it provides appropriate checks and balances, both for the chairperson and those who would hold him or her to account. Although the PSNI and the Chief Constable are legally accountable to the Policing Board through the Police (Northern Ireland) Act 2000, we do not envisage that the Safeguarding Board Bill will impinge on that specific independence. We believe that good governance arrangements will also be reflected in the appointment of an independent chairperson.

891. We have pointed out some minor issues about the legislation, which have already been addressed in written submissions to the Chairperson. Therefore, all that is left for me to say is thank you for allowing us to give evidence. We believe that the safeguarding board will deliver significant improvements in outcomes for all children and young people.

892. Ms Paula Jack (Youth Justice Agency): As the new chief executive of the Youth Justice Agency, I thank you for inviting me to give evidence to the Committee today. The statutory aim and function of the Youth Justice Agency is to deliver orders that are passed by the youth court and provide diversionary youth conferences to the Public Prosecution Service. However, we deliver a much wider range of services than our statutory requirement. We have always worked in partnership with other agencies. We address offending behaviour, divert young people from

crime and assist their integration into the community while always meeting the needs of the victims of crime.

893. We have always taken our child protection and safeguarding responsibilities very seriously, and, like the police, the Probation Board and other agencies, we have always participated in child protection committees and serious case reviews. We welcome the move to put all those onto a statutory basis. All those functions should be on a statutory basis, and there should be well-established, clear arrangements for the agencies that are involved in that work. It is important to have the right focus on the development and promotion of good practice in all areas, as was outlined by the police, surrounding the safeguarding of children. It is important that that is at a strategic level at the board, and it is also important that we get a multi-agency environment from the board's work.

894. We agree with the proposed membership of the board. It is important that the right agencies, which are those that have the most contact with children, work together on the child protection issues with statutory backing. There is no doubt that other agencies will become involved on a non-statutory basis with the board's work, particularly when the local panels evolve. We will be interested in the regulations that control the practical operations of the legislation, specifically the expectations for the role of the board.

895. It is vital that we remain focused on child protection issues and that we deliver them efficiently and with strong governance. It is important that the board seeks to avoid duplication with many other strands of work in Departments and agencies in that area. However, it is quite clear that the strength of the board will come from the engagement and commitment of the key agencies to its future. We also welcome the appointment of an independent chairperson. I know that there has been much debate about that today.

896. The Chairperson: On a fabulous salary.

897. Ms Jack: Better than mine.

898. In conclusion, we fully support the Safeguarding Board Bill, and we look forward to any future consultation on guidance or directives as an agency.

899. The Chairperson: I will start the ball rolling with the questions. Membership of the board has been a matter for much discussion. This question is aimed at the PSNI: what role do you see the police or the judiciary having in respect of membership or advising the board?

900. Superintendent Wallace: I cannot speak on behalf of the judiciary, but there should be representation at chief executive level on the board, which is probably assistant chief constable level. That would give significant weight to any policies and procedures that flow from the board. Below that, there are groups that will look after case management review panels and, possibly, a child death panel. At that level, there will probably be representatives at my grade — superintendent — to carry out those aspects of work. That would add a significant impetus to what is already happening. In fact, it would raise it a level.

901. The Chairperson: Do you see an assistant chief constable of the PSNI sitting on the board on a permanent basis and someone at your level sitting on the panels?

902. Detective Inspector Anne Marks (Police Service of Northern Ireland): There will be a community safety superintendent on the panels. On the committees that flow from the SBNI — for example, the case management review panel — there would be people with the right expertise for that work.

903. Superintendent Wallace: The assistant chief constable would sit at a strategic level, taking part and giving strategic direction to the workflows, but there will be significant weight and authority in those committees to ensure that that is carried out.

904. The Chairperson: The Committee thinks that that is the appropriate level at which to pitch your representation. Other organisations, such as the health and social care trusts and the NSPCC, said that it should be at director or deputy director level, so that seems to fit quite neatly.

905. Superintendent Wallace: It seems to be the equivalent level.

906. The Chairperson: Do either of the other two organisations have any thoughts about membership of the board in respect of who should be on it and at what level of seniority?

907. Mr Hamill: As regards the level of seniority, there should be some discretion for the various agencies to make their own decisions. However, it has to be someone who can make decisions and stand over them. The wider membership numbers must be kept manageable. The proposed membership is a good cross-representation of statutory agencies and some non-statutory agencies. However, those agencies that cannot sit on the main board will have a place on the various panels and committees. There are three standing committees at present, and it is likely that there will be further subcommittees and panels to address other issues.

908. The Chairperson: Do you think that members of the Probation Board should sit on the main board?

909. Mr Hamill: Yes; the Probation Board will sit on the main board.

910. The Chairperson: At what level?

911. Mr Hamill: At my level or above.

912. The Chairperson: Would that be at an extremely senior level?

913. Mr Hamill: Yes — a senior level. [Laughter.] I am not "extremely" senior.

914. The Chairperson: It is more than £17,000 a year anyway. [Laughter.]

915. Mr Hamill: I hope so.

916. The Chairperson: Are you committed to that?

917. Mr Hamill: Absolutely.

918. The Chairperson: What level will sit on the panels?

919. Mr Hamill: Either area managers or assistant directors will sit on the panels.

920. Mr Easton: I have a question for all of you: are you concerned about the independence of the board? Any reports that are published or any board inquiries must have the approval of the Department of Health, Social Services and Public Safety (DHSSPS). Do you fear that there may be some interference there? You can answer yes or no.

921. Ms Jack: I can probably answer that question more generically. If anything of a serious nature involving child protection occurs, we all have policies in place. We are already subject to scrutiny, even before the SBNI comes into place. I do not see there being interference from any Department about any inquiries because we are all open and accountable to various bodies in relation to such serious issues. I cannot see how it would necessarily affect sitting on the SBNI if there were a review of that nature.

922. The Chairperson: Does the same constraint apply to the Probation Board or the Youth Justice Agency? By that I mean: do you have to refer reports or documents that you intend to publish to a higher authority for approval before they are released?

923. Ms Jack: We are part of the Department of Justice (DOJ) in any event, so —

924. The Chairperson: Therefore, you would have to do so. What about the Probation Board?

925. Mr Hamill: We are not an agency of the Department of Justice, but we would liaise with the DOJ to get its view on any meaningful report that would go to the public.

926. The Chairperson: If the Department of Justice's view was that the document was awfully embarrassing and that you could not publish it, what would happen?

927. Mr Hamill: We are an independent board. We would take account of what the Department says, but my understanding is that our board is ultimately the final decision-maker.

928. The Chairperson: Has such a situation ever arisen? Have you always published?

929. Mr Hamill: It has never arisen. There is much consultation and discussion with the Department of Justice, and formerly with the Northern Ireland Office (NIO), on such issues.

930. Ms Jack: The Youth Justice Agency is an executive agency, so I would go through the Department of Justice before the publication of any material.

931. The Chairperson: I presume that the police are in a freer position to do what they want?

932. Superintendent Wallace: Yes, we are, for certain issues. At a strategic level, the Police Service is accountable to the Policing Board. Many items are put before the Policing Board and scrutinised before being published. Certainly, if any issues related to large expenditure or any change in strategic direction, then yes.

933. The Chairperson: One witness raised a query about the board's ability to be proactive and start investigations rather than simply reacting to headline cases, which sounds good in theory. I think that that is a good idea. However, others say that the board's role should simply be to react to what happens. Some people say that if a worrying situation develops, the board should investigate and report, but others say that the board should consider potential situations of concern and issue documents, material and reports even before such a situation materialises. What do the three organisations think about that view?

934. Mr Hamill: There is a clear role for the board to be proactive. It will develop policy and practice procedures, so it will not be a solely reactive body and nor will its constituent panels. That happens now with the regional child protection committee and, indeed, with the trust panels, so there will be no change there. The board will be proactive, promote welfare and protection and have consistent policies and procedures throughout Northern Ireland.

935. Ms Jack: The legislation is drafted in such a way that it is wide enough for either or both of the scenarios that you describe. If we consider reviewing the effectiveness of what is being done by each body, that is almost pre-empting and examining best practice in advance, so I think that there is definitely a role. The obvious difficulty with a safeguarding board of this nature is that you will be reacting to something that happens, and you will be doing both.

936. The Chairperson: It could happen that one, two or all three of the organisations that are represented here are cited in an SBNI report after something has gone terribly wrong. Given the nature of your work, all three organisations could be involved. How do you envisage that working out if the board is investigating an issue that board members are involved in through their lead agencies? How would your organisations deal with that situation? On almost every occasion, the police would be cited as being involved in cases or reports. It is an odd relationship in that the board will deal with an issue by shining a searchlight onto the work of one of its members.

937. Superintendent Wallace: I draw a parallel with the current situation with PPANI. An assistant chief constable sits as the chairperson of the panel and would be expected to speak if there were an issue. The difficulty is that, when he does so, the police are perceived as being responsible when, in fact, he is speaking on behalf of all the agencies. That is one reason why my current assistant chief constable asked for the position to be reviewed to make it totally independent of all the agencies that are involved in PPANI so that they would speak independently and not be seen as representing one or other of the agencies.

938. The Chairperson: Should the lead member from an organisation continue to sit on the board while it is being investigated by the board?

939. Mr Hamill: It will be similar to current practice. If, for example, a child dies, the current practice is that a case management review takes place, which has an independent review element, and all agencies have to prepare reports and be answerable to whoever sits on the committee. If a person who sits on the SBNI were to have any direct involvement in the case, I am sure that they would have discretion over whether to step aside until the issue were dealt with. However, in most cases, I do not imagine that, given their level of seniority, they would have any direct involvement in a specific case.

940. The Chairperson: However, it could be alleged that they were protecting their staff, who may have fallen short on some issue.

941. Ms Jack: That goes back to what I said earlier about how we are already highly accountable on issues of child protection. We all now work in an open and transparent way when offending of a serious nature takes place, so that will not be a problem for a member of the board. The English and Welsh boards have guidance on what to do in such circumstances. Unfortunately, I do not have them with me. As Mr Hamill rightly said, it would be on a rare occasion that someone at chief executive or a similar level had to step back.

942. Mr Hamill: A serious case review would have access to all our files and personnel, so, in that sense, there is no hiding place.

943. The Chairperson: We have been told that there will be independent board members from charities such as the NSPCC so that, even if an attempt were made to get together as a cabal and keep quiet on an issue, the independent members would blow the whistle. It is still an issue that will arise.

944. Dr Deeny: Paula, you mentioned that you had seen the make-up of the main board. Do we know about that yet?

945. Ms Jack: I was going by the Bill.

946. The Chairperson: Kieran, it does not show names. It lists the organisations that will comprise the board: health and social care trusts, the Youth Justice Agency, education boards, district councils, and so on. No names are listed.

947. Dr Deeny: I do not want names, but the composition of the board is important. Having dealt with all sorts of committees and panels in the health area, I am worried about a breakdown in communication. That is why I am glad that your agency, Paula, is on the main board. Are you concerned about that? For example, you are all aware of the dreadful McElhill tragedy in Omagh. After the event, people were pointing fingers of blame at individual police and social workers, which was not correct. Looking back, I think that we all agree that it was no one's fault and that everyone was doing their best, but that there was a breakdown among agencies. Do you have any concerns that the structure might become too big? I do not mean the main board; proper representation on the main board is the crux. However, I do not know what the exact end product of the subcommittees and panels will be. We do not want any breakdown in communication.

948. My final question is about the multi-agency approach that you spoke about, which is important in today's world to prevent and reduce child abuse and neglect and to focus on the wider safeguarding issues.

949. I am interested in Internet safety, which you mentioned. That is a global issue. However, perhaps the PSNI, working with police elsewhere, could take the lead. I have spoken previously in Committee, on a slightly different issue, about how worrying the Internet can be. A young person spoke to me, in my capacity as a GP, about visiting a site on which he had tried to talk people out of committing suicide. I asked him how he found out about the site, because, some months previously, he had been on the other side of the situation and had been using the Internet to find out how to commit suicide. The Internet can lead young people to meet other people who may put their lives at risk. I know that that is a global issue. However, how can the PSNI contribute?

950. Superintendent Wallace: I can give you an example of what we are doing already. We have a case programme on citizenship and safety education, which goes into schools. As an integral part of that, local police officers have been trained by the Child Exploitation Online Protection Centre (CEOP), which I am sure that you have heard of. We work closely with CEOP and were one of the first three police forces in the UK to try to get that programme into schools. In the past number of years, 65% of schools were covered, but, last year, that dipped to 50%. One of the important things that the programme teaches children is, if they feel uncomfortable with what they are doing online — for example, if they are being bullied — how to report that directly to CEOP. Most of CEOP's work concerns child sexual exploitation and Internet grooming. The programme tries to teach children that the Internet is a great tool for studying, having fun and socialising, but that there are things to be aware of. The programme educates children on how to report such things and empowers them to protect themselves online.

951. We can continue to work with the education side to develop that in the future. Certainly, suicide among young people is worrying, as has come out recently in the media. If children are feeling suicidal, we must teach them whom they can trust to report that to. That must be signposted. It is not only the work of the police to direct children in the proper way but the work of many other agencies that operate alongside us.

952. Dr Deeny: The difficulty is that the people who set up such sites could be based anywhere. They could be in Japan.

953. Superintendent Wallace: They are all over the world.

954. Dr Deeny: Is there nothing that we can do about that?

955. Detective Inspector Marks: We have a proactive team that identifies people in Northern Ireland who are using the Internet to groom or make contact with children. On the international side, we link with CEOP and sites such as Facebook, on which there is a click button for children to use if they have concerns. It would then be for us to take that forward and identify who is involved.

956. Dr Deeny: You are saying that, if certain sites are identified as coming from within Northern Ireland, you would be alerted to that and would take action. Could a worldwide Interpol-type service be set up? For example, in Germany —

957. Superintendent Wallace: That already happens.

958. Detective Inspector Marks: There is the Virtual Global Taskforce.

959. Superintendent Wallace: The Virtual Global Taskforce works 24/7. Various law enforcement agencies around the world are involved, and, as time spins round, different countries take over — for example, Australia, followed by America, and then back to Europe. That is ongoing. However, not every police force in the world is signed up to that. We work with the agencies and police forces within Interpol that are prepared to assist. If, for example, we know that a site is coming from America, there are clear channels along which we would pass that intelligence information.

960. Dr Deeny: From here to America?

961. Superintendent Wallace: Yes, and vice versa. We have had good co-operation from the American authorities in the past. However, it depends on each country. Unfortunately, many sites come from eastern Europe or emerging states, and that has been difficult.

962. Dr Deeny: Thailand.

963. Superintendent Wallace: CEOP has been trying to work with countries to promote safeguarding children around the world, and, certainly in south-east Asia, has made good contacts.

964. Detective Inspector Marks: In Northern Ireland, it is more a case of individuals' grooming over the Internet and linking into wider activity in other countries rather than a site being set up here.

965. The Chairperson: I attended a CEOP event about a year ago, where I learned of some of the work that your officers do. Some of the stuff that they are exposed to is stomach churning. I admire them for being able to sleep at night given the sort of things that they are asked to do, but their work is absolutely essential.

966. I will move on to something a bit lighter. You heard the discussion about the status of the chairperson of the safeguarding board. I will be kind and not ask you to comment on the specific salary. You stated that you will take the board very seriously and appoint high-level people in your organisation to it. However, do you think that the post would command the respect of your members as it is advertised presently, given that they are all so senior? Do you think that the post will attract someone to whom everyone will be more than happy to owe their allegiance?

967. Mr Hamill: The chairperson of the safeguarding board must be a highly skilled and competent person who is embedded in this type of work. If that person has that level of competency, he or she will get the respect of the agencies around the table. If that person does not have that level of competency, experience and leadership traits, that will clearly have an impact on the work of the board. Irrespective of salary, it is about leadership traits, skills, competencies and the ability to communicate. That is what we will look for from the chairperson of the SBNI.

968. The Chairperson: The sort of person sought will come from bodies such as yours. It will be someone who has been at a very senior level in child protection, social work or an affiliated field. Is there a pool of people who would take early retirement or a leave of absence to chair the board? Do you think that the post, as it is currently advertised, will attract that type of person? Are you allowed to answer that question? The Committee thinks that the position is absolutely crucial. The legislation envisages the role of chairperson as being much more than simply saying that it is Mr Wells's turn to speak, followed by Mr Smith. It is a leadership role, in which the chairperson will take the board forward proactively. As a Committee, we are not convinced that the post has been pitched at the right level. It may be unfair to ask people who will sit on the board what they think, but we would be interested to hear any of your observations.

969. Superintendent Wallace: There may be a public-spirited person out there who has a particular interest in the post who is at the right level. I have no doubt, from working with people in all the agencies, that there are certain people who may take up the post because of their passion for the subject.

970. The Chairperson: I hope that you are right.

971. Superintendent Wallace: I hope that I am right.

972. I will draw a parallel with my own work. I look after different parts of branches, and one could say that I devote only one fifth of my time to a particular issue. However, I have good people working under me who spend much time on that issue. Comparisons between my salary and their salaries indicate that, as their overseer, I probably get the credit for their work. However, they actually do all the work. My job is to provide the vision and strategic direction for them to do all the groundwork and to set out exactly what I think should happen in particular areas.

973. It is possible that the chairperson of the SBNI could come in for two or three days a week and give strategic vision and direction to the appropriately qualified people to do all the work and bring it together. It will be interesting to see who will put themselves forward for that role.

974. The Chairperson: Finally, as we have the expertise here, I need to ask the following questions. We had a briefing this afternoon from the Nexus Institute, which looks after the counselling side of sexual abuse cases, most of which, unfortunately, involve children. What is the nature and state of the problem? Is it growing? Are we on top of it? Are we seeing the tip of the iceberg? Obviously, the SBNI, when it comes into action, will deal with an issue of huge public concern. However, we do not know whether we have it under control or whether it could rapidly slip away from us as a community because it has become more prevalent.

975. Superintendent Wallace: I will let Anne speak about that. If the public have more confidence in the police, in many different areas, they will tend to report issues that they did not previously report. For example, people report incidents of domestic abuse more freely, where previously it was a hidden crime in our society. The statistics indicate that there is an increase in domestic abuse. I do not believe that it is on the increase; I believe that it is becoming more socially unacceptable. It may be an indication of how confident people are in reporting those

matters to the police and other agencies, and their confidence in how they will be protected and dealt with by the system.

976. Anne will speak about child abuse.

977. Detective Inspector Marks: There are a huge number of victims of child abuse. I do not know whether the number of incidents of abuse has gone up. However, we have restructured how we do business. We encourage victims to report incidents. The police service has observed that crimes against male victims have gone up quite a bit. We are trying to address that through the sexual violence strategy for Northern Ireland along with other agencies such as the Nexus Institute. We are trying to take forward strategies to deal with victims and bring more offenders to justice.

978. The Chairperson: I suppose that, until recently, part of the problem was that people in certain communities were reluctant to come forward and give evidence to the police, the Probation Board or the Youth Justice Agency. Is that a dead issue? Are people now prepared to come forward from every corner of the Province to provide material evidence against those who are involved in such activities?

979. Detective Inspector Marks: I have worked for a significant number of years in this area. I would have said that, over the years, there was never a problem that members of one particular community would not report such matters to the police if they felt confident that they could talk about the issue. In my experience, that was never a problem for the RUC or the PSNI.

980. The Chairperson: The problem was not so much about the community but the stigma of reporting the issue.

981. Detective Inspector Marks: Absolutely.

982. The Chairperson: You mentioned abuse against males, which is a taboo subject in many areas. Are we still just seeing the tip of the iceberg in that regard?

983. Superintendent Wallace: We are seeing an increase in the statistics.

984. Detective Inspector Marks: We are definitely seeing an increase. Our rape crime units are very busy at the moment. They say that many more males are reporting such incidents.

985. Superintendent Wallace: It is the same for domestic abuse. In my early service, I would have seen very few instances of males reporting domestic abuse, yet the most recent statistics show that around 20% of reported domestic abuse is against males. There has been a change.

986. The Chairperson: The Committee has had a long sequence of evidence sessions from representatives of various bodies who have, more or less, teased out many problems. You have come here at a stage where it is quite clear that there is consensus on the nature of the safeguarding board and on where people want to go with it. That has made life easier for the witnesses who have come here later in the process. There is not a cigarette paper between any of the witnesses on the principles of the safeguarding board, what it needs to do or the strength that it requires, although there are some arguments on the fringes. It is good to hear that three diverse bodies in the same field have, more or less, indicated that they are content with the proposals. It is our role to make certain that we have the strongest safeguarding board anywhere in the UK and that we have learned from the examples in GB.

987. Thank you very much for your time.

14 October 2010

Members present for all or part of the proceedings:

Mr Jim Wells (Chairperson)
Mrs Michelle O'Neill (Deputy Chairperson)
Mrs Mary Bradley
Mr Mickey Brady
Dr Kieran Deeny
Mr Alex Easton
Mr Tommy Gallagher
Mr Sam Gardiner
Ms Sue Ramsey

Witnesses:

Mr Fergal Bradley
Ms Patricia Nicholl Department of Health, Social Services and Public Safety
Ms Isobel Riddell

988. The Chairperson (Mr Wells): Once again, I welcome Fergal Bradley, who has been with us a great deal recently. He is the head of the childcare policy directorate in the Department of Health, Social Services and Public Safety (DHSSPS). I also welcome Patricia Nicholl and Isobel Riddell from the childcare policy directorate.

989. The meeting is an opportunity to try to iron out some issues that have arisen. I suspect that you followed our evidence sessions in Hansard. What has emerged is very clear: the principle of the Safeguarding Board Bill has been accepted, welcomed and supported unanimously. There is no problem with the concept of what you are trying to do. Arguments hinge on three or four issues that have come up time and time again. They were raised by members and witnesses. We have an opportunity to tease out the Department's reaction to that evidence and what you believe is the best way to address those concerns.

990. I refer members to a letter that the Committee received from the then Court Service in March 2010. It is relevant to the issue of whether the judiciary or the Northern Ireland Courts and Tribunals Service (NICTS) should be represented on the safeguarding board for Northern Ireland (SBNI). We will be dealing with the issue of who should actually sit on the board. The letter states:

"While the Lord Chief Justice does not consider there a case has been made for the judiciary to be represented on the proposed Safeguarding Board he is content that the Board should approach his office if it considers there are particular matters on which a judicial input would be useful."

991. The Courts and Tribunals Service is also happy to interact with the board as and when required.

992. Does the Department want to make any opening remarks to set the scene before we go into clause-by-clause scrutiny?

993. Mr Fergal Bradley (Department of Health, Social Services and Public Safety): Yes, if that is helpful. Thank you for the invitation to appear before the Committee and for providing us with the clause-by-clause summary table. It sets out some issues that have been raised by witnesses. Of course, we are aware of those issues from our evidence sessions. We also picked up on a

number of issues from listening to evidence that has been given by other stakeholders in previous sessions. That has given us the opportunity to discuss possible changes with the stakeholders and reference group and also to enter into discussion with our draftsman about possible amendments to the Bill. We are still in discussion with the draftsman. We hope to be able to put proposals on suggested amendments to the Committee soon.

994. In particular, we considered possible amendments to be put to the Committee on clauses 3, 6, 7, 10 and 11. We hope that we can deal with other matters that were raised in evidence sessions by providing clarification on how existing provisions in the Bill can already address them. The Committee's evidence sessions also helped us to record some matters that we would be happy to take on board but which, we have been advised, would be dealt with more appropriately in regulations rather than in the Bill, particularly using powers under clauses 1, 3 and 5. I will cover a few of those matters.

995. Obviously, we hope to be able to bring all those issues to the Committee's attention today and over the next couple of weeks. However, I want to address some issues that have been raised with the Committee that seem to have caused particular concern, with reference to clause 1— membership — clause 3 — functions — clause 4 — directions — and clause 6 — the annual report.

996. Clause 1 deals with membership. The purpose of the SBNI is to improve, at operational level, how agencies that deliver services to children and families work together to protect and safeguard children and to promote children's welfare. The member agencies that are listed in the Bill are organisations that have a statutory responsibility to deliver services to children and young people. Members who will represent the agencies that are listed must be able to speak and make decisions on behalf of their organisations and to commit resources on their behalf. It is our intention to ensure that membership will be subject to ongoing review. Under clause 1(3)(j), we will be able to prescribe additional people and bodies to be members of the SBNI if it is determined that additions need to be made.

997. Evidence from England suggests that the most effective local safeguarding children boards (LSCB) are of manageable size, ideally 20 to 25 members. That is similar to our proposal for Northern Ireland, and we want to try to stick to that. However, committees and subcommittees are also components of the SBNI. Therefore, although an agency may not be listed in the Bill or be a member of the top level structure of the SBNI, by participating in a committee or subcommittee, it will be part of the SBNI, and the duties on members that are set out in the Bill are applicable to it. That means that the SBNI has considerable scope to involve a wide range of agencies and sectors.

998. It has always been our policy to include medical representation on the SBNI. The matter of GPs' representation was raised in evidence sessions. They will have representation. However, the Committee will appreciate that GPs work as independent contractors. Therefore, the GP representative will not, for example, be able to enter commitments on behalf of all GPs. However, we engaged with the Northern Ireland General Practitioners Committee to consider the best means of securing GP representation on the SBNI. We intend to use regulations to deliver in that regard.

999. Similar but more complex issues arise for the judiciary. I note that there was correspondence about that. In lay terms, there is complexity because a member of the SBNI who is also a member of the judiciary could be subject to scrutiny by the SBNI under clause 2(1). That could raise real issues about the independence of the judiciary. We are still trying to navigate our way through that, and we are talking to the judiciary and the Northern Ireland Courts and Tribunals Service. It is accepted, as was raised in evidence by a number of stakeholders, that the chairperson of the SBNI should be represented on the Children Order

Advisory Committee (COAC), which is chaired by Judge Weir. He has indicated that he would be content with that.

1000. I also stress our desire to take account of the views and wishes of the chairperson and members of the SBNI with regard to additional membership. That is why, under clause 1(4), if the SBNI determines that it needs representation from persons or bodies that are not represented, it can ask that those persons or bodies be added to the membership. We want to work with the SBNI chairperson and members to ensure that the agencies, professionals and key stakeholders whom they need are represented. We cannot predict in advance of nominations by member agencies which professional disciplines will be represented. However, under clause 1(4), we expect to address any deficits in membership that are identified by the SBNI.

1001. Under clause 3(4), it has been suggested that we refer —

1002. The Chairperson: That is very useful. You have concluded on clause 1. Some of your suggestions are helpful. We will break the discussion into manageable portions and will now deal with clause 1. Some of your comments will cut down the amount of discussion that is required, which is good news. Members, we are considering clause 1 and trying to tease out any remaining difficulties regarding the membership of the board and also, to some extent, the role of the chairperson. Various groups suggested that the Ambulance Service and the Housing Executive should be represented. Did you consider those options and decide whether they were appropriate?

1003. Ms Isobel Riddell (Department of Health, Social Services and Public Safety): We engaged with the Northern Ireland Housing Executive (NIHE) about the possibility of its becoming a core member of the SBNI. It is represented on the SBNI reference group. We recognise that it has statutory duties under the Children (Northern Ireland) Order 1995, and we are aware that there is housing authority representation on the local safeguarding children boards in England. In view of that, we are negotiating with the NIHE. It is about ensuring that the NIHE is clear about what the duties that will be imposed through the legislation will mean for it before it decides on whether to join the SBNI or be listed as a core agency in the Bill.

1004. The Chairperson: If the Bill states that the judiciary will be represented, does it have a choice or is that something that you could not impose on it?

1005. Mr F Bradley: We could not impose something such as that on the judiciary. It would create a genuine tension. For example, a judge sitting in a case involving care proceedings could arrive at a judgement with regard to decisions that were taken by trust staff in circumstances in which some of those decisions may have been taken in line with policies and procedures that were developed by the SBNI, of which the judge is a member. It could cause real tensions for the independence of the judiciary.

1006. The Chairperson: Witnesses were unanimous in stating that the seniority of board members should be at least at director, deputy director or an equivalent level. It is implicit from them that that level will be appointed. However, is there any requirement for a senior member of staff to be appointed, or could it be a middle-ranking individual?

1007. Ms Riddell: We are currently in the process of drafting our regulations, which are under clause 1(5). We will specify the level of seniority that we require from the agencies that are listed in the Bill. That will specify whether we want a director or a chief executive to attend.

1008. The Chairperson: Therefore, that issue has been dealt with.

1009. Ms Riddell: Yes, it has.

1010. Ms S Ramsey: This discussion is useful. I have two points. Fergal, in your introduction, you said that there is a possibility that there could be some proposed changes. When do you hope to have those?

1011. Mr F Bradley: Much correspondence has back from the draftsman, and we are putting that together. I aim to have that with the Committee by next week. Obviously, however, we need to finalise some issues.

1012. Ms S Ramsey: We could be discussing something that you are going to change.

1013. The Chairperson made a point about the judiciary. If the Bill did not name the PSNI, could it be imposed that it had to have a representative on the board?

1014. Mr F Bradley: I think of the judiciary as being particular and different. The PSNI is governed by the operation of the Policing Board. As I understand it, there is no equivalent for the judiciary. Individual members of the judiciary are independent, and, having worked with them, I know that it is difficult for one member of the judiciary to speak on behalf of all members. Members are individuals and, therefore, individually minded.

1015. Ms S Ramsey: You said the same about GPs, but a way around that has been found.

1016. Mr F Bradley: GPs would not be named in the Bill. However, we could bring them onto the board. We have not dismissed the possibility of a member of the judiciary being brought onto the board or specified under the regulations. We are trying to navigate our way around the problem that I described.

1017. The Chairperson referred to a communication from the judiciary indicating that, although its members may want to feed into SBNI issues, they are — if I understand it correctly — content not to be members of the SBNI.

1018. The Chairperson: The Lord Chief Justice has made it quite clear that the judiciary is content not to be a member of the board. If the judiciary cannot be compelled to be a member and does not want to be one, we are wasting our time.

1019. Mr F Bradley: As I understand it, the legislation is before the Committee and the Assembly, which could legislate. However, I suspect that that would create legal difficulties about the judiciary's role as required by the courts. Putting it in laypeople's terms —

1020. Ms S Ramsey: I do not want to sound critical because we all want to ensure that there is a safeguarding board for children. However, if there is an issue about GPs being independent members but speaking for all GPs, which we seem to have found a way around, where are the PSNI and the judiciary?

1021. Mr F Bradley: Members of the judiciary sit in family courts and arrive at judgements that are based on evidence that is put before the courts by bodies such as the health and social care trusts and the police about the future of the children involved and whether they become the subject of care proceedings or emergency protection orders. The judiciary is independently adjudicating on the actions of the trusts in individual cases.

1022. Ms S Ramsey: Are you still considering the issue?

1023. Mr F Bradley: We are talking to people about it.

1024. Ms S Ramsey: That is a start.

1025. Mr F Bradley: However, we are running into issues. Under clause 2(1), the effectiveness of members of the SBNI in delivering their function can be looked at. The SBNI would review: "the effectiveness of what is done by each person or body represented on the Board (by virtue of section 1(2)(b) and (4)) for the purposes of safeguarding and promoting the welfare of children."

1026. Judges arrive at decisions on the safeguarding of children with regards to, for example, care proceedings. Therefore, a legal difficulty would be created if the judiciary were represented on the safeguarding board. However, the Children Order Advisory Committee is chaired by Judge Weir and all stakeholders sit around the table. It gives the judiciary the opportunity to engage with stakeholders about the operation of the law, how the courts operate with regard to those proceedings and how agencies work with them in that setting. If the SBNI chairperson was brought onto COAC, that would build a significant bridge between the SBNI arrangements and the judiciary.

1027. We will also consider the involvement of organisations such as the Northern Ireland Courts and Tribunals Service on some of the subcommittees. Much of what affects children in the courts is due to the physical environment, and some of that is dictated by judges. Therefore, there is a possibility that the NICTS would be involved in a subcommittee to consider those types of issues.

1028. Mr Gallagher: I would like clarification about the position of GPs and whom they will represent. Will GP representatives be able to represent GPs and speak for their colleagues?

1029. Ms Riddell: We liaised with the Northern Ireland General Practitioners Committee, which is a committee of the British Medical Association. We also had discussions with the Health and Social Care Board. It has been agreed that a member of the Health and Social Care Board will represent the interests of all GPs on the safeguarding board.

1030. Mr F Bradley: However, that person cannot commit all independent GPs to particular courses of action. Therefore, the GP perspective will be represented and reflected on the SBNI as will the issues that affect primary care in the GP setting. However, that representative will not be able to commit all GPs to undertake a particular type of action, because GPs are independent contractors.

1031. Mr Gallagher: Is that satisfactory from the Department's point of view?

1032. Mr F Bradley: It deals with the reality that GP practices are independent of one another and are independent contractors.

1033. Ms Riddell: The key person on the board will link in with GP contracts. That is where the natural line will be.

1034. Ms S Ramsey: They can be kept under control then.

1035. Mr F Bradley: GP contracts tend to be operated nationally. However, we will find out more about that.

1036. Ms S Ramsey: We have been pushing for years to get that done locally.

1037. Ms Patricia Nicholl (Department of Health, Social Services and Public Safety): We have been in discussions with the potential GP rep, through the Health and Social Care Board, who

will be representing the individual responsible for the procurement of GP services in Northern Ireland. It is our intention to draft a membership agreement stating that that member of the SBNI will not be representing the interests of the health and social care trusts per se but those of GPs, both sessional and local. Our membership agreement will also include an expectation that that member creates the systems, processes and conduits of communication to enable him or her to represent GP interests sufficiently and effectively.

1038. The Chairperson: If members are content with the issue of membership, we will move on to the appointment of the chairperson, the physical process of which is dealt with in clause 1. At this point, we are not talking about salary or terms and conditions.

1039. You heard evidence about the two models from the boards based in GB. In model one, a person goes through the public appointments process, and the Department oversees that. In model two, the board is created, and it then either elects someone from the board as its chairperson or undertakes the selection process itself. However, the horse has bolted slightly in that regard. In fact, it is galloping over the hill because the Department has already placed an ad in the papers, issued the packs and is going through the process. At any stage, did you give any consideration to the board appointing the chairperson rather than the Department?

1040. Mr F Bradley: The starting position was to consider how local safeguarding children boards actually operated. To be honest with you, it is a little bit ironic that we, the Department, are here at this stage defending the public appointments process because a range of Northern Ireland stakeholders lobbied us very heavily not to go down the route that applies in England. We were lobbied about that because, if we were to follow the scenario that you mentioned for a local safeguarding children board, the chairperson of the SBNI would be selected, through some method, by the members of the SBNI, including the Department, the Health and Social Care Board, the Youth Justice Agency, the police and all the statutory agencies and would, ultimately, be in some way accountable to all those member agencies. As is the case in a number of local safeguarding children boards, the chairperson can be employed by any of those agencies.

1041. The point about the public appointments process is that the person appointed is independent of all the member agencies. As regards the role of chairpersons appointed through the public appointments process, I know that concerns were raised about the role of the chairperson vis-à-vis the Minister, but it does not work like that in practice. The public appointments process gives the chairperson a significant amount of independence in deciding what he or she can say and do. The accountability arrangements for someone appointed through a public appointments process are straightforward. There will be an annual appraisal with a senior official in the Department and twice-yearly accountability meetings with the SBNI chairperson, which will focus on the discharge of the functions as set out in the legislation. There are limited circumstances in which a chairperson who is appointed through the public appointments process may be removed, and those circumstances are primarily to do with significant misconduct.

1042. It is an open and transparent process. The appointment of the chairperson is overseen by the Commissioner for Public Appointments. There is a three-person panel. In this case, one panel member will come from an independent pool of people that is maintained by the Office of the First Minister and deputy First Minister (OFMDFM). That is to ensure that the process is operated fairly. In this case, the second member of the panel will be Jan Horwath, who is an expert in safeguarding. One member of the panel will be the Chief Social Services Officer.

1043. The public appointments process gives the chairperson more say and greater independence from member agencies. We were never averse to the original idea that the chairperson of the SBNI could be appointed by the member agencies. However, as I say, it is a

bit ironic because we were lobbied very hard and persuaded to ensure greater independence for the chairperson.

1044. The Chairperson: I accept that the evidence that you received locally went down that route. The only reason that it became apparent to us was that, when we took evidence from the English-based safeguarding boards, we discovered that they had a different way of doing it. The argument is balanced — it is not black and white — and either side could be right. The only slight issue is that, had we decided on any other route, we could not have taken it have because you have gone and done it.

1045. Mr F Bradley: You could still do that, because the appointment will be as a chairperson designate. We are going through a public appointments process. If the legislation does not support it ultimately, the chairperson will not be appointed. You referenced the director of children's services from a local authority — I do not want to use names — who line-manages the chairperson. I know that she stressed the level of independence, and I read some of her comments about her great respect for her chairperson and the level of independence. However, ultimately, she line-manages that chairperson. A chairperson appointed in that way would be line-managed by the equivalent of the director in the Health and Social Care Board. Had we tried to legislate in that way, I do not know whether people would have felt that it would have been independent.

1046. Ms Nicholl: We asked a specific question in the public consultation. Some 72% of people said that they wanted an appointed chairperson who was independent of the member agencies. The public appointments process was seen as the way to do that. We have an issue about the chairperson being appointed from one of the SBNI members, as an equivalent to the English arrangements. Given the intention to move away from the former area child protection committees, which viewed child protection as the business of social care organisations only, towards the chairperson or the director of the Health and Social Care Board being the person who oversees and appoints the chairperson of the safeguarding board, it felt as if that would not move us very far forward in changing the former area child protection committee administrative arrangements.

1047. The Chairperson: On a point of clarification: what happens if the public appointments procedure is followed and the Minister does not like the choice?

1048. Mr F Bradley: The Minister makes the final decision. It will be clearly on the record that an arm's-length public appointments process was followed and that the Minister decided not to go with the recommendation of the panel. The same applies for any public appointment in such a process.

1049. The Chairperson: Effectively, there is a power of veto.

1050. Mr F Bradley: You say that there is a veto, but every public appointment is ultimately made by a Minister. The Minister makes the final decision, but it will be based on a recommendation by a panel that operates under certain procedures.

1051. Ms Nicholl: We are hopeful that we may get one or two candidates over the line as we put forward a panel of suggested candidates. However, ultimately, it is the Minister's decision.

1052. Mrs M Bradley: You state that you want one member from each council. How will that be managed?

1053. Ms Nicholl: Our policy intent was to have councils represented through the Society of Local Authority Chief Executives and Senior Managers (SOLACE). We would have two such

representatives. We have been in negotiations with the Northern Ireland Local Government Association (NILGA), and we continue to discuss the best way to represent local government interests on the SBNI.

1054. Mr F Bradley: Two options are being considered and discussed. One is to have two representatives from SOLACE. The other is that there will be one representative from SOLACE and one representative from NILGA, but there will be two representatives from district councils.

1055. Mrs M Bradley: It is difficult to get them together.

1056. Ms Riddell: During our negotiations with NILGA, it revealed that there are NILGA representatives on other bodies — elected members who represent the interests of elected members. If we could work with NILGA and decide what exactly we are looking for as regards representation, that would help to ensure that we get the right person for that position.

1057. The Chairperson: It is worth mentioning that NILGA no longer represents all the district councils. There might be an experienced person in, say, Newtownabbey, but he or she would not be considered.

1058. Mrs M Bradley: That is a problem.

1059. Ms Nicholl: The original thinking was that the chief executives would be in a position to secure agreement on the resources and the general number of councils so that they would be able to gather them together and galvanise the process through general agreements rather than through individual local government members.

1060. Mr Gardiner: We talked about a chairperson, but is there a deputy chairperson? If the chairperson is not available, who stands in?

1061. Ms Nicholl: We propose to provide for that in regulations. It is not in the Bill. We plan to ensure that there is a potential for the SBNI to have a deputy chairperson.

1062. Mr Gardiner: I could find nothing in the Bill, which is why I am asking. Is it a salaried post?

1063. Ms Nicholl: I can only go on my understanding of how it operates in other health and social care arm's-length bodies, which is that the SBNI would put in place a deputy chairperson who is not remunerated but who sits in for the chairperson in his or her absence.

1064. Mr Gardiner: I do not want the SBNI to collapse because the chairperson is not there.

1065. Ms Riddell: Regulations will take account of situations when the chairperson is ill. It will be set out in the regulations that if a chairperson is absent for a certain time, perhaps because of ill health, a deputy will be appointed.

1066. Mr Gardiner: You are still looking at that?

1067. Ms Riddell: We are still developing that in our regulations.

1068. Mr Gardiner: I accept that.

1069. The Chairperson: That is the end of the discussion on clause 1. Sue Ramsey raised the issue of the judiciary. Do we want the Department to come back to us on that matter or are we content to let clause 1 proceed?

1070. Ms S Ramsey: I am also concerned that there are possible amendments to other clauses and that there are still ongoing discussions on the Bill in general. We could agree or disagree material but find that discussions are still ongoing.

1071. The Chairperson: Fergal will give us those.

1072. Ms S Ramsey: There are also ongoing discussions with stakeholders and others.

1073. Mr F Bradley: Membership issues will be addressed through the regulations. We are not proposing to look at any proposed changes to clause 1. Under clauses 1(4) and 1(3)(j), there are powers to bring additional members onto the SBNI, and we will also prescribe the membership in regulations. The sort of issues that we are talking about will be —

1074. Ms S Ramsey: I appreciate that. However, you want us to agree to something with which I have a difficulty. However, if you explain an issue to me next week, I might be OK with it. I am just concerned about having to agree now.

1075. The Chairperson: Presumably, the Committee will be consulted in the normal way about those regulations.

1076. Mr F Bradley: The regulations will come through the Committee.

1077. The Chairperson: We will have a second bite at the cherry on membership.

1078. Ms S Ramsey: I understand the Department's arguments on the general issues in clause 1. I still have difficulties, but I could be reassured on those through further discussion on the regulations.

1079. Ms Riddell: The issue is whether the Committee feels strongly that an organisation should be named in the Bill, as opposed to our proposal, which is that the capacity to bring additional organisations onto the board can be addressed through regulations and clause 1(4). If the Committee feels strongly that another organisation should be named in the Bill, the Department would have to address that.

1080. The Chairperson: My difficulty is that it is quite clear that the judiciary do not want that. That is not our Department, so we are considering legislation that instructs another Department to do something that it clearly does not want to do. The last thing that we want to do is to drag someone along reluctantly as a token Department of Justice representative, whose Department is putting him or her there only for the sake of it. It would be better if the Department of Justice were to agree to the proposal itself. However, we have another bite at the issue. If we do not like the proposed regulations, we can ditch them. It is up to the Committee. Do members feel so strongly about the issue that they want to put down a marker that we are not happy or are we content to let it go through and wait for the subordinate legislation?

1081. Ms S Ramsey: I understand both arguments.

1082. The Chairperson: That is also my problem. It is not a black-and-white situation.

1083. Ms S Ramsey: If we are forced to make a decision today, I will say that I am not content, and I do not want to give the Department any other problems.

1084. The Chairperson: We can come back to the issue next week.

1085. Ms S Ramsey: I would like some clarification. I am not trying to mess you about.

1086. Mr F Bradley: Do you want clarification about the judiciary?

1087. Ms S Ramsey: Yes, I do. However, there is also an issue with GPs, NILGA and even the Housing Executive.

1088. Ms Nicholl: We will bring GPs on board. If there is an issue about the Committee wanting representation from NILGA and SOLACE, we will negotiate further with them.

1089. Mr F Bradley: I was unaware that NILGA did not represent all local councils, so we have to examine that.

1090. The Chairperson: Newtownabbey Borough Council pulled out.

1091. Ms Riddell: As regards GP representation, the Bill names agencies as opposed to professions. GPs will be included under clause 1(5)(a), so it will set out the level of seniority and what person from what agency will be represented on the safeguarding board. One of those board representatives will be the person who represents the interests of GPs, so GPs will be brought on board. However, the intention is that they will be brought onto the board through regulations and will not be listed in the Bill.

1092. Ms Nicholl: We have some anxieties about bringing NILGA on side in light of some of the information we received today. We have been, and continue to be, in negotiation with the Northern Ireland Housing Executive.

1093. Mr F Bradley: We have committed to review after 12 months. We also said that the legislation, as it is currently written, gives us the power, with the agreement of the Committee and the Assembly, to prescribe additional organisations to be members. There is an element of flexibility. Again, I emphasise that we want the chairperson and members of the SBNI, after they have nominations, to identify gaps in the membership that we can address through clause 1(4).

1094. Ms S Ramsey: Do you know whether the Minister has vetoed any appointment over the past year?

1095. Mr F Bradley: We have no idea. We have no idea whether any Minister has ever done so. My understanding of the way in which the public appointments process works is that, through a panel, a decision is reached about which people are regarded as suitable. I am not sure that an overall recommendation would be made; that goes to the Minister who then says yea or nay. It is the same process with all public appointments.

1096. The Chairperson: We will come back to the issue next week. If we feel very strongly about it, we can always propose an amendment. I do not know whether this is territory on which we would normally table an amendment; it is a grey area. I can be easily persuaded by the departmental representatives, because there are strong arguments on both sides. However, we need to think about the matter for a week and come back to it to see whether we are content that it is dealt with under regulation. Apart from that issue, the Department is offering no amendments to clause 1.

1097. We will move on to clause 2. Mr Bradley, you do not intend to give any evidence on clause 2, and there has not been much questioning or comment on it. I have just one question on the wording:

"to co-ordinate and ensure the effectiveness of what is done by each person or body represented on the Board".

1098. That goes into the issue of a representative of one body or more holding a representative of another agency to account, and that agency being a member of the board. How will that mechanism work in reality? Presumably, it will be difficult for one body to say that it believes that the performance of another body is very weak. How will that be done when both persons work together on the board, day and daily?

1099. Ms Nicholl: Without rehearsing some of our earlier discussions, much of that is down to the skill of the chairperson and the director. The chairperson will lead the discussions on developing the vision and the action plan/strategic direction of the SBNI. The SBNI will hold all its member agencies to account on the effectiveness of their actions on the promotion, safeguarding and welfare of children. Clause 12 contains a number of duties about the expectation that those member agencies will put arrangements in place in their organisations to do so under their duty to co-operate with one another.

1100. In the event that any member body of the SBNI seeks to challenge the effectiveness of another body, we anticipate that the board will have a protocol for that. We anticipate that that would be drafted in the membership agreement and that there would be memorandums of understanding or information-sharing protocols with the regulatory bodies and the sponsor branches of each of the bodies represented. We also anticipate that that would happen in a genuine problem-solving approach and that there would be a clear protocol for how the various stages of addressing those challenges are progressed, not least through the annual report, the membership agreement and the chairperson's challenge function, which is with each of the individual agencies. In the absence of being able to address the matter at that level, the SBNI chairperson would take that through to the chairperson and chief executive of the relevant organisation and their sponsor branch. Ultimately, there would be a naming-and-shaming sanction of the annual report.

1101. I do not think that it is intended that there would be a slanging match across the table, in which one department would challenge another department about not meeting its duty. We would like to think that we would develop protocols to address such an issue efficiently, robustly and professionally.

1102. Mr F Bradley: That does not in any way diminish the fact that many of those agencies have statutory responsibilities that they must continue to undertake under legislation. All the agencies are regulated by independent inspectorates of some description, and their function will not be diminished. Many of the healthcare professionals will be members of regulatory bodies that require that they act in particular ways, and they would put their membership of those professional bodies and their role within that profession at risk if they did not respond in appropriate ways to certain matters. None of that is diminished.

1103. The Chairperson: Will those protocols be publicly available?

1104. Ms Nicholl: We can certainly ensure that they are.

1105. The Chairperson: Therefore, if there is any doubt, people will have a document to which they can refer and say that they are content that a set of protocols is in place.

1106. Mr F Bradley: The Department will not be parachuting those into the SBNI. We will sit down with the SBNI chairperson and members to try to develop protocols to ensure that there is buy-in from all the stakeholders so that we are confident that they will work. Once the protocols are developed, they will be in the public domain.

1107. The Chairperson: This afternoon's evidence session will emphasise the role of the chairperson. Clause 2 indicates a role for a chairperson that would not be usual for a public body. I make that point because the SBNI chairperson will be in a slightly different plane than a normal chairperson.

1108. Ms Nicholl: The competence required of the chairperson of an arm's-length body to problem-solve and negotiate conflict resolution across board members and inter-agency groups is standard for the health and social care bodies of which I am aware.

1109. The Chairperson: It would be unusual for one board member to be investigated or criticised by another member within the same board.

1110. Ms Nicholl: I suppose that we would have to raise the issue as to whether it is an investigatory role as such. The issues of investigation and inspection lie with the regulatory and inspection bodies of those organisations. It would be for the SBNI to reflect those issues appropriately, rather than the SBNI engaging in any inspection of a body.

1111. The Chairperson: I am paid to chair this meeting not to investigate whether the SDLP or Sinn Féin are adequately performing the role of scrutinising health and social care. A chairperson who adjudicates on the work role of an organisation takes his or her role onto a higher plane. However, as we go through the Bill this afternoon, the issue of the chairperson, who will undertake very important work, will emerge time and time. I hope that the chairperson will not do what I do, which is to look at a list of names and point at the next member around the table to speak. That leads me on neatly to Sue.

1112. Ms S Ramsey: In an ideal world, the legislation is very good, and I commend the Department for it. Over the past number of years, cases have proven that, sometimes, statutory agencies do not talk to one another, never mind challenge one another or hold one another to account. Without getting into it, the Donagh case is a recent example. I would love agencies to challenge one another around the table because that shows a duty of care. If one agency believes that another agency or Department is not playing its part, it may feel that it needs to hold it to account.

1113. I take on board what Fergal said about protocols being developed. However, as the Chairperson said, it is important that the SBNI chairperson and deputy chairperson are the relevant people for the position and have the authority to do that because protocols will be developed. If the legislation is passed as it is, we need to ensure that protocols are in place from the very start. I know that we will come to the issue of the board's annual reports. There is an issue about the independence of the board, the chairperson and the annual reports. I respect and take on board what you are saying, but we do not live in an ideal world. The Donagh and McElhill cases are two recent examples that have proven that to me.

1114. Mr F Bradley: When we last gave evidence to the Committee, one of the points that we made was that, in times of financial difficulty, the temptation is for agencies to revert to their core functions. Inter-agency working may suffer.

1115. Ms S Ramsey: To protect themselves.

1116. Mr F Bradley: That is not to protect themselves, but they could revert to their core statutory functions. In those circumstances, inter-agency working may be vulnerable, which is why, paradoxically, we think that this is the time to move ahead with the SBNI. The reasons for doing it are stronger and will focus on cross-agency working.

1117. The Chairperson: Are you happy enough?

1118. Ms S Ramsey: I am never happy, Chairperson.

1119. Ms Nicholl: We are considering proposing an amendment to clause 6. Some of the organisations gave us to believe that they may be reassured by an amendment to clause 6 that stipulates the requirement for annual reports to be published, a list of all reports that are submitted to the SBNI and a list of all directions that are given out by the SBNI.

1120. The Chairperson: We will come to that when we discuss clause 6. We have a number of questions, but that has perhaps headed some of them off at the pass, as it were. I want to get clause 2 out of the way. There has not been a great deal of debate or evidence given about clause 2. Are there any questions on clause 2? Are members content that we allow clause 2 through? Fergal, I think that you have a comment —

1121. Ms S Ramsey: For the record, I do not want to be seen to be stopping the legislation, but the protocols are important because they will determine how the process works on the ground. If we agree on the clause going forward as it is and are not happy with the protocols, what input do we have? They are all interconnected.

1122. The Chairperson: There will not be subordinate legislation; there will simply be guidance for the SBNI. Our role is somewhat limited, but I assume that the protocols are based on similar situations in GB.

1123. Ms Nicholl: We propose to put in place guidance on clause 12 that is similar to the GB arrangements. To answer Sue's question: if the Department, through its accountability arrangements, felt that the protocols were insufficient or not robust enough, under clause 5, we have the capacity to bring forward guidance on any of the functions of the SBNI. If we felt that it was not adequately undertaking those functions, we could guide it and regulate for it under clause 5.

1124. The Chairperson: Are members content that we allow clause 2 to go through as it stands, with those assurances?

Members indicated assent.

1125. The Chairperson: We will move on to clause 3.

1126. Mr F Bradley: I will not read from my speaking note, because it became a bit disjointed. I will address a number of points that were raised in evidence. In relation to clause 3(4), which deals with case management reviews, a couple of bodies suggested that we should add other reviews to that clause. The Department does not want to do that, because it would mean that the SBNI could not undertake other reviews unless we prescribed them, which would be a significant hold on the independence of the SBNI and its ability to operate flexibly and take forward work in whatever way it wishes.

1127. I draw the Committee's attention to clause 3(10), which states:

"The Safeguarding Board may also engage in any other activity that facilitates, or is conducive to, the achievement of its objective."

1128. That clause gives the SBNI a huge amount of flexibility to undertake whatever work it needs to do in order to discharge its functions without reference to the Department or the need for the Department to prescribe exactly how it will do it. That is quite a powerful clause in that it asserts the independence of the SBNI in how it will work and what it will do. That is a critical issue.

1129. The Chairperson: It is interesting that although all those who provided evidence read clause 3(10), most of them picked up on the issue of a much wider power to carry out investigations well beyond case management reviews. They did not want the SBNI simply to react to individual cases. If there were a much wider theme that was causing concern, the SBNI could immediately initiate an investigation of its own volition, yet those who provided evidence did not see that power outlined in clause 3(10).

1130. Mr F Bradley: We will talk to stakeholders about that subsection and what it means. We considered the possibility of including other reviews under clause 3(4) but, as I said, that would mean that the SBNI could not undertake any other type of review unless the Department prescribed it.

1131. The Chairperson: Why could it not be left totally open-ended, so that the board could undertake a review either if the Department prescribed it or if the board wanted to do it.

1132. Ms Nicholl: Our legal advice is that we can take on some of those helpful suggestions given in the evidence sessions. We can address all those in the regulations. Under clauses 3(4) and 3(5), which deal with the regulations for case management reviews and the regulations governing child death review processes, we can ensure that we prescribe for such matters as ensuring that action plans are in place and the lessons learned are disseminated. Under clauses 3(7) and 5(1), we can issue regulations on the way in which the SBNI undertakes its functions in relation to communication and engagement with children and young people.

1133. In essence, clause 3(10), in our view and in the view of our legal advisers, enables the SBNI to cover as many functions, other than case management reviews and those listed in Bill, as it may seek to undertake in order to meet its function and objective. The powers are drafted in the legislation to bring forward subordinate legislation to take account of all those helpful suggestions. The primary legislation will tell us what we want to do, and the subordinate legislation will set out how we want to do it.

1134. Mr F Bradley: We learn as we go along, the same as everyone else. We asked about the possibility of listing specific types of work in clause 3(10). The advice was that, if some types of work are listed but others are not, that would call into question the generality of the power of the SBNI to undertake any work that it wants in order to discharge its function. That is the conundrum. The draftsman tells us — which is what we understood originally — that clause 3(10) states that the SBNI will do any work it wants or feels it needs to do, in whatever way it wants to, in order to discharge the safeguarding function. It does not have to refer to the Department to ask what it should do or how it should do it.

1135. The Chairperson: Therefore, if the SBNI wishes to carry out a major review of child protection in borstals or primary schools, for example, it could do so under that clause? There is no restriction on the board whatsoever?

1136. Mr F Bradley: It could do so as long as the review related to one of that wide range of functions.

1137. Ms Nicholl: We propose to set out clear memorandums of understanding and information-sharing protocols with existing regulatory bodies. An existing body is already tasked to carry out inspections of child protection in children's homes. The SBNI is required to meet its functions and objective. The issue is about inter-agency working arrangements. Any review would consider how those agencies work together and the policies that underpin that. It would be clear about the work of the SBNI vis-à-vis the work of the regulatory bodies overseeing its members.

1138. Mr F Bradley: That power enables the board to undertake whatever sort of review it wants.

1139. The Chairperson: When the Minister makes his statement to the House, it would be useful if it included a line about that. That could be quoted in a legal situation.

1140. Mr F Bradley: One reason why that power is provided is that we cannot actually anticipate for all time, or even for the next number of years, what sort of issues the SBNI might want to examine. Previously, we have used a particular example. When I came into my job seven years ago, we did not talk about Internet safety, digital technologies or safeguarding on social networking sites, as we do now. Our approach, focus and concerns change over time. In 2010, an organisation could have an excellent system and agencies could work well together. In two years' time, however, something might happen to reverse that situation totally. Therefore, the SBNI needs to have a fair amount of flexibility to respond to such events. The clause gives it that flexibility to do whatever it has to do in support of those functions.

1141. Mrs O'Neill: I listened to your comments. I accept that primary legislation sets out what you want to do and secondary legislation sets out how you want to do it. NILGA HAS suggested that the requirement to produce an action plan be included at the end of clause 3(4). Of course, an action plan and recommendations will naturally follow a case management review. However, I am still not convinced by your argument about why that requirement could not be included in the clause.

1142. Mr F Bradley: An action plan is part of a case management review. The monitoring of an action plan's implementation is part of a case management review. Regulations will specify those requirements. They will set out the need for an action plan and for the SBNI to monitor its implementation.

1143. Ms Riddell: They will also set out the need to disseminate key learning from case management reviews. However, as Patricia pointed out, under clause 5, the Department has the power to make regulations on the manner in which the safeguarding board exercises its functions. Therefore, the board's functions will be those that are listed from clause 3(1) to 3(10). The Department also has the power under clause 3(4) to prescribe functions specifically for case management reviews, which would include, for example, criteria and conduct. That is why we created a power under clause 3(4) that relates specifically to case management reviews. Therefore, as Fergal says, it is our intention that any regulations that are drafted will stipulate that there must be action plans, follow-up and dissemination of key learning from those reviews.

1144. Mrs O'Neill: I also want to ask about clause 3(3). The Department of Education suggests that it should also be amended. Clause 3(3) states: "The Safeguarding Board must keep under review the effectiveness of what is done by each person or body represented on the Board".

1145. The Department of Education wants its scope to be widened to ensure that cross-agency co-operative working is legislated for in the Bill.

1146. Ms Nicholl: Again, I refer you to clause 3(10). Rather than the Department including in the Bill everything that we believe that the SBNI needs to or should do, and to future-proof it into

now and beyond, clause 3(10) gives the SBNI maximum flexibility to undertake whatever activity it requires to do with regard to its functions and objective.

1147. Mr F Bradley: As I said, the more that we specify — to quote legal advice — the more that calls into question the generality of that power, basically, to do anything: if everything that we want to do is so important, why is it not included in the Bill? We cannot anticipate everything that the board will want to do.

1148. The Chairperson: I want to move on to an issue that will come up time and time again. It relates to the first part of clause 3(9)(c), which is the phrase: "subject to the approval of the Department".

1149. A whole raft of groups and individuals state that that provision could fetter, control and bridle the SBNI. Why is it required? Is there a way in which it can be toned down?

1150. Mr F Bradley: I will explain why it is required, and I will then say how it can be toned down to address concerns. It is there primarily because the SBNI is not a legal entity in its own right. It cannot be sued. Ultimately, the buck for whatever the SBNI produces will stop with the individual members of the SBNI, the Public Health Agency — which is its host body — and the Department.

1151. As to toning it down, we listened to the evidence, and it was never our intention to use the subsection as some sort of censoring device; it is, rather, a safety mechanism. It is not to protect special interests or the interests of the Department.

1152. The Chairperson: Chief Whips tell us that as well: they are only out to protect us and look after us.

1153. Mr F Bradley: We really, really mean it. [Laughter.]

1154. Having listened to the evidence, we have a suggestion to make in the interests of openness and transparency. This affects clause 3(9)(c) and clause 4. It will be helpful if I deal with both together.

1155. The Department has direct power to issue directions to a number of bodies, but it is a rare occurrence. We propose that the Committee consider an amendment that would require that all departmental directions to the SBNI must be included in the annual report, with details, including the dates, of any reports submitted to the Department for publication. We asked about prescribing that in the Bill but have been told to do it in regulations. Everyone will be able to see what had been sent to the Department and what had been published. It is not our intention to censor. The only areas in which we have concerns are issues such as factual accuracy, anything that raises concerns about named individuals, and so on. That is a way to bring openness and transparency so that, if something is not published, the Committee would be able to summon departmental officials and ask what is going on. We have said all along that individual member agencies would not go along with any attempt at suppression. Suppression was never our intention. We hope that this offers reassurance. We could bring forward an amendment to clause 6, which prescribes that both must be published every year.

1156. The Chairperson: Why do you not use the words: "subject to consultation with the Department"

1157. rather than:

"subject to the approval of the Department"?

1158. You intend to be the friend of the SBNI and protect it from the big bad world out there. Why does the SBNI have to be so starkly subject to the "approval" of the Department, which still adds to the impression that the board comes, cap in hand, to ask the Minister whether it can do something or other? What is wrong with the word "consultation" rather than "approval"?

1159. Mr F Bradley: I do not know. I will have to ask

1160. Ms Nicholl: I suppose the intention was to cover occasions when, rather than "consult" but "publish and be damned", it was a case of factual inaccuracy or defamatory information, and we would not approve publication.

1161. Mr F Bradley: We do not think that this is likely to happen, but it is a safety net. We want, and are not afraid of, openness and transparency. We are happy for that information — what has been sent, what publications have been prepared and what directions have been issued — to be in the public domain. We are open to challenge on what we do.

1162. The Chairperson: The problem is that that will happen a long, long time after the event. If that happens in April and the report is for the financial year, we will not find out about it until 18 months later.

1163. Mr F Bradley: The worst-case scenario is that you find out about it for this scenario. As we said, being a member of the SBNI does not preclude member agencies from doing what they normally do: speaking out, lobbying, canvassing and bringing issues of concern to the attention of other bodies.

1164. As to issues that concern safety in other organisations — such as the trusts, the re are statutory responsibilities on those agencies. Inspectorates are responsible for inspecting those agencies, and they also have responsibilities to individuals. We would expect them to share information. If we were trying to suppress something about a safeguarding matter, we would expect the chairperson to be beating down the door of the Minister.

1165. The Chairperson: Yet another role for the chairperson.

1166. Mr F Bradley: Yes. We would also expect member agencies to act. We would not be able to suppress such a matter. Any chairperson of any of our public bodies would be expected to raise an issue of major concern at that level.

1167. Ms Nicholl: Some of the evidence from one of the local safeguarding children board chairpersons in England asserted that that issue could arise in their safeguarding board and that it would be the subject of lively debate. We anticipate that that would also be the case here, and there would be a lively debate on any consideration of not publishing or approving a report. The debate is the important aspect; it should be had.

1168. The Chairperson: The next issue relates to clause 3(7) which states: "The Safeguarding Board must take reasonable steps to promote communication between the Board and children and young persons."

1169. No doubt, you read the evidence that was given to the Committee by Voice of Young People in Care (VOYPIC) and the GB representatives. There was also a great deal of material from sources such as the Children's Commissioner, Barnardo's and the Department of Education, which all requested that the Department beef up that provision.

1170. Mr F Bradley: We are happy to do that. We spoke to the draftsman and considered the possibility of putting more in the Bill. However, the draftsman suggests that we should use clause 5, and the regulations therein, to take up most of the points that were raised in evidence on how the safeguarding boards must consult with children. We propose to take on board many of the issues that were raised in evidence and put them into the regulations.

1171. The Chairperson: That will mean the Committee's putting much trust in you as far as the regulations are concerned. We will agree to something, and the regulations will be introduced much later.

1172. Mr F Bradley: We will see what we can do to offer reassurances on that, but that is our intention. We spoke to the draftsman about what should be in the Bill and what should go into the regulations. We were advised that that is not for primary legislation.

1173. We have no problems with many of the issues that were raised in evidence, and we are happy to do something. We considered the legislation that deals with other bodies. We could also consider the specific details of the types of issues that were raised in evidence and which we could put into the regulations. However, until we get there, you will not be able to see them.

1174. The Chairperson: Another difficulty with regulations is that we cannot prepare them. We get what the Department lays down, and we can either accept or reject them. Indeed, it is much easier for us to amend legislation than amend regulations. How can we trust you? You could put all this through, and the regulations may not be particularly palatable.

1175. Mr F Bradley: All I can say is that we considered the issues relating to clause 3(7) and other issues. We are happy to accept much of the evidence, but when we spoke to the draftsman, we were advised to put it into regulations rather than in the Bill. Other than that, I do not know what answer any official could give. It is the way that the process works: anything that must be set out in regulations will be dealt with at a later date when the regulations are made.

1176. Mr Easton: Perhaps you could write to the Committee and tell us what you intend to put into the regulations. That would reassure us.

1177. Mrs O'Neill: Yes; you could do that on all the issues that have been raised.

1178. Mr F Bradley: We would have to go through the transcripts. However, we could go through quite a lot of it and put it on the record. Would that offer sufficient reassurance?

1179. Ms S Ramsey: We want that from the Minister.

1180. The Chairperson: In his own blood. [Laughter.]

1181. Ms S Ramsey: Officials can move on.

1182. The Chairperson: All the organisations that gave evidence said that they want an amendment to be made to that clause. Would it be too revolutionary to use a phrase such as "must ensure" to try to beef up the provision? To "take reasonable steps to promote" is too weak. There must be a way to strengthen that line, in addition to the regulations.

1183. Mr F Bradley: We can look at that. The phrase "take reasonable steps" is lifted from the legislation that deals with the Children's Commissioner.

1184. The Chairperson: She is one of the people who said that that phrase is too weak.

1185. Mr F Bradley: I noticed that.

1186. The Chairperson: Does that tell you something?

1187. Mr F Bradley: I think that "reasonable steps" has a particular standing in legal parlance.

1188. The Chairperson: There must be a halfway house that satisfies all those groups. There is a raft of them, and they are all unhappy with the wording, including those that have it in legislation already; that tells you something. There must be a way. We could perhaps use a phrase such as "an active duty to engage", which could then be beefed up through the regulations.

1189. Ms Nicholl: All the legislation to date, including the regulations, has been widely consulted on with our reference group. We certainly want to take those issues further with the reference group to find out whether it could be assured that the regulations will set out and clearly prescribe how the SBNI will address the issues of engagement and communication with children. Would the Committee be content with that?

1190. The Chairperson: You have not given me an argument as to why it cannot be in the Bill. We are talking about a five- or six-word amendment. As it stands, it does not really compel them to do anything.

1191. Mr F Bradley: We have been running all the suggested wordings past the draftsman. Is there any one of those suggestions from those who gave evidence that the Committee is minded towards?

1192. The Chairperson: The problem is that we have a plethora of suggestions. The Belfast Health and Social Care Trust suggests the use of the words: "must establish appropriate processes and mechanisms to ensure".

1193. Barnardo's states:

"The Safeguarding Board must promote communication and consultation with children and young people."

1194. The Northern Ireland Children's Commissioner states that there:

"should be an active duty to engage with children and young people".

1195. Quite clearly, all those are inclined to move away from the use of the words "reasonable steps".

1196. Mr F Bradley: I think that is where we will get to with the draftsman. Of the examples, one is about communicating, but it does not necessarily deal with listening; the other is about listening but not necessarily communicating. The Department of Education suggestion is that: "The Safeguarding Board must communicate effectively with children and young persons about its work and keeping safe."

1197. That does not necessarily involve listening. The suggestion of the Belfast Trust was that the words "take reasonable steps to promote" should be replaced with:

"must establish appropriate processes and mechanisms to ensure".

1198. When we went through all those suggestions with the draftsman, there were all the different parts of what is required for engagement with children. Some of them emphasised some issues and some emphasised others. What we are saying is that we could do that with the regulations and try to reflect all aspects of engagement, including listening and communicating, and altering messages communicated to children to reflect the different ages and levels of ability and disability, and so forth.

1199. Ms Nicholl: It also boils down the fact that, in relation to the means by which the SBNI will engage with children and families, the Department was concerned to ensure that we worked with, for example, Children in Northern Ireland (CINI) and VOYPIC. We set up a seminar with a local safeguarding children board in Barking and Dagenham, and representatives from here travelled over. It is through those auspices that VOYPIC was able to deliver a telling model of how we might undertake that work. We have been commissioning that through the voluntary sector, so there is certainly an indication of our intent to get the legislation right. Some of the evidence suggests how we might strengthen the clause, and our legal advice is that the way to do that is through regulation.

1200. The Chairperson: There is a smoke-filled room somewhere with a dark, shadowy figure called the legal expert who gives advice. We have no idea who that person is or why he is saying some things. He probably wants to protect the Department. Two great shields are health and safety and legal advice; a multitude of sins can be concealed using those phrases. Your legal adviser clearly has a vested interest in doing the best for your Department, and I do not know if his interests are those of the young people who will be directly affected.

1201. Mr F Bradley: The draftsman is not there to advise the Department on policy; he is there to try to produce legislation that is as tight as possible. We are happy to consider any way in which it can be strengthened. Our difficulty is that different suggestions emphasise different aspects about engaging with children. We need to come up with a clause that deals with all those without the exclusion of others. As I said, that is about listening to children, communicating messages to them and doing so in a way that takes account of their different ages and levels of ability and disability, and so forth. It is about finding a mechanism that takes care of all that. In the regulations, we can stipulate, in much greater detail, how that will be done to cover as many of those elements as need to be covered. It is difficult to do it all in one clause in the Bill. We are considering that type of enabling measure. We are open to suggestion on how to tighten and strengthen the provisions.

1202. The Chairperson: The people sitting around this table could come up with better wording, but I do not know whether we could do it within the next five minutes. We may have to come back to the issue next week. It may be incumbent on the Department to consider different wording.

1203. Mr F Bradley: We looked at that. As I said, it is about coming up with a phrase that deals with everything in the Bill. We will go back again —

1204. The Chairperson: I am sure that the legal adviser, if prompted, could help you. What do members think? Are we too far down the road? There are several options. Option one is that we let it sit as it is. Option two is that we ask that something more appropriate be drafted. I am certainly not happy with it as it is drafted, but I do not —

1205. Ms S Ramsey: I agree.

1206. Ms Riddell: Is the issue about the terminology "reasonable steps"? Does the Committee see that as being too weak?

1207. The Chairperson: Yes.

1208. Ms Riddell: If those words were removed, clause 3(7) would read: "The Safeguarding Board must promote communication between the Board and children and young persons."

1209. That would still allow the regulations to set out how that will be done.

1210. The Chairperson: That is a step in the right direction, but we need to go through all the submissions carefully to see whether you can come up with something better.

1211. Ms S Ramsey: In general, the whole Bill is written in regulations and protocol.

1212. Mrs O'Neill: What is "reasonable"? It is very much open to interpretation. You are right, Chairperson. When we scrutinise legislation, we are always told about legal opinion. We should not just bow to that. Perhaps legal advisers need to talk to us about why they think that we cannot do something.

1213. Ms S Ramsey: Is that your legal advice?

1214. Mrs O'Neill: Yes.

1215. Mr Gardiner: That is a judge speaking.

1216. The Chairperson: Do we ever get a chance to speak to those legal people?

1217. Mrs M Bradley: Judge Judy.

1218. Mr F Bradley: We can check with the draftsmen to find out whether they are happy for us to share the material that they gave to us.

1219. Ms S Ramsey: Take them out of their wee room and into the real world.

1220. Mrs M Bradley: Tell them that you are being reasonable.

1221. The Chairperson: It is quite clear that the Committee is not content. We want to revisit the clause.

1222. Mr F Bradley: We saw nothing in the evidence with which we were unhappy. We are quite happy to reflect the sentiments that were contained in the evidence. It is about finding a way to cover everything. Regulations were suggested. If the Bill could mop it all up, we would be equally happy with that.

1223. The Chairperson: I think that the Committee is content with clause 3, with the exception of clauses 3(7) and 3(9)(c), although you gave us some reassurance in that regard. We will move on to clause 4.

1224. Mr F Bradley: Similar clauses to clause 4, which deal with directions, feature in various pieces of legislation. In the several years in which the Regulation and Quality Improvement Authority (RQIA) has existed, I do not think that a direction has ever been issued from its sponsor branch. We talked to some of the reference groups, stakeholders and people who gave evidence to the Committee. Based on our discussions with them, they would be reassured if the legislation allowed us to prescribe that directions must be included or published in the annual report. If the Committee wants something done in that regard, we can consider it, but we have

no problem with openness and transparency around matters for which we issue directions. It will be about reminding the SBNI of its core functions or, more likely, asking it to focus on a specific safeguarding issue about which we have concerns.

1225. The Chairperson: Do members have any questions about clause 4? Will you propose an amendment, Fergal? Will there be any changes to the wording?

1226. Ms Nicholl: There will be an amendment to provide the Department with the power to issue regulations on the annual report, expecting that the annual report will then contain the matter of the directions having been issued and any publication of reports.

1227. Ms Riddell: That amendment will be to clause 6, not to clause 4.

1228. The Chairperson: In evidence, the bulk of discussion was on the issue of directions. Do members have any other questions on clause 4? We aim to be finished by 3.30 pm. We may have time to discuss another clause — perhaps two, because there is not much in clause 5.

1229. Ms S Ramsey: Are you saying that if clause 6 is amended, it means that annual reports will be published?

1230. Ms Riddell: Annual reports would include details of directions that the Department has issued to the SBNI. They would relate only to the exercise of the safeguarding board's functions.

1231. Ms S Ramsey: Therefore, any directions from the Department would be published?

1232. Ms Riddell: Details of those directions would be published in annual reports under clause 6.

1233. Mr F Bradley: As would details of any reports that are sent by the SBNI to the Department.

1234. Ms S Ramsey: Therefore, if the SBNI wants to publish something, and the Department says that it does not want to publish it —

1235. Mr F Bradley: The annual report would record the fact that the board had sent a report to the Department. People would know that the report had not been published. I anticipate that information about the fact that the Department did not want to publish a report would be made public well in advance of the annual report.

1236. The Chairperson: It may not be simply that black and white. Alterations could be made to a report. How would the public know whether that had been the case?

1237. Mr F Bradley: Communications between the Department and the SBNI would be a matter of record because they would be reflected in the minutes of the board's meetings.

1238. Ms S Ramsey: That is assuming that meetings would be constantly scrutinised.

1239. Mr F Bradley: SBNI members include a number of non-statutory bodies and agencies that are not within the gift of any Department.

1240. The Chairperson: A few months ago, we had a classic example —

1241. Ms S Ramsey: That depends on whether the Department funds those bodies and agencies.

1242. The Chairperson: Allegedly, a senior departmental official tried to amend the report of an independent body. It took someone to ferret away following a request that was made under the Freedom of Information Act 2000 for that to be dug out and exposed. It would never have come out in a million years had that request not been made. The independent body did not take it upon itself to say that it had, allegedly, been nobbled.

1243. Mr F Bradley: I cannot comment on that case. I can say that the board submitting the annual report would include organisations such as the NSPCC and other voluntary and community sector organisations, lay people and a number of people from other organisations that are not within the gift of any single Department nor under the leadership of a Minister. Therefore, it is a different scenario from that which you describe. I cannot comment on what happened in that case. However, had that report been produced by a group that included that diverse range of people, all those people would have known that something had happened.

1244. The Chairperson: Is there provision for some of the SBNI's meetings to be held in public?

1245. Mr F Bradley: I would have thought so. I imagine that the situation would be the same as it is for the Committee: discussions on certain issues would take place in closed sessions for particular reasons — for example, if a case involves a named family or if children appear to give evidence. It should, however, be a fairly open and transparent process.

1246. The Chairperson: When will we see the wording of what is promised?

1247. Mr F Bradley: With regard to?

1248. The Chairperson: With regard to any amendment that you have suggested.

1249. Mr F Bradley: We will try to get as much detail as possible to you by next week. We still have to clear a few bits and pieces. We will do that as quickly as possible. I hope that it will be ready by next week, or by the following week at the absolute latest.

1250. The Chairperson: To protect the Committee's interest, we reserve the right to go back to a clause if we are not happy with the wording that has been suggested.

1251. Mr F Bradley: We fully accept that.

1252. The Chairperson: That will keep us right.

1253. Are members content that we leave clause 4?

Members indicated assent.

1254. The Chairperson: There does not seem to have been much comment on clause 5. I wonder whether we should agree it or park it until next week. Clause 5 deals with the general functions of the safeguarding board.

1255. Ms S Ramsey: We heard that some subsections of clause 6 will deal with clause 3. Is there any way that any of the proposed amendments could impact on any of the other clauses that we are dealing with? Will any of the proposed amendments impact on clause 5?

1256. Mr F Bradley: No.

1257. Ms Nicholl: Obviously, we will discuss any proposed amendments with the Office of the Legislative Counsel, which will look at the potential impact on other clauses.

1258. Ms S Ramsey: It is important that we get some idea about that. We may agree to the amendments and find out that they have unintended consequences.

1259. The Chairperson: We are going to have to call it a day at this stage. We will commence clause 5 at next week's meeting.

1260. Mr Gardiner: Is there much in clause 5? Perhaps we could wait if that would help us to get through it.

1261. The Chairperson: There is one issue relating to clause 5. Rather than rush through it and keep our next set of witnesses waiting, we will call it a day here.

1262. Mr Gardiner: We could do it in five minutes.

1263. The Chairperson: That will also give us the opportunity to see wordings, which will be helpful. Thank you very much for your help. The session has been informative, and we look forward to meeting again next week.

21 October 2010

Members present for all or part of the proceedings:

Mr Jim Wells (Chairperson)

Mrs Michelle O'Neill (Deputy Chairperson)

Mrs Mary Bradley

Dr Kieran Deeny

Mr Alex Easton

Mr Tommy Gallagher

Mr Sam Gardiner

Mr Paul Girvan

Witnesses:

Mr Fergal Bradley

Ms Patricia Nicholl Department of Health, Social Services and Public Safety

Ms Isobel Riddell

1264. The Chairperson (Mr Wells): We have some stuff to go through here, but I will ask the experts on this scheme to come forward. It is the same team again. I am sorry about this, Fergal; we have had a lot of material come in, and we think that we need to have a sort of confidential chat about it before we bring you forward for your questioning.

1265. I am afraid that there is a lot of material here to consider, and I want to just go through what we have. First, there is the clause-by-clause summary. It is up to date. It is going to be difficult for members to keep all these documents in front of them. There is the Hansard report from 17 October 2010; then there are the two advertisements, one for the chairperson of the safeguarding board and one for the Northern Ireland Social Care Council. Then we have a very interesting letter from Kath Tunstall. That has been tabled; and the one from Sue Woolmore is in your packs. They give their views on the proposed status and pay of the chairman of the safeguarding board.

1266. The Committee Clerk has a briefing paper for us on the chairperson's appointment and salary, and there is a further memo from the Committee Clerk which is a discussion of clauses 1 to 4. That is where we got to last week. What makes this complicated is that a helpful letter arrived from the Department yesterday evening, at about 6.00 pm. That has been tabled, and it outlines various changes proposed. It came too late, after we had all gone home. There has not been time for me and the Committee Clerk to talk through it and think through its implications.

1267. Clearly, the Department has been listening on some points and has come forward with changes, but it is very much a moving target. We have not been able to put that into the clause-by-clause section or into any of the briefings that went out in the packs. That makes this quite a complex session to chair. Has everybody got a copy of the letter dated 20 October?

1268. As members can see, it is quite complex. It is from the Minister. This may be complex, to put it mildly, but at least we are moving in the right direction. To make matters even more complicated, clauses 1 to 4 are the ones that generated the most controversy and difficulty in the Committee. Had it been the other way round, it might have been easy, but we are now dealing with the substance of the Bill.

1269. Has everybody managed to assimilate all the material? You have all got the Minister's letter and the Committee Clerk's list of amendments for ease of reference, which has also been tabled. Let us try and go through this privately, as it were, and then we will tackle the representatives from the Department.

1270. Before we go into the changes, can we go back to the memo that the Committee Clerk wrote on 18 October? This is an attempt to recap where we are.

1271. Clause 1 deals largely with the membership of the SBNI. The Committee was initially concerned about the fact that the judiciary is not named in the Bill as a member of the SBNI. We had considerable discussions on that at the previous meeting, and it was quite clear that the Department was not happy about adding the judiciary. Moreover, it was quite clear that the judiciary does not want to sit on the body. The Department's response is that the agencies that are listed in the Bill are organisations that have a statutory responsibility to deliver services to children and young people and that there will be an ongoing review into membership. The Department has the power under clause 1(3)(j) to prescribe additional people and organisations as members of the SBNI as required. Therefore, if it becomes a pressing issue and the opinion on it changes, someone can be added to the board.

1272. Clause 2(1) is about co-ordinating and ensuring the effectiveness of the work of each body that is represented on the board. There could be issues raised about the independence of the judiciary if it sits on the SBNI. Judge Weir indicated that he is content that the chairperson of the SBNI sits on the Children Order Advisory Committee. That is yet another duty for that chairperson and gives that person a different level of responsibility to that of any other chairperson. The SBNI gives the judiciary the opportunity to engage with stakeholders on the operation of the law and on how the courts operate, and clause 1(4) allows the SBNI to ask for persons or bodies to be added to the membership if it feels that they are required.

1273. I have had a chance to look at that and to consider the evidence from last week. In my opinion, that assurance is probably enough to ensure that we do not need to divide or table an amendment. However, that is only my opinion. More importantly, if the judiciary is not prepared to throw its weight behind the Bill enthusiastically, it will be very difficult to ensure that it performs that role. You can lead a horse to water, but I cannot see how you can make it drink on this occasion. That was a sticking point for some members last week. Does anyone feel that we need to pursue that further with the Department?

1274. Mrs O'Neill: I agree with you. As you say, you can take a horse to water, but you cannot make it drink. There is no point in us pushing for a body to be represented on the board if it is not wholeheartedly involved. We want people who are wholeheartedly involved. The fact that the chairperson of the SBNI can sit on the Children Order Advisory Committee gives a link-in at least.

1275. The Chairperson: He is going to be a busy man, or woman. Are we happy, or does anyone want to give the Department officials a grilling? We should not give them a warning about that; we should ambush them as we normally do. Are we happy enough to let that sit?

1276. Dr Deeny: Is the judiciary saying that it wants nothing to do with the board?

1277. The Chairperson: No. Judge Weir, who is a very senior member of the judiciary, said that he sees a potential conflict of interest. Do members have any thoughts on that?

1278. Mr Gallagher: I agree with you. If the judiciary does not want to be on the board, there is no point in us fighting any further on that front.

1279. The Chairperson: If the situation becomes unworkable and it becomes quite clear to everybody, including the board members, that it is not effective without the judiciary, there will be an opportunity to add such a person without primary or secondary legislation. We are not closing the stable door completely.

1280. Dr Deeny: It is not just about having members of the judiciary on the board; we need some way to communicate with them to hold members of the judiciary to account. I have come across some decisions where people, through the courts, are allowed back into homes even though health professionals and social workers say that it is dangerous. I have heard it said numerous times before that some people are out of touch and that their view differs with everybody else's view, yet a person is allowed back into a home because of a judgement that is made in court.

1281. The Chairperson: The Children Order Advisory Committee (COAC) is the opportunity for that liaison between the two groups. The chairperson will be on that automatically. If he has those concerns, they could be raised at that body. That is an important suggestion.

1282. Dr Deeny: The terrible fire in Omagh was one example. The man responsible had two previous sentences. Everybody asked afterwards how in God's name he was ever allowed back in to a home with children. The chairperson must be accountable. If they make a decision that is not in agreement with everybody else who is involved in the care of children, they should be brought to book or asked to explain the decision. The judiciary should not feel that it is on its own, that it can do what it wants and that it is nobody else's business.

1283. The Chairperson: The COAC should cover that. Do members have any other thoughts? We move on to the concern about a medical representative not being named on the face of the Bill. The Department's response was that it has been agreed that a member of the Health and Social Care Board who is named on the face of the Bill will represent the interests of GPs on the SBNI. The membership agreement will specify that the person who is on the SBNI will represent the interests of GPs rather than the trusts. That is important. The membership agreement will also specify that the member will create systems and processes of communication to enable him or her to represent GPs' interests sufficiently. However, the representative will not be able to commit all GPs to particular courses of action because GPs work as independent contractors.

1284. As a consequence of the Minister's letter of 20 October, he now advises the Committee that the regulations under clause 1 will provide for GP representation on the SBNI. The previous

position has changed. I think that that satisfies members' concerns that were expressed last week. The Department listened to those, and I think that that is a reasonably good resolution. We can safely set aside that issue.

1285. As regards the issue of representation, the Department said that it is currently negotiating with the Housing Executive about whether it should be named on the face of the Bill as a member agency. Some members felt quite strongly about that last week and others were fairly neutral. In the overall scheme of things, although the Housing Executive has a role, it certainly would not be as primary as some of the other agencies. The latest is that the Minister is negotiating with officials from the Northern Ireland Housing Executive (NIHE). He said that it is likely that inclusion will be dealt with under clause 1(3)(j), which gives the Department the power to prescribe "such other relevant persons or bodies" to be added to the board. I do not see the NIHE as being as important as the GPs and the judiciary. It has a role, of course, but it is implicit in the Minister's letter that if things do not work out, other agencies can be added later. He does not propose to amend clause 1 to have the NIHE named on the face of the Bill.

1286. How does the Committee feel about that? Are members neutral on this?

Members indicated assent.

1287. The Chairperson: I suspect that we will not propose an amendment to clause 1 to cover that. There was also a concern about the process for local government representation on the SBNI. The Department's response was that two options are being considered. The first was to have two representatives from SOLACE, which I am sure that you all know is the Society of Local Authority Chief Executives, and the second was to have one representative from SOLACE and one from the Northern Ireland Local Government Association (NILGA). One of the problems is that NILGA does not technically represent all of local government. If one were an authority on the subject, one would know that Newtownabbey Borough Council is not covered. We would not want to exclude anybody from that council from potentially being on the board. Would that not be terrible, Mr Girvan?

1288. Mr Girvan: It would be very bad.

1289. The Chairperson: We do not know why that council is no longer a member of NILGA, but that is the situation.

1290. Mr Girvan: That is a debate for another day.

1291. The Chairperson: I do not think that there is anything about that.

1292. No amendment to that has come back from the Minister.

1293. Mrs O'Neill: For other bodies, the public appointments process is used for advertising for councillors to come on board. Can that be used in this case? Councillors could be selected on merit.

1294. The Chairperson: Yes. It could be done through standard public appointment procedures, and councillors could apply. I think that there is precedent for that in the appointment processes for other public bodies.

1295. Mrs O'Neill: That will also attract only those who are genuinely interested in the posts.

1296. The Chairperson: Yes; rather than Tommy or Seamus being nominated at some council AGM to do it.

1297. Mrs O'Neill: That would never happen.

1298. The Chairperson: We will raise that suggestion with officials. We are now getting down to the minor aspects of board membership, rather than anything that would make or break it. SOLACE still represents all 26 councils. I do not think that there is any problem there.

1299. We will move on to discuss amendments to clause 2, which sets out the objectives of the SBNI? There was concern as to how the members of the SBNI would hold one another to account. The Department's response was originally that the skill of the chairperson and the director would play an important role. A protocol would be developed for one member of the SBNI to challenge another member, and that would be part of the membership agreement. The protocol would not take the form of subordinate legislation. If the Department believes that the developed protocols are insufficient, it can bring forward regulations under clause 5 to deal with this issue. The organisations in the SBNI are already regulated by independent inspectorates, such as the RQIA. The protocols will be developed by the Department in conjunction with the chairperson and SBNI members and will then be put into the public domain.

1300. Last week there was concern that the Department was putting a lot of trust in protocols or subordinate legislation. One Member — and I think that it was the Deputy Chairperson — suggested that subordinate legislation could be rejected or accepted in its entirety, but the Assembly would not have the normal powers to amend it, as it would have with a Bill. Do members have any thoughts on that issue? If not, we will come back to it.

1301. Last week, members were generally content, and nothing of any significance has come back from the Department. Therefore, I think that we are content to leave that subject.

1302. The Department has not proposed any amendments to clause 3. Are we left with any outstanding issues on it? There was the issue of the powers of SBNI. There was concern that the clause was not taken to mean that the SBNI could do only case management reviews and no other types of reviews. There was also concern that the need to produce action plans following a review is not included in the Bill.

1303. Members may remember that quite a few organisations lobbied the Committee last week, saying that the SBNI should not simply be reactive to individual cases but that it should have power to investigate issues of concern that had arisen, even in the absence of a case or incident. The Department responded, if I remember correctly, that clause 3(10) gives the SBNI the powers that it requires to carry out any work that it wants to. However, there was concern that a quite a few of the consultees did not see that in the wording. I can see their point of view.

1304. The Department's response, last week, was that to list other types of review under that clause would mean that the SBNI could only do them if the Department was to prescribe them. I could not actually see that argument. However, the view was that if the Department was to list things, the SBNI would not be able to do anything more than that. The Department also felt that it would limit the independence and flexibility of the SBNI and that clause 3(10) allows the SBNI to do whatever work it wishes to do, without reference to the Department. That was the argument made. The Department will bring regulations under clause 3(4) to ensure that action plans are produced and lessons learned and disseminated.

1305. We have just received a letter that advises us that the Department has stated in the letter from the Minister that follow-up action plans and compliance monitoring in relation to case management reviews and child death reviews will be required in the regulations.

1306. That is welcome, but I do not know whether that is entirely what we wanted. We should flag that up to the officials again. Those provisions are fine, but I do not see how that will give the SBNI the power to initiate a wide-ranging review of something that did not arise from either of those. Perhaps clause 3(10) covers that, but I want that clarified and we will raise that when we bring Mr Bradley and his team back. Apart from that, are there any other issues on clause 3 that we wish to pursue with the Department?

1307. Mrs O'Neill: Clause 3(7).

1308. The Chairperson: Yes. There is concern that the wording of clause 3(7) is not strong enough and that the term "reasonable steps" was too vague. Last week, the Department said that it intends to use clause 5, and the regulations therein, to deal with how the SBNI must consult with children and young people. If members remember, VOYPIC was one of the groups that raised that issue. The Department suggested that it could write to the Committee to set out what it intends to put in the regulations about how the SBNI must consult with children and young people. The Committee suggested that as well as putting it in regulations, the Department should strengthen the wording of the clause and that the words "reasonable steps" should be omitted. The Department responded that it intends to look again at clause 3(7), which shows that it is listening to the Committee. We wanted to beef up the role of young people, which clause 3(7) intends to deal with, and it will be interesting to see what the Department comes up with.

1309. We then come to the very difficult issue contained in clause 3(9)(c). The Committee was concerned about why publications of the SBNI needed to be approved by the Department. The Department said that that provision was needed as the SBNI is not a legal entity in its own right, it cannot be sued — lucky people— and the Department has ultimate responsibility for it. The Department went on to say that clause 3(9)(c) provides a safety mechanism and not a censoring device, and that it is only concerned with factual accuracy and defamatory information.

1310. Initially, the Department did not propose any changes to clause 3(9)(c), but it has now proposed to amend clause 6, so that the annual report will list, with dates, any reports submitted by the SBNI to the Department for publication and what reports have actually been published. My concern is that that could occur 18 months after the event. I am also worried about the view that the board cannot be trusted to issue its own reports without consulting the Department, because there is a fear that it may make a factual inaccuracy. Given the high powers the organisation will have, I would have thought that the chairperson, the director and the deputy director would be professional enough to seek legal advice if there is any issue that concerned them, and that they would check carefully before issuing any report. It is a bit like this Committee only being able to issue a report if Mr McGimpsey has the right to check it for factual accuracy. We would chase him or the permanent secretary if they suggested that, because we have a right to publish and a right to be wrong. The SBNI also has a right to be wrong, but 99 times out of 100 that will not happen. There is something about the principle of referring publications for approval that does not ring true as far the independence of the body is concerned, and there is still a lack of clarity on that issue.

1311. The Committee questioned why clause 3(9)(c) could not be amended to read:

"subject to consultation with the Department"

1312. That would be safe enough and it would mean that the Department could see the reports and make its observations. The Department would have the right to point out, for example, that £12 million was spent on childcare last year rather than £9 million. The SBNI could then thank the Department and make the correction, or tell it that it was not interested, that it was right and publish. That would be the compromise between ensuring factual accuracy while not trying

to bridle the work of the SBNI. Mr Bradley, if you are listening in the Public Gallery, I would be very surprised if the issue was not raised again in the next few minutes. I do not know whether members have any thoughts on that, but officials did agree to look at the possibility of using the word "consultation."

1313. We are also concerned that the proposed amendment to clause 6 would not deal with a situation in which the Department asks for a report to be amended, which, of course, could mean neutered and watered down. Therefore, it will probably not be a black and white issue. It relates to when the Department is generally quite happy with a report, but it contains one or two phrases that are, perhaps, quite embarrassing or difficult. An amendment is made. It is much more difficult for the public to be made or become aware of that amendment than of downright rejection of the report. Therefore, we need to look at that.

1314. The Department stated that communication between it and the board would be recorded in the minutes of the board's meetings. Members made the point that someone would have to scrutinise carefully the SBNI's proceedings to pick up on such a scenario. Certainly, you would have to be quite a clever guy to pick up much from minutes, which are simply a purely factual account of what happens in a meeting. They do not give you a flavour of the discussion. To be fair to the Department, however, it said that meetings would be held in public.

1315. Therefore, do members still have concerns about that and the proposed amendment to clause 6? Do you believe that the amendment covers that issue? Do you still believe that we should try to persuade the Department to change the wording of clause 3(9)(c)? Can we take it that when the Department comes back to the Committee, we will raise that issue?

Members indicated assent.

1316. The Chairperson: Clause 4 gives the Department the power to give the SBNI directions. The Department did not propose to make any changes to the clause. We asked why it is necessary. The departmental response was that it applies to RQIA and that directions are likely to be about reminding SBNI about its core functions or asking it to focus on specific safeguarding issues. That is like my party's Chief Whip reminding me of my core interests in the Assembly and telling me to do something.

1317. I get the impression that that clause could be used by irresponsible individuals in the Department to, basically, control the SBNI's activities. Again, it reminds me of the proposed amendment to clause 6 which provides that all departmental directions to the SBNI must be included in the annual report. I understand that the Department has brought examples of directions. It will be interesting to be talked through those examples of what has happened in other organisations. We need to decide whether we are content with the proposed amendment to clause 6, which, obviously, relates back to clause 4. That will come up during discussion.

1318. That covers everything in the letter dated 20 October 2010. I refer members to a helpful memo from the Committee Clerk on the appointment and salary of the board's chairperson. During our last meeting, we had considerable discussion on how the chairperson would be appointed. When the process is in train, the post of chairman or chairwoman will have been advertised, and folk will have, no doubt, sent in their application returns, appointment will be by one of two models that were discussed at last week's meeting. The first model is the public appointments process that is favoured by the Department. The second is that the board would take some form of responsibility for the chairperson's appointment. For example, the board might undertake the appointment of an external person to be its chairperson, or it might appoint someone who is already a member to the post.

1319. Last week, Mr Bradley made a valid point. He said that if the board members end up appointing, for instance, the head of child protection of a certain organisation as their chairperson, that causes a problem for the chairperson's independence. I understand that point of view. Having listened to the Department at last week's meeting, I believe that the independent appointments process is the best way. Although I do not like the scale, salary and level at which the post is being pitched, the public appointments process ensures that the chairperson is genuinely independent, rather than beholden to board members.

1320. I use "he" in the general sense; it could be a "she", of course. If he is appointed by the board in any shape or form, he may feel under some obligation to board members. If he has been appointed totally independently, the perception and reality of independence is more firmly guaranteed. The only reason I threw that out last week is because several of the boards in England have appointed from within. There may be a concern that the Department had gone ahead and done it anyhow, and the horse had bolted. However, I will not be dying in a ditch over what the Department has done on procedures.

1321. Do other members have strong views on that? Is everyone happy enough to let it sit and retrospectively approve the public appointments procedure? It is a question of members holding their peace.

Members indicated assent.

1322. The Chairperson: We move on to the issue of the chairperson's status and salary. The letters from Kath Tunstall and Sue Woolmore are very telling. I do not believe that the Department has had a chance to see them yet. Both are very scathing and both believe that this salary will not attract the right sort of person and does not reflect the importance of the position. It is very telling that we have two people at the coalface of this issue in GB and who are extremely concerned and shocked by what they have seen.

1323. I refer to Kath Tunstall's letter. She says that, in England, chairpersons are paid between £500 and £800 per day, for two or three days per month. That salary works out equivalent to £65,000 to £104,000 for two-and-a-half days per week. I do not think we can advocate £104,000; we would all be rushing out the door to get the forms so I cannot see that happening. However, that is the sort of status, pro rata, that these positions have in GB. We know that the chairperson in the newspaper advertisement that we have before us is being offered £17,060 for two-and-a-half days per week. In England, the chairperson generally works for two-and-a-half days or three days per month. You need to take that into account when you are considering the figures. Kath also states that the arrangements for the chairperson must give him or her sufficient authority and experience to manage a director and an assistant director. She feels that it is unlikely that the money offered will attract that kind of person. We saw last week the sort of salaries that are being considered for the director and the deputy director. They are in the range of £60,000 to £65,000, with a total package worth £80,000 for the director; yet the chairperson will get a small pittance by comparison.

1324. Here is a point I keep making. Is it reasonable to expect a chairperson on such a salary to undertake the management and supervisory functions that keep coming up in every part of the legislation? In the Bradford Safeguarding Children Board, the business manager is line-managed by the assistant director of the Children's Social Care Board.

1325. I was almost convinced of this, but became totally convinced when I saw provided this list of equivalent bodies in Northern Ireland. It is clear from this that, even in a Northern Ireland context and without looking at GB, the chairperson will be very much the poor relation. I will give you a few examples: the chairperson of the Health and Social Care Board gets £33,000 for three days a week; and the chairperson of the Public Health Agency, £33,000. The chairpersons

work differing numbers of days per week, so it is hard to judge the salaries. Here is an advertisement from the Guardian Ad Litem agency, the equivalent of which would be £28,000. The salary of the chairperson of the Blood Transfusion Service, for working one day a fortnight, works out at £28,000.

1326. Am I missing something? The role of chairperson of the Blood Transfusion Service strikes me as fairly important but standard. That person aims to maximise the amount of blood that is given to our hospitals. Does that role carry more responsibility than that of the chairperson of the SBNI, given the huge range of responsibilities and the importance of that post? The figures confirm to me that, as Kath Tunstall and Sue Woolmore's letters clearly state, the Department has simply got it wrong. That is my honest view.

1327. We are not for one minute suggesting that the salary should be £104,000 a year. However, we are suggesting that it should be higher than the salary for the chairperson of the Public Health Agency, the Blood Transfusion Service or for one of the health trusts. It is interesting that one of the letters suggests that the presence of the four subcommittees below the board makes the chairperson's position more responsible rather than less responsible because the chairman will have to supervise those as well. Those are the facts. Do we want to raise the matter again with the folk from the Department?

1328. Mr Gardiner: We are trying to defend the health budget from cuts, and we have a recommendation from the Department that the salary should be £17,000. However, the Committee wants to increase that salary because it is not enough. It is like robbing Peter to pay Paul, and one thing is laughing at the other.

1329. Mrs O'Neill: I do not agree with that assumption. The chairperson will have a very important role in the Health Service. That person will safeguard and protect children, and we cannot sit back and allow budget restraints to have any impact on that position. I do not know whether the process can legally be stopped at this stage. However, I think that the second option is the best, namely to ask the Department to, if possible, stop the current process and re-advertise the post at a higher salary that is more reflective of the seriousness of the role. If we start off on the wrong footing, the whole process will be wrong. In my view, we need to get it right from the start.

1330. The Chairperson: We have the option of not increasing the existing budget but slightly downgrading the salaries of the director, deputy director, chief executive and deputy chief executive and redistributing some of that money to the chairperson on the basis that the position of chief executive will still be very attractive. We can maybe do that in a cost-neutral way.

1331. Mr Girvan: I was about to make that point. Last week, we got a figure of about £170,000 for the budget to cover all those areas. We should try to maintain that figure and offer an adequate amount to make the salary attractive enough. It should be worth between £180 and £200 a day to make the annual salary between £28,000 and £33,000. We should give some guidance on that, because so much emphasis has been put on the importance of having a chairperson who will take the role and run the board properly. We need to ensure that that is right.

1332. I am happy to work with the £170,000 mentioned. However, management fees should come out of that, including payment for the assistant, the manager and the chairperson, and we must ensure that those are covered adequately. That would be fairer breakdown, as opposed to somebody earning £80,000. I appreciate that they will work two additional days a week in the job. I do not believe that they will work any more than five days a week, and the chairperson will work two or three days. That is my opinion on it.

1333. The Chairperson: That leads us to the point that the Deputy Chairperson alluded to, that there are basically three options that we could pursue. We could do nothing and allow the Department to continue with the public appointments process on the basis of the salary advertised and wait to see whether someone is appointed. We will know that by 19 November. We could also ask the Department to stop the public appointment process, which is the Deputy Chairperson's view, and re-advertise the post at a higher scale. Finally, we could ask the Department to stop the process and re-advertise the post at the same salary scale but with a lesser time commitment. Members will notice that Sue Woolmer suggested that that would be one way round the problem; that the amount of hours expected for the same salary could be reduced.

1334. Mrs O'Neill: I imagine that that could not be done. One cannot just change that in the middle of the process when it the job terms have already been advertised.

1335. The Chairperson: I agree. One would have to start again, because the people who are applying are doing so on the basis of working two to three days a week rather than three days a month.

1336. Mr Gardiner: As far as I am concerned, the process has run so far that I would let it run its course and see the results. We can then assess the situation more accurately.

1337. Mr Easton: As the Deputy Chairperson said, if we get this wrong now, it is going to set the tone for the whole thing and it is just going to be a mess. I am not convinced by the arguments from the Department about the salary, and I do not believe that many of the members here have also been convinced. I think that the whole thing needs to be stopped. The advertisement needs to be looked at again, the salary is pathetic, and the person who is meant to be doing the job is going to have such a huge responsibility looking after our children. I believe that it is in the best interests of the Department to stop the process and shift the salaries around as the Chairperson has suggested. It will not cost any extra money to do so; it will just be a bit of tweaking here and there, and I believe that that would be the sensible option for our children and for the way forward. I would go with plan B, which the Deputy Chairperson offered.

1338. Dr Deeny: One could suggest lesser time. However, we want this person to be involved in this important issue. The less time that someone puts into something, the less he is really committed to it and gets into it. Also, I think that the less time a person spends doing a job suggests more and more to me that we are looking for a figurehead and that it is the other people who will be doing the work.

1339. To me, this is a big issue. We have been looking at comparative salaries. However, some of the posts involved are within trusts, and there are five trusts in Northern Ireland. This is a regional Northern Ireland position, representing the whole of the North, so, I imagine that it is more likely that the chairperson will be doing three days a week. If one looks at what the chairs of the trusts do, they are getting up around £30,000 for three days a week. I suggest that it would be better all round for the chairperson to be doing three days a week and be really involved in the issue, and to get his or her teeth into it, because it is such an important issue.

1340. I support option 2, along the lines, as Paul said, that we should actually quote a figure similar to what the chairpersons of the trusts are getting, which is close to £30,000 for three days a week.

1341. The Chairperson: We will invite the departmental officials to make a statement on this. I think that it would be very surprising if they were not aware that this was coming up. We will listen with interest, because they have moved with us on other issues and I am sure that they

are dying to move towards our point of view on this as well and they are just looking an excuse to do so.

1342. After we have considered this matter with the officials present, we will have to make a formal decision on whether we push the Minister, because the chairman's salary and working conditions, etc, are not included in the Bill. We cannot put them in; so therefore, this will be a ministerial decision taken outside the legislation.

1343. Dr Deeny: When I look at Sue Woolmore's letter, I think that the public would feel a lot more content that they have a chairperson who is in a very responsible position and is paid as such.

1344. One can juggle around with the figures — and I understand why the director and assistant director get what they are getting, because they do most of the work — but the chairperson's position is very important. When the public hear about someone who works one day a week for a salary that does not reflect the importance of the position, it will not inspire confidence in them. Everybody who makes a presentation to the Committee tells us that the position of chairperson of the safeguarding board for Northern Ireland is very important. Therefore, we must ensure that the right person is selected and paid appropriately for their responsibilities.

1345. The Chairperson: Are there any other thoughts before we bring in the witnesses? Fergal, please bring your team to the table.

1346. I was not here last night to get your letter — one or two other issues were going on — and things were quite complicated because I was trying to draw into one strand material that we had plus new material, so, if you had difficulty in following it, you were not the only one. However, given that you undoubtedly had input to the Minister's letter, you are probably much more aware of the matter than any of us. Nevertheless, I think that we are picking up the thread. We appreciate that you have moved on with certain issues, and you have helped us by coming up with good reasons why we should not move on a subject and, where you thought our position was reasonable, by agreeing with us. We are now down to a small number of items, some of which are relevant to the legislation and some of which are extraneous; they are not, and could not be, in the Bill. For instance, the chairperson's hours and salary could never be specified in the Bill. We want to quiz you about the chairperson a bit more, and then we will move on to the legislation. I am sure that you have a flavour of what has been discussed. Has the Department anything to say on the status and pay of the chairperson?

1347. Mr Fergal Bradley (Department of Health, Social Services and Public Safety): We received a few communications from the Committee Clerk asking us to provide information on how the process works —

1348. The Chairperson: And do you have some on this?

1349. Mr F Bradley: — and on the timing. Today is the closing date for applications. Shortlisting is scheduled to take place on 2 and 5 November, and interviews will be held on or around 15 November. Obviously, vetting checks and so forth also have to take place. We were asked to advise the Committee on what happens if no suitable candidate is found. As with any public appointment, if there is no suitable candidate, the sponsor branch — ourselves — will be advised, and it will be up to us to work out the way forward. That is how the public appointments process normally works. I do not know the final figure, but I understand that several people have applied for the position.

1350. The Chairperson: What is your definition of "several": do you mean several hundred, several dozen or three?

1351. Mr F Bradley: More than three, but fewer than 10. We are very clear about keeping the public appointments process at arm's length. Therefore, although we are trying to be helpful to the Committee, I do not want to be too involved in the process, or ask too many questions about it and, thus, get too close to it. As I understand it, in this case, "several" means about half a dozen.

1352. I understand the position being put forward by some of our colleagues in GB. However, from our perspective, it is very simple; we tried to benchmark the position against those in other bodies. For example, the chairperson of RQIA, which is not an insignificant body and has a very important role, is of particularly high standing. We cannot state categorically that the level of remuneration that we arrived at will definitely deliver a candidate of the right calibre. We can say, however, that the public appointments process is designed not to allow someone who does not meet the criteria through. In this case, we have a process in which the interviews and the final decision will be undertaken by a three-person panel: one of whom is Jan Horwath, who is an expert on safeguarding from England; one of whom will be an independent person drawn from a panel of independent persons maintained for the purpose of public appointments by OFMDFM; and the third will be the chief social services officer.

1353. We have no interest in the appointment of someone who is not capable of doing the job. We have a process, which is ongoing, and it will conclude within the next couple of weeks. At that time, there will be no speculation. One or more candidates who meet the criteria, are able to do the job, and to do so at this level of remuneration will have come forward. It will not be a question of speculation by us, and it will not be a question of speculation by some of our counterparts in GB.

1354. I have not had any dealings with Kath Tunstall. We have had discussions with Sue Woolmore, but we are not setting up arrangements that are the equivalent of a local safeguarding children's board. We are setting up different arrangements. For that reason, it is difficult to read across. They have a particular view. We are not guaranteeing that our view in this is absolutely correct; we are saying that the process is in train, and it will identify whether the level of remuneration that is on offer is capable of attracting candidates of the right calibre. The proof of the pudding will be in the eating. We will know shortly whether that has been successful.

1355. It is not a question of trying to cut corners in respect of cost. We are trying to resource this position well. We are trying to give the SBNI chairperson his or her independent resource in order to advise them and provide them with briefings, etc. We have looked carefully at the arrangements for LSCB s in England. Those are not perfect, and they do not work as well as what we hope the SBNI will work. However, the process is ongoing, and we will be prepared to wait and see the outcome.

1356. As I said, the Bill team and the staff in the sponsor branch are not involved in the public appointment process. It is independently managed and operated. One or more candidates will meet the criteria and the standard, or they will not, and we all know then.

1357. The Chairperson: We were a wee bit in the dark last week when we were talking to you about this, until we saw the table of the equivalent positions. Why is being chairman of the Blood Transfusion Service more responsible and demanding than being the chairperson of the SBNI?

1358. Mr F Bradley: It has a budget of £10.3 million. That is one of the issues with regard to the Blood Transfusion Service. The SBNI chair is on the same remuneration level as the chairperson of the RQIA.

1359. The Chairperson: You keep bringing up the RQIA, but that is the only body with which you can draw direct comparison when compared with the other bodies that are much better paid.

1360. Mr F Bradley: We have tried to pitch this as best we can with regard to the size of the organisation, the size of the budget and the size of responsibility. I think that the chairperson of the Blood Transfusion Service is paid £7,000 per annum based on one day a fortnight. I know that there are differences in the days per week, the size of budget and the size of the organisations, but we have tried to pitch this in respect of organisational size. The RQIA is particularly significant, because its status and level of responsibility is equivalent to that expected for the chairperson of the safeguarding board.

1361. This is not an exact science. I am happy to say that there is no public appointment read across from any of the HPSS bodies. In exactly the same way, there is no equivalent read across from the arrangements that are being described by the people who have corresponded from GB. This does not read across to a LSCB arrangement. We believe that we have come up with a reasonable level. If we are proved wrong, we will know that shortly.

1362. Ms Patricia Nicholl (Department of Health, Social Services and Public Safety): When reviewing the current public bodies and the remuneration of the chairperson, we saw that there is a vast range in remunerations. They range from £34,333 per annum for the chairs of trusts to £7,014 for the likes of the Blood Transfusion Service and the Northern Ireland Guardian Ad Litem association. In the middle of that, we saw organisations, such as the Northern Ireland Social Care Council and RQIA, which seem to have a similar remuneration and be similar to the type of agency that we are trying to establish. Two things determined our thinking. One was that most of those organisations have a larger budget than it is anticipated the SBNI will have.

1363. The SBNI will have a budget of £750,000. Most of those organisations have budgets of millions. The trusts range from £400 million to £900 million for the Belfast Health and Social Care Trust. The Blood Transfusion Service has a budget of £10.3 million. RQIA and the Northern Ireland Social Care Council have budgets of £6.3 million and £2.2 million respectively. They are all organised and established as non-departmental public bodies that bring with them certain responsibilities on the part of the chairpersons and their subordinates in relation to governance and accountability arrangements, whereas the SBNI will piggyback on arrangements in the Public Health Agency. That is how we managed trying to come to a considered approach about the remuneration for the SBNI.

1364. The Chairperson: It is not the budget; it is the crucial importance that the board will have to the young people of Northern Ireland. I do not know the legislation that established some of those bodies, but I am sure that, for the Blood Transfusion Service, the legislation sets out that there will be a chairperson and six board members. That is probably the last reference to the chairman in the legislation. There is a very important role for the chairperson of the board in every clause that we come across here. It cannot simply be looked at in money terms. Some of the functions are very important, but I cannot see anything more important than a body that will keep a very close scrutiny on how our children are protected from abuse. You have just looked at the pounds, shillings and pence — not that you are old enough to know what I am talking about, but the older members will. You are looking at the money rather than the crucial nature of the role. I am worried when you tell me that roughly only six people have responded because we should not be looking for an adequate person for the job; we should be looking for the best person for the job.

1365. Mr F Bradley: We have no idea who the candidates are. We are not saying that the candidates are adequate, not adequate or anything else. We know that a number of people have applied. I would not have thought that that number is not typical of the numbers who apply for public appointments. Until the process is complete, we do not know whether candidates are up

to scratch and will be able to do the job as we want them to have come forward at that level of remuneration. We would be prepared to wait and see the outcome of the process. At the end of the day, we have no interest in the appointment of someone who is not capable of doing the job.

1366. The Chairperson: You miss my point. I am sure that you can find people who are capable. However, given the history of Northern Ireland and the fact that we have clear evidence of institutionalised child abuse — there are very high instances in certain trust areas — we are looking for the best possible person, rather than someone who is capable but happens to be in the pack. That is no disrespect to anybody who gets the job; there may be very capable people out there who have not applied because of the very small remuneration.

1367. Mr F Bradley: We do not know that. We do not know what has motivated people to apply and we do not know what has motivated people who may not have applied.

1368. The Chairperson: We have gone out on the limb publicly, so it is very difficult not to appoint someone. It would be a major climb down if, having made this so public, you say that you will not appoint anybody.

1369. Mr F Bradley: As I understand it, the process for some public appointments has been completed without recommending someone for the position. The public appointments process will not deliver someone who is not able to do the job. An appointment will not be made just to avoid embarrassment. It will be made only if there are people who have come forward, who are willing and able and have the competence to do the role. A panel is in place. The independent person from the Office of the First Minister and deputy First Minister (OFMDFM) is there to ensure that the process is fair, open and transparent. Jan Horwath, who is one of the three people who the Committee originally contacted, is also a member of the panel. She is there for her national safeguarding expertise. The other representative will be the chief social services officer.

1370. There will be no appointment unless there are candidates who are up to spec. As I said, I do not know the candidates, nor will we ask who has come forward. We have to keep the process at arm's length for it to be seen as fair and independent.

1371. The Chairperson: We will have to give some thought on where we will take the matter. If no one has further comment to make, we will move to clauses 1 to 4. You have heard the discussion, and various members have questions to ask. Fergal, do you have an opening statement?

1372. Mr F Bradley: A number of my points are contained in the Minister's letter. Since our previous appearance before the Committee, we are proposing a couple of amendments to clause 1. One is in response to concerns that the Committee raised on the power to remove the chairperson from the SBNI. We propose to amend clause 1(5)(a) to include reference to the circumstances in which the chairperson or members of the SBNI cease to hold office or may be removed or suspended from office. The Committee will be able to agree or not agree. The regulations will set out openly and transparently the circumstances in which the chairperson can be removed from their position. It will relate to areas such as gross misconduct, and you can imagine the sorts of issues that would come under that heading, and indictable offences.

1373. We also ask the Committee to agree to a slight amendment to clause 1(5)(c) so that we are able to use the clause to specify the host body. That will future-proof the SBNI so that, in that clause, we will be able to specify that the Public Health Agency will be the hosts, as is the case under the current arrangements. It is a technical amendment to make that clear in the Bill.

1374. The Chairperson: Are members content with those amendments?

Members indicated assent.

1375. The Chairperson: The Department heard our discussion on the judiciary and on the NILGA appointment. We have generally accepted the arguments on the judiciary, and we are content with the proposal on GP representation through the Health and Social Care Board. That is sorted out. Have you anything more to give us on the Housing Executive issue?

1376. Mr F Bradley: We are continuing to have discussions with the Housing Executive and its sponsor Department, DSD. It is important for us that, if the Housing Executive ends up as a core member of the SBNI, that is owned by the sponsoring Department and, obviously, by the Housing Executive itself. If, at the conclusion of this, we can reach agreement that that is appropriate, clause 1(3)(j) would allow us to add it as a core member. Rather than trying to push and rush for negotiations and sort all of that out, we will we have a mechanism to bring it on if it is agreed at the end to do so.

1377. The Chairperson: Are members happy with that?

Members indicated assent.

1378. The Chairperson: I will ask the Deputy Chairperson to talk about the appointment of local government representatives. Perhaps you are not aware that one major council, which is represented by Mr Girvan on the Committee, has opted out. I have doubt that Mr Girvan will declare an interest if he takes part in any of this.

1379. Mrs O'Neill: You did not hear our earlier conversation. Can the public appointments process be used to attract local government representation?

1380. Mr F Bradley: We have not thought of a public appointments process to attract local government representation. Clause 3 provides for representation from district councils, so having representation from NILGA and SOLACE would not necessarily require a change to the Bill. In the membership regulations, we believe that we can specify where that representation can come from. We are still open to discussions on that.

1381. Originally, we suggested that two members from SOLACE be included. Representations were made from NILGA that one member should come from NILGA and one from SOLACE. SOLACE is happy with that, but the added complication is that not all district councils are now represented on NILGA. We have not arrived at the position of being clear on what we want to do on that. We are open to influence and views from others on how to navigate our way around that. All 26 district councils are members of SOLACE, so, if the Committee were in agreement, SOLACE could provide both representatives.

1382. As part of the discussion, we are saying that we have to get our heads round it and try to navigate a way through, but it could be sorted out in the regulations; it does not necessarily require a change in the Bill, particularly given that we have no view on it at this time. I do not know whether the Committee has a strong or defined view on how to get round this.

1383. Ms Nicholl: Clause 1(2)(c) gives us the power to bring on local government representation through a public appointment process as lay members. The issue for us was that in coming in, those lay members would not represent a local government body, they would represent their own. It is about how best to balance bringing local government representation onto the SBNI, but we can do that.

1384. Mrs O'Neill: I do not favour taking on two from SOLACE, because that comprises chief executives, not elected members.

1385. The Chairperson: The next issue raised was in clause 3(4), clause 3(7) and clause 3(9). Clause 3(4) brings us back to the issue of the power that the board will have to initiate its own investigations and reports. Last week, you set out why you felt that clause 3(10) was more than enough. I offered a compromise, which I still think should be considered. In his opening remarks on the debate, the Minister should state that clause 3(10) gives those powers.

1386. Mr F Bradley: For clarification purposes, I will take you through this. Some people who responded to the Committee suggested that clause 3(4) should be amended to refer to "other reviews". Our point about that was that if that phrase was added, the SBNI could undertake them only if we prescribe them. If the phrase were included, the SBNI could not undertake any other type of review, unless we set it out in regulation for them. We did not want that power, and we do not want it. That is the first thing.

1387. The second suggestion made to us relates to clause 3(10), which, as far as we are concerned, is a power. I will refer to the Minister's letter, which goes some way towards what you are suggesting, Chairperson. If we put it into clause 3(10), the advice from the draftsman was that it would give the SBNI the power to undertake whatever other types of activity, reviews, etc, that it wants to do to deliver on its functions, according to its own methodology. If we were to mention "other reviews" or any other type of specific activity, it would be mentioning a particular activity but call into question the generality of the clause. That is the advice that we received. In his letter, the Minister said:

"Clause 3(10) as drafted gives the SBNI the power to undertake any other activity in accordance with whatever methodology it wishes to deploy in the achievement of its objective."

1388. As far as we are concerned, clause 3(10) gives that. We would be happy if in his opening statement the Minister repeated that and gave the example of including any other type of review that the SBNI wanted to undertake, if that would address the concerns of the Committee.

1389. The Chairperson: There is a legal difference between a letter from the Minister and something said on the Floor of the House and recorded in Hansard. Apparently the latter can be quoted in court cases as giving an indication of the intent of a particular passage of legislation.

1390. Mr F Bradley: The only difficulty that I have, and I have to get the Minister to agree, but it is stated there that the Minister is content that clause 3(10) is a general power that will give the SBNI the power to undertake whatever activity it needs to do. I would not have thought that there would be any difficulty with the Minister including the specific example of "other reviews" in his opening remarks or speaking remarks in the Assembly.

1391. The Chairperson: If he does not say it, I will ask him. He had better have the answer ready. To be serious about it, that, I think, is enough to cover that and clear up any ambiguity. We do not want the SBNI to be called to book by someone saying that clause 3(10) does not give it the powers. I am still concerned that all of the organisations that commented on that felt that clause 3(10) did not give the powers that they were looking for, but I think that that statement would clarify it for them.

1392. Mr F Bradley: When the reference group had a discussion on this, there was a "I see what you mean" moment. Due to the fact that "other reviews" were not mentioned, I do not think that people had appreciated that clause 3(10) was an all-embracing power. It is a catch-all that covers whatever the SBNI needs to do to deliver on its functions. I think that there is a broader

understanding now among a lot of the stakeholders who appeared before the Committee. We can get that statement included in the Minister's speaking notes.

1393. The Chairperson: Hopefully, that is resolved, and we can move on to clause 3(7). The Deputy Chairperson had a concern about it in the previous meeting. We do not think that it is strong enough. We have had representations from groups such as VOYPIC about it.

1394. Mrs O'Neill: Is there a proposal to amend that clause to take out the phrase "must take reasonable steps" and to insert instead "must consult"?

1395. Mr F Bradley: We are proposing to take out the words "reasonable steps". The Minister's letter sets out the sort of thing that will go into the regulations. Again, we will consult with groups such as VOYPIC and other members of the reference group before we bring the final regulations to the Committee.

We think that the regulations should state that the SBNI:

"seek assistance from organisations who communicate with children and young people; communicate with a wide age range of children and young people; seek the views and opinions of children and young people;

provide age appropriate information where necessary;

consider the rights of the child or young person;

have regard in particular to the ascertainable wishes and feelings of the child or young person (considered in the light of his age and understanding); and

must have regard for the importance of the role of parents in the upbringing and development of their children."

1396. That introduces the idea of consulting not only with children, but with their carers.

1397. The Bill is drafted in a way that sets out what must be done, and in the regulations, we are trying to cover the detail of how it must be done. In discussion with the draftsmen we are simply saying that, rather than list that detail in the Bill, which would be inconsistent with the way the rest of it is drafted in stating what must be done, we would cover all that in the regulations. We are open to views from other people as to how that can be further strengthened, but that is the sort of detail that we will go into in the regulations.

1398. Mrs O'Neill: So, you propose that clause 3(7) will read: "The Safeguarding Board must promote communication"?

1399. Mr F Bradley: Yes. That is a very strong function in the draftsmen's view.

1400. The Chairperson: Are members content to leave clause 3(7)?

Members indicated assent.

1401. The Chairperson: Good. We are making progress. Let us hope the next one is just as successful. We move to clause 3(9)(c), where there is an issue about the annual report, and setting out in that report any reports submitted by the SBNI to the Department to be published. You have heard the general tone of the discussion: we can envisage problems here.

1402. That would be 18 months later, and it may not be just as black and white as a report being turned down or pushed to one side; it may be more subtle than that. There is still a perception that the clause is an attempt to bridle the SBNI. We cannot see why, for instance, you could not use the word "consult". Most importantly, the SBNI will have a director and a deputy director, one on £69,000 a year and one on around £40,000 a year, it will have a chairperson who will hopefully be a very high-powered and capable individual, and the Department is saying that it has to look over their shoulders and decide what they can or cannot publish in case those individuals make a mistake. Do they not have the right to be wrong?

1403. Mr F Bradley: They have a right to be wrong, but it comes down to where the liability lies. The clause is not an intention to gag the board, it is just a safeguard. We have proposed amending clause 6 so that details of reports, and of when they are submitted to the Department, will be published. We have also suggested that clause 6 include details of directions issued by the Department. We can look again at the wording of the clause. We have tried the word "consult", and it is not something that we are having a lot of success with at the moment. However, we will look at the language again and come back to the Committee.

1404. The Chairperson: Would the use of the word "consult" give you the opportunity to remind the SBNI that some statistics were wrong or that something will potentially get it into trouble? The board could then make the decision having had your opinion, so the Department could then argue that it told the board not to do that. Any stronger wording than that gives you the power to bridle the work of the board.

1405. Mr F Bradley: We will have another look at the wording, but we are struggling because of the drafting language. It is not unwillingness; we are trying to come up with drafting language that works around this. However, I take it even with that, the Committee would not have a problem with what we are proposing with clause 6 with respect to including details of when the reports are submitted to the Departments?

1406. The Chairperson: There is nothing wrong with that per se: that is fine. However, we do not think that it gets over the problem, because there is a real danger that the Department could come to a section hidden somewhere in a report that you instruct the board to amend, but the whole thing will go under the radar and not be discovered.

1407. If the Department tries to ban a publication, I am pretty certain that alarm bells will begin to ring. There would be no problems in that case, but, I do not think that it will ever be as black and white as that. We saw direct parallels in another Department during the past two months, which are almost uncannily reminiscent of what could happen under this provision.

1408. Mr F Bradley: As I indicated before, I cannot talk about that. However, I would again ask you to look at the composition of the SBNI and the organisations that will be around the table. There will be statutory agencies that report to at least three different Ministers, non-statutory agencies and those who represent various sectors such as GPs and other professional groups. The possibility that we would have that level of influence and control is purely theoretical. It would never actually happen in practice.

1409. We have indicated that we are willing to look at the provision through an amendment to clause 6. The Department is accountable, and if what the Committee feared occurs and the Department held up a report, the Committee can call officials to appear before it and question them on what has gone on and what actions were taken. We will look at the wording again with the draftsmen to try and find a form of wording with which everyone is more comfortable. The provision is absolutely not intended as a gag.

1410. The Chairperson: To be fair to you, there has been harmony and movement on nearly everything else, but the Committee would like to see movement on this issue by the time of its next meeting on 4 November. If there is no movement, I know having tested the mind of the Committee that it will probably propose an amendment to bring the legislation into line with what we perceive should be going on. The proposed amendment to clause 6 is fine, and, by all means it should be kept in. However, I do not think that that will satisfy us.

1411. Dr Deeny: I thank Isobel and Fergal for coming before us again and for all their work. The reason given for the provision is that the SBNI is not a legal entity. I do not think that any of you are solicitors and nor am I, but you mentioned the composition of the board, and that they cannot be sued. I am a GP and I know that individuals can be sued.

1412. Mr F Bradley: The SBNI is a non-incorporated statutory body. Any of the individuals on the board could be subject to legal action or constraint, as they could in any walk of life. We would prefer it is there were some form of safety mechanism for its publications, but we are happy to look at the wording and see if we can come back with a different form of words.

1413. Dr Deeny: Has someone in the legal profession looked at the make-up of that substantial body and advised you that it cannot be sued?

1414. Mr F Bradley: Yes; the SBNI is not a legal entity in itself. It would not be individual members of the board who would be publishing reports, but the SBNI as a whole. It is a non-incorporated statutory body. Don't worry about it; this was all new to us until very recently.

1415. The Chairperson: I hope that we can resolve the issue. It has all been very happy and pleasant up to now, and I hope that we can reach an agreement by 4 November.

1416. Mr F Bradley: I want to make a few statements about directions.

1417. The Chairperson: Are you moving on to clause 4 Fergal?

1418. Mr F Bradley: Sorry, yes. Is there anything else that we have not addressed?

1419. The Chairperson: There is tabled information that will give Committee members examples of similar directions. It is important that we look at that information so that we know what we are talking about. Fergal, can you talk us through this and explain what a direction usually means and involves.

1420. Mr F Bradley: A departmental direction is issued under statutory powers and an organisation must comply with it. The power to issue directions is in a number of pieces of legislation, but it is a very rarely used power for any purpose. If the Committee looks through the examples given, much of the situations in which directions are applied are for nerdy things like complying with employment requirements or dealing with codes of conduct, etc.

1421. Number 1 directs the Northern Ireland Social Care Council to undertake functions on behalf of the Department on the training of social workers, particularly in relation to drawing up occupational standards and determining the need for training. Basically, we gave a direction to the Northern Ireland Social Care Council, which is the organisation responsible for the regulation of the social work workforce, that it should draw up the standards for the occupation and look at the training needs of social workers. Number 3 is an example of direction to NISCC that it must implement the code of conduct for managers of health and social services bodies, and the next one is a direction to NISCC that it must establish a committee of registrants that represent those

that are registered by the council. Another direction requires NISCC to prepare its annual accounts in compliance with FReM requirements. Those are examples of typical directions.

1422. We are saying that, for the SBNI, the most likely scenario — outside of ensuring that it must comply with the terms, the code of conduct and so on — is that, if there is concern about an emerging safeguarding issue, we might end up giving a direction to the SBNI to undertake a piece of work on that. In all likelihood, if that sort of issue emerges and the Department is concerned about a safeguarding matter, it will almost certainly be a matter of concern to the SBNI. Therefore, the sort of directions that we are talking about issuing will probably be along the lines of areas such as accounting, personnel and codes of conduct. We struggled to find many directions to use as examples for the Committee because we do not use them on a regular basis.

1423. The Chairperson: I have a few questions on that. Was the RQIA report into the case in Donagh done by direction or by a letter from the Department?

1424. Mr F Bradley: It was not a direction. The Department sent a letter to ask it to do so.

1425. The Chairperson: Can you direct an organisation not to do something as well as instruct it to carry out a certain task?

1426. Mr F Bradley: I imagine that we could. However, the Committee can see that the sorts of directions that are outlined in the document are not the sorts of things that we normally do. As we have said, we are quite happy for the legislation to state that directions from the Department must be published in the annual report. We have no difficulty with that because the sorts of issues on which we will issue directions will not be issues of particular concern. We will need to issue directions, but there is no hidden motive or underhandedness. We are quite happy for there to be openness and transparency around directions.

1427. The Chairperson: If an organisation is doing a report that may make some government agencies feel rather uncomfortable or inadequate, it will give you the power to direct it to cease that piece of work.

1428. Ms Nicholl: We can only direct in relation to their functions. We must take advice from the Departmental Solicitor's Office. However, if an organisation is undertaking a piece of work in relation to its functions, we can only direct in relation to those, and it is usually a positive direction. I am not sure that we can direct them not to do something.

1429. Mr F Bradley: We would have to take legal advice on that. However, as I said, we are quite happy for the legislation to state that our directions will be published.

1430. The Chairperson: So, we will know when they have been bridled. [Laughter.] That is very reassuring.

1431. Mr F Bradley: It will be very clear. If there is concern about safeguarding in our services and agencies, we want to know about that and want to address it. We are not in the business of trying to conceal information about problems. The systems and arrangements will be put in place, and the Department is leading on that. As is the case with the RQIA, such bodies are established as part of the checks and balances to make sure that safeguarding arrangements work as we want them to work. Therefore, it would not be consistent with the overall policy and with what the Minister wants to do for us to issue directions that inhibit something that is being done to improve safeguarding.

1432. Ms Isobel Riddell (Department of Health, Social Services and Public Safety): Clause 4(2) says that the Department should consult the board before it issues any directions. Therefore, it is not just about publishing those in the annual report; it is also about negotiating and talking to the board before we issue direction unless an emergency situation arises and we do not have time to do so.

1433. The Chairperson: Are there any questions on that issue?

1434. Mrs O'Neill: We are naturally cynical. [Laughter.] Given that the Department will have to publish any direction that it gives, there will be a fair understanding if it tries to stop any publication. Therefore, I am reasonably content.

1435. The Chairperson: Will this body be subject to the Freedom of Information Act 2000?

1436. Ms Nicholl: Yes, it will.

1437. The Chairperson: So, could somebody acquire the information sooner through an FOI request than by waiting for a report to be published?

1438. Ms Nicholl: That is what I understand.

1439. Mr F Bradley: Are you asking about a direction or a report? If the Department issued directions that were trying to stop the SBNI from publishing something about a safeguarding issue, I do not think that you would have to wait for an FOI request for the information to be released, to be honest.

1440. The Chairperson: Equally, if someone was waiting for the report to be published, could they ask months in advance whether anything they considered controversial was included? Is it the same as it is for the Housing Executive or any other body including the health trusts in that there is no protection against FOI requests?

1441. Mr F Bradley: No; and just to reiterate, some members of the SBNI are members of a professional organisation that would require them to adhere to certain codes of conduct, and some of the agencies represented on the SBNI are subject to independent scrutiny, especially by other bodies. So, there are a number of mechanisms by which problems can be identified and dealt with.

1442. The Chairperson: Are members content with the explanations given and examples quoted on clause 4?

Members indicated assent.

1443. The Chairperson: Let us move on to clause 5, or we will not be home for supper. Clause 5 relates to the general provisions of safeguarding board's functions. It states that: "Regulations may make provision as to the manner in which the Safeguarding Board is to exercise its functions.

(2) The Safeguarding Board must, in exercising its functions, have due regard to any guidance given to it for the purpose by the Department."

1444. The Children's Commissioner, the Parents Advice Centre and Action for Children have all said they are concerned that the clause may impact negatively on the capacity of the board to operate independently and effectively, and that legislation should clarify the status of the

safeguarding board's independence. A lot of this is material that we have rehashed in the first four clauses. Is there anything new that you can add about clause 5?

1445. Ms Riddell: In looking at clause 3(7) and the draft regulations that we might propose under it, we looked closely at the power that we had under clause 5(1) for the provision on the manner in which the safeguarding board is to exercise its functions. Legally, the words "manner" and "procedure" sometimes overlap, and we wanted to make sure that we had the power to prescribe for both the manner and the procedure of functions as set out in subsections 3(1) to 3(10). The proposed amendment to clause 5(1) is a suggestion that we include manner and procedure; it is expanding the clause to ensure that we are not making draft regulations that are outside our power.

1446. Mr F Bradley: Clause 5(1) is the main regulation-making power that we are using to stipulate all of the detail, as referred to in the Minister's letter, in order to provide clarity around some of the concerns that have been raised. Again, it will be in the form of regulations, which will come before the Committee. They will come to the Assembly through that process. Nothing will be hidden: you will have the chance to say yea or nay, and it will be quite clear what those regulations are stipulating.

1447. Ms Riddell: The reference group will also see and be involved in the drafting of those regulations, so those who made those comments will see the kind of regulations that we are drafting under that power.

1448. The Chairperson: Do members have any questions? No. Are members content with clause 5?

Members indicated assent.

1449. The Chairperson: Cause 6 looks, hopefully, totally uncontroversial. No concerns seem to have been expressed. It just stipulates that the safeguarding board must prepare a report to the Department about the exercise of its functions, which must be laid before the Assembly. You have proposed an amendment to that?

1450. Mr F Bradley: We are proposing to amend it so that we will be able to prescribe the content of the annual report in regulations. That will allow us to set out in regulations that the annual report must include details of departmental directions and details of any reports submitted by the SBNI to be sent to or consulted on with the Department, whatever they end up as.

1451. We would like to amend that to give us the power to be able to prescribe some of the content of the annual report to ensure that it covers certain aspects. Those regulations will come before the Committee.

1452. The Chairperson: Will that be covered in the regulations?

1453. Mr F Bradley: If we were to take that power in the regulations, we would say that the annual report must include details of directions and of reports sent to the Department.

1454. The Chairperson: Of course, the Committee will see that. Are members generally content with the indicative amendment to clause 6?

Members indicated assent.

1455. The Chairperson: Clause 7 is all about committees and subcommittees and contains a long list of those. You are proposing an amendment to clause 7(4). Will you speak to that?

1456. Ms Nicholl: The amendment is simply to add that the regulations may provide that the committees and subcommittees must include such representatives and such relevant pertinent bodies as may be prescribed. It gives us power to prescribe the different types of representatives on committees and subcommittees. A few times in the evidence sessions and in speaking to the reference group, the issue came up that, although our view was that the SBNI will include committees and subcommittees, we have sometimes been asked to make that clear. It has always been our policy intention to ensure that there is a representative body in the safeguarding panel, for instance at trust level, that replicates the membership at SBNI level. We want to ensure that that is in the legislation.

1457. The Chairperson: Is that included on the back of the NSPCC suggestion?

1458. Ms Nicholl: I cannot remember who raised it.

1459. The Chairperson: Only one comment was made on that clause, so it looks as though it did come from the NSPCC and that it has been taken on board. Clause 7 is mostly factual. Are members happy to agree to the suggested amendment?

Members indicated assent.

1460. The Chairperson: Clause 8 is on the functions of the committees and subcommittees. It outlines what each safeguarding panel is expected to do. We had only a couple of comments on clause 8(3), which are from the Children's Commissioner and CiNI. Clause 8(3) states:

"Each committee and sub-committee must, in exercising its functions, have due regard to any guidance given to it for the purpose by the Department or the Safeguarding Board."

1461. Those organisations suggest that the reference to the Department be taken out. That would mean that the Department would not be allowed to issue such guidance. They suggest that two different sources of guidance may cause duplication, and they suggest a single line of accountability from the Department to the SBNI to its committees. I can see that there could be room for confusion with two bodies giving guidance to the subcommittees. Have you given any thought to that? There is no suggested amendment to clause 8.

1462. Ms Nicholl: Under subsections 5(1) and 5(2) we can prescribe and provide guidance to the SBNI in relation to any of its functions. The suggestion is to provide for a replication of that for the committees and subcommittees. The Department will have the power to provide guidance to the SBNI, and that includes its committees and subcommittees.

1463. The Chairperson: There is no question of the Department providing guidance straight to the subcommittees. It is always done through the SBNI, so there will not be duplication.

1464. Ms Nicholl: Technically, the SBNI is the sum of its parts, which includes its committees and subcommittees. However, throughout the process of developing the legislation, people often wanted to see committees and subcommittees drafted in the Bill, and we have done that.

1465. Mr F Bradley: In practice, guidance issued to a subcommittee would be issued through the SBNI. We would not write to the chair of a subcommittee; we would go to the SBNI.

1466. The Chairperson: Are members content to approve clause 8?

Members indicated assent.

1467. The Chairperson: Clause 9 seems completely uncontentious, and I hope that it is. It states: "At least once in every 12 month period, each committee must prepare and send to the Safeguarding Board a report about the exercise of its functions."

1468. There is no proposal from the Department for any amendment. The issue did not attract much interest. One comment advocates a joined-up, coherent, annual reporting framework and, therefore, recommends the linking of clauses 6 and 9 so that the report of each of the committees on the exercise of their functions is incorporated into the SBNI's overall annual report.

1469. In other words, so that you do not get a report from the SBNI and five or six sub-reports as it were. I presume that —

1470. Ms Nicholl: That is the intention behind the legislation.

1471. Mr F Bradley: That is how COAC works. Its subcommittees prepare reports that go to COAC, and it reflects the work that has been done by those subcommittees in one or two paragraphs of its annual report. The annual report of the SBNI would not totally and entirely reproduce the reports of each of its individual subcommittees. However, it is important to have a proper record and detail of what each subcommittee did to ensure that they have a purpose, that they are delivering and are doing more than could be reflected in a few paragraphs of an annual report of the SBNI.

1472. The Chairperson: Would the best option not be to have the full SBNI annual report and include the reports of each of its subcommittees included in the appendices to that report?

1473. Mr F Bradley: That could be the way that it ends up being done. We want to ensure that each subcommittee has a full and proper report of what it has done and achieved throughout the year. That is the only reason why that is in the Bill.

1474. The Chairperson: OK. Are members content with clause 9?

Members indicated assent.

1475. The Chairperson: Clause 10 deals with the duty to co-operate. Clause 10(1) states that: "The Safeguarding Board must co-operate with the persons or bodies specified in section 1(3) and with any persons or bodies referred to in section 1(4) in the exercise by the Board of its functions."

1476. I understand that there is an amendment to that clause from the Department. Do you want to speak to that and explain its purpose.

1477. Ms Nicholl: Again, this is a very similar amendment to the last one, and it will include the committees and subcommittees of the SBNI. Through the amendment we will specify that although the SBNI is the sum of its committees and subcommittees, the duty to co-operate extends not just to the SBNI, but also to its committee and subcommittees.

1478. The Chairperson: The Committee received one observation on that clause. It is quite complicated, so I will read it. The response stated that: "That raises a second issue about how individual members of the board can be held to account for the way in which they implement the duty to co-operate. As I understand it, the various agencies are responsible to different

Departments and Ministers, in addition to voluntary organisations, and, as is the case in England and Wales, the safeguarding board has no control over the internal operation of any agencies represented on the board. That has serious implications for the board's power to ensure that member agencies discharge their functions."

1479. I understand the point. The board will be made up of a raft of independent, voluntary and statutory bodies. Do you see clause 10 causing a problem?

1480. Mr F Bradley: Much of the detail will be taken care of in the individual membership agreements with each agency, which will set out the relationships clearly. There will not be a conflict with any agency that is ultimately accountable to another Department and Minister, because the agreements will be tailored for each agency. They will also set out exactly what that agency is expected to do and it will be agreed with them. The agencies will help the SBNI and the Department to draft the content of what those membership agreements will be, so that conflict will not arise.

1481. The Chairperson: Clause 10 provoked only one response of concern and that respondent was only looking for clarification from the Department. Hopefully, we now have that.

1482. Mr F Bradley: We are satisfied with the amendment to clause 10(1), but we are working with the OLC to see whether some other parts of clause 10 also need to be amended to refer to committees and subcommittees. We may come back with those amendments for subsections 10(2) and 10(3), but we are checking that with the draftsmen.

1483. The Chairperson: Are members happy with clause 10?

Members indicated assent.

1484. The Chairperson: Clause 11 deals with the supply of information requested by the safeguarding board. Again, I see that the Department has proposed an amendment to subsection 11(1) to include a time frame. Will the Department explain the reason for that proposed amendment?

1485. Ms Nicholl: Some of the evidence expressed concerns that the clause, as drafted, was far too open-ended and suggested that there should be a time frame. We propose to amend the clause to provide the information as soon as is reasonably practical after the receipt of a request.

1486. The Chairperson: That addresses one of the concerns expressed during consultation. The PSNI suggested that any reasonable request should be complied with within a reasonable time frame. Again, this deals with that point, which is relatively uncontroversial.

1487. Mrs O'Neill: The Department of Education asked for clarification on the actions that the board will take when information is not provided following a request or when deliberately misleading information is provided, and does that need to be specified?

1488. Ms Nicholl: One issue that emerged was about whether a request for information might compromise an organisation or agency that is working under its own legislation. We intend to ensure that that issue is covered in both the membership agreement and in any guidance that the Department issues in respect of clause 12. In the event of someone failing to provide, or being tardy in providing, information, we anticipate that the chairperson's challenge function will kick in, and each member will hold other members to account on their duty to co-operate, not least on their duty to provide information under clause 12.

1489. The Chairperson: Is everyone happy?

1490. Ms Nicholl: An amendment to subsection 11(6) is also being considered. We are liaising with the Office of the Legislative Counsel on a possible amendment to allow the board's committees and subcommittees to use information supplied to SBNI. I want the legislation to make it crystal clear that the provisions apply to SBNI's committees and subcommittees.

1491. The Chairperson: Is everyone happy with clause 11?

Members indicated assent.

1492. The Chairperson: Clause 12 has caused of a fair degree of concern, and there have been a large number of representations from bodies, such as NSPCC, Barnardo's, the Department of Education and RQIA — just about everybody. Action for Children also expressed concerns. I note that there is no suggestion of an amendment in the Minister's letter. We have not really discussed those concerns; we have only dealt with those four paragraphs. What is your reaction to the submissions?

1493. Mr F Bradley: Having talked to various people who made representations, we managed to allay their concerns. The guidance issued by the Department will be relevant only to the membership of the SBNI. It cannot affect any work or issue outside SBNI's membership. We talked to NSPCC and other agencies, and they advised us that they are content with that explanation, which what the legislation is intended to do and say. We can issue guidance, but only to SBNI and its membership.

1494. The Chairperson: Where, specifically, is that in the legislation?

1495. Mrs Nicholl: Clause 5(2) states: "The Safeguarding Board must, in exercising its functions, have due regard to any guidance given to it for the purpose by the Department."

1496. Therefore, any guidance that is issued must relate to the functions of SBNI.

1497. The Chairperson: It does not refer specifically to functions being the work of SBNI. Could that be tightened up so that people are clear about what it means?

1498. Ms Nicholl: We have allayed agencies' concerns about our intent to issue guidance under clause 12, which places a duty on all member organisations to put in place arrangements to safeguard and promote the welfare of children. We agreed in both the membership agreement and the guidance that guidance will be bespoke to member agencies, which, as Fergal said, will assist us in drafting guidance. Expectations and responsibilities under clause 12 and any guidance under SBNI's functions will be set against the legislation under which their member organisations work. There was some concern that they might take action in line with one piece of legislation but contravene the duty to safeguard and promote the welfare of children. We have allayed those fears by involving them in addressing the guidance.

1499. The Chairperson: The NSPCC is quite firm about that. Would there be anything wrong with making it crystal clear in the wording of the legislation that it refers simply to the work of the board, or, from a draftsman's point of view, would that cause you difficulties?

1500. Mr F Bradley: We can ask the draftsman.

1501. The Chairperson: Is it a line that can be dropped into a ministerial statement to save the need to do that, so that people are clear and that there is no ambiguity around the fact that this

is simply about controlling individuals when they are operating as a board member and not in their other functions.

1502. Ms Nicholl: Yes, but it is for the Department to propose an amendment on that.

1503. The Chairperson: That does not make it specific.

1504. Mr F Bradley: It does not cause us any great concern. We can look at one or other. We can talk to the draftsman and, if not, we can look at whether the Minister's statement in the Assembly could cover that.

1505. The Chairperson: Are members content with clause 12?

Members indicated assent.

1506. The Chairperson: We are on a bit of a roll.

1507. There are no suggested amendments from the Department on clause 13. There was little in the way of comment on clause 13, and there is nothing to come in. Clause 13 deals with the ancillary and transitional provisions. It looks extremely boring, and it looks like something that is in any other piece of legislation. Is there anything significant that we should note?

1508. Mr F Bradley: It allows us to do whatever we need to do in order to make this happen. It contains the functional things that allow the SBNI to come into being. It is a practical power to allow us to make the transition from the existing arrangements to the new statutory arrangements.

1509. Ms Nicholl: It is also taking account of any consequential amendments to other pieces of legislation, such as the Freedom of Information Act 2000, which will add this as a body.

1510. The Chairperson: The fact that none of the consultees picked up on this indicates that they think that it is routine. Are members content with clause 13?

Members indicated assent.

1511. The Chairperson: Clause 14 deals with regulations. It is boring and necessary. No concerns were expressed in the consultation, and there were no proposed amendments. Are members content with clause 14?

Members indicated assent.

1512. The Chairperson: Every Bill must have interpretation, and that is included in clause 15. Clause 15 includes the definition of a child, the Department, prescribed and the usual terms. There were no comments on it from the public or from any consultees. There is no suggestion of an amendment. Are members content with clause 15?

Members indicated assent.

1513. The Chairperson: Clause 16 deals with the commencement. That is standard. Clause 17 is the short title and states that the Act may be cited as the Safeguarding Board Act (Northern Ireland) 2010. It might be 2011 by the time that it is passed, but, perhaps, we will get it through.

1514. Are members content with clause 16?

Members indicated assent.

1515. The Chairperson: Are members content with clause 17?

Members indicated assent.

1516. The Chairperson: That brings us to the end of the various considerations. As you can see, we are down to one or two small points. A lot has been achieved as a result of this exercise, and the Department has met us and the consultees halfway or full way on some of them. When you check the record, you will find that we are down to one point, which I think is significant, and the rest is relatively minor and can be clarified through the Minister's statement.

1517. Ms Riddell: I want to correct something that Fergal said about the Freedom of Information Act 2000. The body is not classed as a legal entity, because it is a non-incorporated statutory body, but it is classed as a public authority. It meets the criteria for a public authority as set out in the Freedom of Information Act 2000. Therefore there will be a consequential amendment, which will include the safeguarding board in the relevant freedom of information schedule. It will be subject to freedom of information.

1518. The Chairperson: I assume that quite a bit of the material that it will be dealing with will come under some of the exclusions, because of their nature.

1519. Ms Riddell: Yes. It may.

1520. Mr F Bradley: I interpreted the question differently. I thought that you were looking for reassurance that if someone was used to seeking views to establish whether something untoward was going on, they would be able to use the freedom of information mechanism.

1521. The Chairperson: That was the intent of my question, but it is interesting to have that additional information about the scope of the application of the Freedom of Information Act 2000 to the group.

1522. This is the end of this part of the process. We will be back on 4 November with what hopefully will be a short paper. You have suggested that you would like a few amendments brought forward, and there are one or two big issues. If members are content, we will call it a day on this and move on to other business.

1523. We have one issue to discuss. Fergal, if you want to sit and listen that is fine; it is up to yourself.

1524. Mr F Bradley: When we go at it the next time, we will be hoping to get a gift.

1525. The Chairperson: You will have to be here a lot longer than this to get a gift from this Committee.

4 November 2010

Members present for all or part of the proceedings:

Mr Jim Wells (Chairperson)
Mrs Michelle O'Neill (Deputy Chairperson)
Mr Mickey Brady
Dr Kieran Deeny
Mr Alex Easton
Mr Tommy Gallagher
Mr Sam Gardiner
Mr Paul Girvan

Witnesses:

Mr Craig Allen
Ms Patricia Nicholl Department of Health, Social Services and Public Safety
Ms Isobel Riddell

1526. The Chairperson (Mr Wells): I welcome back the team. We have with us Patricia Nicholl, Isobel Riddell and Craig Allen; Patricia and Isobel are from the Department's child care directorate, and Craig Allen is from the legislation and equality branch. Apparently, Fergal Bradley, who has been with us many times, is unwell. I hope that there is no relationship between his being unwell and the fact that he was to come before us today. I am sure that there is not. We will go through what has happened in the past two weeks, and, hopefully, we can get the matter out of the way fairly quickly.

1527. We received a letter from the Minister indicating that he is prepared to make a statement to the House at Consideration Stage to give assurances on clauses 3(10) and 12. I am very happy with his response. In the second paragraph, he states that he took advice from the Office of the Legislative Counsel. I did not know that there was such a thing. Nevertheless, he was advised:

"that Clause 3(10) as drafted gives the SBNI the power to do anything else that facilitates or is conducive to the achievement of its objective."

Furthermore, his letter confirms that he is prepared to say that in his statement on the Floor of the House, which will be recorded by Hansard. That is exactly what we asked for, so I am very pleased, because it more than covers our concerns. If there is any future dissension, people will be able to refer to the Hansard report to see clearly what the Minister's intention was in his statement. Therefore, unless anybody feels greatly exercised, we can safely put the entire issue to rest and save about half an hour's discussion. Are members content with that assurance?

Members indicated assent.

1528. The Chairperson: The Minister goes on to say:

"Clause 12 requires that core member agencies must make arrangements to safeguard and promote the welfare of children. I intend to develop guidance for member agencies regarding this clause, similar to that developed by Department for Children Schools and Families (now Department of education) for Section 11 of the Children Act 2004. The guidance will set out the SBNI's expectations for member agencies in relation to this duty. Again, to provide assurance and clarity I will make a statement to the House".

That gets round our problems there. We got all that we asked for; we cannot ask for more than that. Are members content that that deals with clause 12?

Members indicated assent.

1529. The Chairperson: We were greatly concerned about clause 3(9)(c), which deals with SBNI publications. We had a major problem with the SBNI's having to seek "the approval" of the Department before it can publish. That has been changed: the SBNI will now have to "consult" the Department before it publishes. There is a world of difference between "consult" and "seek approval"; the latter would give the Department the power to veto SBNI publications. "Consult" means that the SBNI will be at liberty to take on board the Department's views or do otherwise.

1530. I understand that the departmental officials have a form of words on which to consult the Committee; we could sort the issue out immediately.

1531. Mr Craig Allen (Department of Health, Social services and Public Safety): We propose that clause 3(9)(c) now read:

"subject to consultation with the Department".

We hope that that will allay any concerns that the Committee raised about the apparent power of veto of the Department. We did not think that that was necessary, but we accept your concerns and hope that those words will meet your request.

1532. The Chairperson: Are members content with the change of wording in clause 3(9)(c)?

Members indicated assent.

1533. The Chairperson: That will save another half-hour's discussion. That wording is what the Committee was asking for. If everyone is happy, we will move on to the Minister's letter, which was tabled at the meeting of 21 October; it sets out various amendments, and I refer you to the proposed wording of clause 6(1). Members were concerned that all directions given by the Department to the Safeguarding Board for Northern Ireland should be published in an annual report. The Department proposes to amend clause 1 so that the content of the annual report is set out in regulations. The Minister states in the letter that the annual report must include details of all directions issued by the Department. The proposed amended clause therefore reads:

"A Safeguarding Board must, within such period after the end of each financial year as the Department may direct, prepare and send to the Department a report in such form, and containing such information, as may be prescribed."

That is probably the one remaining difference between us, because the proposed amendment to clause 6(1) does not specifically mention the need for the directions to be published in the annual report. The assurance that you gave us the last time was that if the Department had come down hard and heavy on the board and directed it to do something, the safeguard would be that when the annual report is published, specific requirement would have been listed and published and the public would be made aware of it. There is nothing in what you suggest that would compel that to happen.

1534. Ms Patricia Nicholl (Department of Health, Social Services and Public Safety): Our legislative advice is that it is best dealt with in regulations. The Committee will see the statutory rules. Officials' intent to ensure that the publication of all directions will be covered in the annual report has been placed on public record, and we will ensure that that is enshrined in the regulations.

1535. The Chairperson: I have two problems with that: first, there is an element of trust — we have to believe that it will happen; secondly, if it is done through regulations, will we not be left in a situation where we can reject or accept all the regulations but not be able to amend them if we are unhappy with the wording that you suggest for that clause? Would we not have to chuck out the whole lot if we are not happy? Should we not have the option of something that is amendable?

1536. Ms Nicholl: Our intention has been to ensure that the regulations will state the requirement on the SBNI's annual report to contain in its format a publication of all directions issued and all publications made.

1537. The Chairperson: Where was the great legal problem about including that in the Bill?

1538. Mr Allen: We could end up making a very long list of provisions. We might start by putting in directions, but where would it end? What will we include and what will we leave out?

1539. Mr Girvan: We want to ensure that the Bill does not give the Department any wriggle room to interfere; one could drive a coach and horses through the present wording. It could be phrased in such a way that the report has to be submitted and reported on but without interference from the Department. That is my layman's reading of "the Department may direct" in clause 6(1). There is a great deal of ambiguity there.

1540. The Chairperson: I like the phrase "wriggle room", although am always too polite to use it; however, that is what we feel.

1541. Mr Easton: I take it that the word "may" is causing the problem.

1542. Mr Allen: We had a discussion about "shall" and "may" during the Sunbeds Bill. As Patricia said, we resolved that by going on public record that the requirement will go into the report. You will see the regulation when it is prepared; if not, you will want to know why.

1543. The Chairperson: Can I offer a compromise? Would the Minister be prepared to say that in his statement to the House?

1544. Mr Allen: We can certainly raise it with him.

1545. The Chairperson: If, before we come to our clause-by-clause consideration, we get the same positive response that we got to the other two issues, we may look upon that favourably, and the issue will lie; if, however, the Minister refuses to do that, we will get very suspicious.

1546. Mr Girvan: Chairperson, if we leave it at that, will we not be left waiting for the Minister to make his statement in the House? We will not see the statement until it is presented.

1547. The Chairperson: If the Minister made those three promises only to renege on them, there would be no Bill.

1548. Mr Girvan: Has that never happened?

1549. The Chairperson: It would be a major problem for the Committee; it would be highly irregular. We have the Minister's promise in writing; it is in the public domain. We would like confirmation that the Minister will include those measures in his statement before we agree the clause-by-clause consideration.

1550. Ms Nicholl: We can certainly arrange that.

1551. The Chairperson: The Hansard report has a legislative basis; it can be used in court proceedings to demonstrate a Department's intent behind legislation. That is a tried-and-tested use of Hansard. That is why it is significant that the Minister include those promises in his statement to the House; their inclusion in Hansard is even stronger than in a letter to the Committee. If the Minister says on the Floor of the House that he will observe those promises, the Department will have very little wriggle room. We would like that within the week. If the Minister says no, we will have to address the issue again.

1552. Ms Nicholl: We will ensure that it is addressed.

1553. The Chairperson: Are members content to wait a week to see whether that commitment is met?

Members indicated assent.

1554. The Chairperson: The Minister outlines various other amendments in his letter of 1 November. Some are procedural and others technical; some we did not call for at all. Could you talk the Committee through the intent behind them?

1555. Ms Nicholl: Some arose through what Ms Ramsey called a need for officials to consider when taking forward an amendment whether consequential amendments would be necessary to other clauses. Having suggested amendments to clauses 5(1), 10(1) and 11(6), we looked at the other clauses. The amendments relate to the SBNI, but they have a knock-on effect; therefore we have introduced mirror-image amendments as they refer to the committees and sub-committees. Any amendment to the SBNI now also reflects the powers to prescribe for committees and sub-committees. The amendments are for the clarification of those three elements.

1556. The Chairperson: Therefore they have no real import for the legislation; they are simply a tidying-up exercise.

1557. Ms Nicholl: Yes.

1558. The Chairperson: In his letter, the Minister said that the Department for Social Development is seeking an update on whether the Northern Ireland Housing Executive could be included in the Bill as a statutory member. Has there been any comeback on that?

1559. Ms Nicholl: I think that the meeting between officials of the Department of Health, the Department for Social Development and the Housing Executive takes place to-morrow. We will be better able to inform the Committee after to-morrow, which we will do as soon as we can.

1560. The Chairperson: Are members content to agree those minor technical amendments?

Members indicated assent.

1561. The Chairperson: I do not think that members have any further concerns on the legislation, although there remains one issue, which, we hope, will be sorted out. I think that we are almost home and dry, although I hate saying that as it always pre-empts a crisis.

1562. I signed a letter requesting the Department to halt the appointment process for the chairperson designate of the SBNI and to re-advertise the post at a higher salary. We are all

aware why we had that debate: we were concerned that neither the status nor the salary reflected the importance of the post as laid out in the legislation. I understand that the Minister has agreed to halt the process. I am surprised but delighted.

1563. People often ask whether Committees have any real input into departmental policy and decision making; in this case we can say that we certainly have. That is exactly what we wanted, and I thank the Department for its flexibility. We want the best person possible for the crucial position of chairperson of a board that will supervise child protection. It was a wise decision of the Department's. Do the witnesses wish to explain the background to the decision?

1564. Ms Nicholl: We will take forward, on the advice of the public appointments unit in the Department of Finance and Personnel, a further exercise to consider a revised recruitment competition for the chairmanship, including its remuneration.

1565. The Chairperson: Thank you. The Committee was split on the issue; indeed, mine was the deciding vote.

1566. Mr Easton: I proposed it.

1567. The Chairperson: Success has many friends; failure is a widow. Do members have any thoughts on our success in changing the Department's view?

1568. Mrs O'Neill: The Department's decision is welcome. Can we consult among ourselves before the post goes to public advertisement? Our issue the last time was that the post was advertised on the same day that we received it. Consulting on the post first might pre-empt any problems further down the line.

1569. Ms Nicholl: We would need to take the advice of the public appointments unit. We gave an undertaking that, at an appropriate juncture, we would share our thoughts on the new pack with the Committee.

1570. The Chairperson: In his letter of 3 November the Minister says that only two suitable candidates came forward for interview. Why would I miss the opportunity to say I told you so? Our concern was that we would not get sufficient high-quality candidates for a suitable shortlist; that is exactly what happened. However, the Department has recognised that and has taken the correct decision. We cannot criticise the Department when it does the right thing, even if only at our behest.

1571. Mrs O'Neill: A cynic might say perhaps that is why the process was halted rather than because the Committee requested it. Nevertheless, we will claim the credit. [Laughter.]

1572. The Chairperson: We will take the credit, as we seldom get the opportunity to do so.

1573. Mr Gardiner: We must also note that the Minister listens.

1574. The Chairperson: We accept that. He listened on this occasion, and we are thankful that he did. Although the Committee was split on the matter, it is relatively content with the decision. We hope that the new process will appoint the person whom we want for this crucial position. We can put that on our scoreboard.

1575. I thank the witnesses for their co-operation. This has been a much smoother and more pleasant experience than I had expected. Both on this issue and on the Sunbeds Bill co-operation between the Committee and the Department has borne fruit. We are very pleased.

11 November 2010

Members present for all or part of the proceedings:

Mr Jim Wells (Chairperson)
Mr Mickey Brady
Mr Alex Easton
Mr Tommy Gallagher
Mr Sam Gardiner

1576. The Chairperson (Mr Wells): We now come to the formal clause-by-clause scrutiny of the Safeguarding Board Bill.

Clause 1 (Safeguarding Board for Northern Ireland)

1577. The Chairperson: Clause 1 provides for the establishment of a safeguarding board for Northern Ireland (SBNI) and places a duty on the Department of Health, Social Services and Public Safety to establish the SBNI. The Committee is generally content with the clause and the proposed amendments. The Department has proposed the following amendments: amend clause 1(5)(a) to deal with circumstances in which the chair or members of the SBNI may be removed or suspended from office; and amend clause 1(5)(c) to specify the host body for the SBNI. This is the last opportunity to discuss clause 1.

Question, That the Committee is content with the clause, subject to the proposed amendments agreed with the Department, put and agreed to.

Clause 1, subject to the proposed amendments agreed with the Department, agreed to.

Clause 2 (Objective of the Safeguarding Board)

1578. The Chairperson: Clause 2 sets out the principal objective of the SBNI, which is to coordinate and ensure the effectiveness of what is done by each body represented on the SBNI to safeguard and promote the welfare of children. The Committee is generally content with the clause, and the Department has proposed no amendments. This is the last opportunity to discuss clause 2.

Question, That the Committee is content with the clause, put and agreed to.

Clause 2 agreed to.

Clause 3 (Functions of the Safeguarding Board)

1579. The Chairperson: Clause 3 describes the main duties and powers of the SBNI. The Committee is generally content with the clause and the proposed amendments. The Minister of Health, Social Services and Public Safety agreed that he would make a statement to the House at Consideration Stage to confirm that clause 3(10) gives the SBNI the power to do anything else that facilitates or is conducive to the achievement of its objective. That clarifies an issue that was raised by many witnesses.

1580. The Department has proposed the following amendments: amend clause 3(7) by taking out the words "reasonable steps"; and amend clause 3(9)(c) to allow for consultation with the Department rather than the SBNI requiring the Department's approval to publish documents.

That was a burning issue for many witnesses, and it has been clarified to everyone's satisfaction. This is the last opportunity to discuss clause 3.

Question, That the Committee is content with the clause, subject to the proposed amendments agreed with the Department, put and agreed to.

Clause 3, subject to the proposed amendments agreed with the Department, agreed to.

Clause 4 (Directions to the Safeguarding Board)

1581. The Chairperson: Clause 4 provides a power for the Department to give directions, either general or specific, to the SBNI as to how the SBNI should carry out its functions. The Department is also required to consult with the SBNI before issuing directions. Clause 4 also provides the Department with the ability to give directions without consulting in cases where the urgency of the matter necessitates it but requires the Department, in cases where the duty to consult has been set aside because of the urgency of the matter, to report retrospectively to the SBNI with reasons for taking this course of action. The Committee is generally content with the clause, and the Department has proposed no amendments.

1582. However, the Department proposes to amend clause 6 — annual report of the safeguarding board — so that its form and content will be prescribed in regulations. Under the regulations, the report will have to include details of any directions issued. The Minister agreed that he will make a statement to the House at Consideration Stage to confirm that the regulations relating to the annual report will state that any directions have to be published in the annual report. In other words, there will be no ambiguity: we will know exactly what directions the Department has issued to the SBNI. This is the last opportunity to discuss clause 4.

Question, That the Committee is content with the clause, put and agreed to.

Clause 4 agreed to.

Clause 5 (Functions of Safeguarding Board – general)

1583. The Chairperson: Clause 5 provides that the way in which the SBNI exercises its functions may be prescribed in subordinate legislation. It places a duty on the SBNI to have due regard to any guidance provided by the Department in relation to the exercise of SBNI functions. The Committee was generally content with the clause and the proposed amendment. The Department has proposed the following amendment: amend clause 5(1) to ensure that regulations can address the procedure as well as the manner in which the SBNI is to exercise its functions. This is the last opportunity to discuss clause 5.

Question, That the Committee is content with the clause, subject to the proposed amendment agreed with the Department, put and agreed to.

Clause 5, subject to the proposed amendment agreed with the Department, agreed to.

Clause 6 (Annual report of Safeguarding Board)

1584. The Chairperson: Clause 6 places a duty on the SBNI to produce an annual report for the Department. The Department must lay a copy of that report before the Assembly. The Committee was generally content with the clause and the proposed amendment. The Minister agreed that he will make a statement to the House at Consideration Stage to confirm that the regulations relating to the annual report will state that any directions have to be published in the

annual report. We referred to that when we dealt with clause 4. The Department has proposed the following amendment: amend clause 6(1) to provide a power for the Department to prescribe the content of the annual report in regulations. This is the last opportunity to discuss clause 6.

Question, That the Committee is content with the clause, subject to the proposed amendment agreed with the Department, put and agreed to.

Clause 6, subject to the proposed amendment agreed with the Department, agreed to.

Clause 7 (Committees and sub-committees)

1585. The Chairperson: Clause 7 places a duty on the SBNI to establish: a prescribed number of committees that will be known as safeguarding panels; a committee that will be known as the child death overview panel; and a committee that will be known as the case management review panel. It also gives the SBNI the power to establish other committees. In addition, it gives the SBNI or a committee a power to establish one or more subcommittees. It provides that aspects such as the procedure, functions, staff, premises and expenses of committees and subcommittees may be prescribed in subordinate legislation.

1586. Clause 7 further provides that the Department may pay the chairs of committees and subcommittees such remuneration and expenses as the Department may, with the approval of the Department of Finance and Personnel, determine. It also provides for who may be members of committees and subcommittees. Clause 7 is relatively non-contentious. The Committee was generally content with the clause and the proposed amendments. The Department has proposed the following amendments: amend clause 7 to allow for issues relating to the membership of committees and subcommittees to be prescribed in regulations. This is the last opportunity to discuss clause 7.

Question, That the Committee is content with the clause, subject to the proposed amendments agreed with the Department, put and agreed to.

Clause 7, subject to the proposed amendments agreed with the Department, agreed to.

Clause 8 (Functions of committees and sub-committees)

1587. The Chairperson: We are motoring well; perhaps not as fast as the Deputy Chairperson, but we are getting there. Not too much concern was expressed about clause 8. It provides that the way in which each committee and subcommittee exercises its functions may be prescribed in subordinate legislation. It also places a duty on each committee and subcommittee to have due regard to any guidance provided by the Department or the SBNI in relation to the exercise of its functions. The Committee was generally content with the clause and the proposed amendment. The Department has proposed the following amendment: amend clause 8(2) to give the committee and subcommittee regulations to address the manner and procedure in which they are to exercise their functions. This is the last opportunity to discuss clause 8.

Question, That the Committee is content with the clause, subject to the proposed amendment agreed with the Department, put and agreed to.

Clause 8, subject to the proposed amendment agreed with the Department, agreed to.

Clause 9 (Annual report of committees)

1588. The Chairperson: Clause 9 places a duty on each committee to produce an annual report for the SBNI. The clause did not cause the Committee too many problems, and it was generally content with the clause and the proposed amendment. The Department has proposed the following amendment: amend clause 9 to allow for the form and content of the annual report of committees to be prescribed in regulations. This is the last opportunity to discuss clause 9.

Question, That the Committee is content with the clause, subject to the proposed amendment agreed with the Department, put and agreed to.

Clause 9, subject to the proposed amendment agreed with the Department, agreed to.

1589. The Chairperson: I know that the excitement is getting too much for folk, but we will keep going. The bulk of the problems were with the first four clauses in the Bill, and, from here on in, the Committee will be dealing with clauses that caused it few difficulties. Therefore, we will rattle through the rest of the Bill.

Clause 10 (Duty to co-operate)

1590. The Chairperson: Clause 10 places a reciprocal duty of co-operation on the SBNI, its constituent bodies and other bodies that may be included in the SBNI. The Committee was generally content with the clause and the proposed amendments. The Department has proposed the following amendments: amend clause 10 to make explicit reference to committees and subcommittees, as well as the board of the SBNI. This is the last opportunity to discuss clause 10.

Question, That the Committee is content with the clause, subject to the proposed amendments agreed with the Department, put and agreed to.

Clause 10, subject to the proposed amendments agreed with the Department, agreed to.

Clause 11 (Supply of information requested by Safeguarding Board)

1591. The Chairperson: Clause 11 places a duty on bodies or persons to supply information requested by the SBNI but sets out the specific conditions to be satisfied before such requests for information can be met. The Committee was generally content with the clause and the proposed amendments. The Department has proposed the following amendments: amend clause 11(1) to include a time frame; and amend other subsections to include references to committees and subcommittees. This is the last opportunity to discuss clause 11.

Question, That the Committee is content with the clause, subject to the proposed amendments agreed with the Department, put and agreed to.

Clause 11, subject to the proposed amendments agreed with the Department, agreed to.

Clause 12 (Arrangements to safeguard and promote welfare of children)

1592. The Chairperson: Only one major change was made to clause 12. The clause places a duty on bodies to which the clause applies to ensure that they have due regard to the need to safeguard and promote the welfare of children when exercising their functions. It also places a requirement on the bodies to have due regard to any guidance provided by the Department in relation to the exercise of their duty under the clause. The Committee was generally content with the clause. The Department has proposed an amendment to make consequential amendments that are of a technical nature. Again, the Minister has agreed to make a statement

at Consideration Stage to confirm that the Department will develop guidance for member agencies regarding clause 12. We will all be listening to the Minister's statement with great interest to ensure that he makes all those comments. This is the last opportunity to discuss clause 12.

Question, That the Committee is content with the clause, put and agreed to.

Clause 12 agreed to.

Clause 13 (Ancillary and transitional provisions etc.)

1593. The Chairperson: We are making good progress. Clause 13 allows the Department to make further provisions in connection with implementing the Bill. The Committee was generally content with the clause, and the Department has proposed no amendments. This is the last opportunity to discuss clause 13.

Question, That the Committee is content with the clause, put and agreed to.

Clause 13 agreed to.

Clause 14 (Regulations)

1594. The Chairperson: We are getting into the minor clauses now. Clause 14 contains provision about the required procedures for making subordinate legislation under the Bill. The Committee was generally content with the clause, and the Department has proposed no amendments. This is the last opportunity to discuss clause 14.

Question, That the Committee is content with the clause, put and agreed to.

Clause 14 agreed to.

Clause 15 (Interpretation)

1595. The Chairperson: Clause 15 defines the terms that are used in the Bill. The Committee was generally content with the clause, and the Department has proposed no amendments. Indeed, there was really no discussion on clause 15 at all. This is the last opportunity to discuss clause 15.

Question, That the Committee is content with the clause, put and agreed to.

Clause 15 agreed to.

Clause 16 (Commencement)

1596. The Chairperson: Clause 16 caused no interest whatsoever and is a formality. It provides for the main provisions of the Bill to come into operation on a later date as appointed by the Department. The Committee was generally content with the clause, and the Department has proposed no amendments. This is the last opportunity to discuss clause 16.

Question, That the Committee is content with the clause, put and agreed to.

Clause 16 agreed to.

Clause 17 (Short title)

1597. The Chairperson: Clause 17 is a one-liner. The Committee was generally content with the clause, and the Department has proposed no amendments. This is the last opportunity to discuss clause 17.

Question, That the Committee is content with the clause, put and agreed to.

Clause 17 agreed to.

Long title agreed to.

1598. The Chairperson: Thank you very much; that was a lot less painful than I had expected. As a result of the flexibility shown by the Department and the Minister's willingness to make the appropriate statements at Consideration Stage, we have been able to overcome many of the difficulties that we perceived that we were heading towards. That is good news.

1599. We now move on to the preparation of the Committee report and Consideration Stage, and we all hope and pray that the Bill will lead to better protection for our children. I thank the Department for its co-operation; it has been a pleasure. I am sure that a few Bills down the line will not be a pleasure, but this one has gone well.

1600. Mr Gardiner: You should write to the Minister to thank him personally, Chairman.

1601. The Chairperson: Now that is going a bit far. I thank the officials, and we will record on the Floor of the House that there has been good co-operation between the Department and the Committee on the Bill. We will, I hope, pass the Bill before the next election and get it onto the statute book.

18 November 2010

Members present for all or part of the proceedings:

Mr Jim Wells (Chairperson)
Mrs Michelle O'Neill (Deputy Chairperson)
Mr Mickey Brady
Dr Kieran Deeny
Mr Alex Easton
Mr Tommy Gallagher
Mr Sam Gardiner
Mr Paul Girvan
Mr John McCallister

Clause 12 (Arrangements to safeguard and promote welfare of children)

1602. The Chairperson (Mr Wells): At last week's meeting, during the formal clause-by-clause scrutiny of the Safeguarding Board Bill, the Question was put to the Committee that it was content with clause 12 as drafted, and the clause was agreed. However, the Department has a proposed amendment to clause 12, and we should have agreed the clause subject to the amendment agreed with the Department. I know that you all spotted that. For the sake of clarity and for the minutes, the Department intends to propose an amendment to clause 12 to show consequential amendments. The letter that the Committee received from the Minister last week included information on the issue. I simply need to keep everything absolutely right.

1603. Mr Girvan: We need to agree clause 12, with the amendment.

1604. The Chairperson: Yes; I have to go through a formal procedure to keep us right. I should have put the Question that the Committee is content with clause 12, subject to the amendment agreed with the Department. Therefore, to rectify that mistake, I propose to put the Question again. This is entirely a procedural matter, and there is nothing untoward.

1605. Mr McCallister: Are you slipping something in?

1606. The Chairperson: I am not slipping in an increase in the Chairperson's salary or anything like that. It is simply procedural. I will formally put the Question.

Question, That the Committee is content with the clause, subject to the proposed amendment agreed with the Department, put and agreed to.

Clause 12, subject to the proposed amendment agreed with the Department, agreed to.

Report on the Safeguarding Board Bill NIA 25/09

Appendix 3

Written Submissions

Contents

[Public Health Agency](#)

[Include Youth](#)

[Ards Borough Council](#)

[Western Education and Library Board & Southern Education and Library Board](#)

[South Eastern Health & Social Care Trust](#)

[Police Service for Northern Ireland](#)

[Children in Northern Ireland](#)

[Parents Advice Centre](#)

[Probation Board for Northern Ireland](#)

[National Deaf Children's Society](#)

[Dungannon & South Tyrone Borough Council](#)

[Omagh District Council](#)

[Youth Justice Agency](#)

Northern Ireland Commissioner for Children and Young People

British Medical Association

Disability Action

NI Guardian Ad Litem Agency

Belfast Education and Library Board

Regional Child Protection Committee

Extern

The Regulation and Quality Improvement Authority

Action for Children

Army Welfare Service

Northern Health & Social Care Trust

Southern Health & Social Care Trust

Health & Social Care Board

Belfast Health & Social Care Trust

Northern Ireland Local Government Association

Department of the Environment

Department of Justice

NSPCC

Northern Ireland Association of Social Workers

Department of Education

Voice of Young People in Care (VOYPIC)

Barnardo's

Committee for Justice

Public Health Agency

	PHA Policy Response	Draft Bill Issues
1. What are the essential elements that you would like to see to ensure a fully integrated and coordinated response to safeguarding of children?	<p>There are a number of elements that would strengthen the current arrangements to safeguard children: A regional focus, which will ensure that the SBNI will have standing and authority and ensure a consistent approach to safeguarding throughout Northern Ireland. A legislative framework which secures authority and cooperation from all agencies. Authority to instigate investigations and to ensure learning from these investigations is disseminated regionally. The ability to achieve the appropriate balance between prevention and protection. Robust communications systems to include, information sharing on issues such as adults who pose a risk to children, good practice and joint working. Arrangements that take account of learning from the findings for significant cases both in Northern Ireland and beyond.</p>	<p>The Bill makes it clear this SBNI has a regional focus The Bill details a Duty to cooperate This is addressed in the Bill This is achieved at a high level which is appropriate as the Bill refers to the role of the SBNI to 'safeguard and promote the welfare of children.' This is addressed in sections 10 and 11 of the Bill This could be considered addressed in Section 3 (10) and would more appropriately be detailed in the revised Departmental policy.</p>
2. Are the functions of the SBNI as outlined at Chapter 3 of the Policy Document adequate?	<p>It is suggested that chapter three could be strengthened with clearer reference to other significant bodies such as the Regulation Quality Improvement Authority. (This relationship is referenced in 9.9 and 14.1)</p>	<p>The Bill does not address this directly but it does in Section 10 detail a duty to cooperate. The out workings of this clause would be appropriately detailed in the revised Departmental policy.</p>
3. Given that one of the roles of the SBNI is to secure accountability, how can one panel member can hold another to account?	<p>One of the key strengthen of the SBNI is that it draws clear lines of accountability from direct delivery of service to the SBNI. The complexity of the membership and the interagency nature of safeguarding work does create a challenge for members in holding each other to account, however the PHA feels this challenge or risk is mitigated</p>	<p>The Bill in sections 2 (1) and 3 (3) details the need to keep under review the effectiveness of the members of the SBNI. The PHA considered this in the previous submission to be achievable. The out workings of this clause would be appropriately detailed in the revised Departmental policy.</p>

	PHA Policy Response	Draft Bill Issues
	by calibre and seniority of staff involved and the multi agency membership. The SBNI Partnership agreement will clarify the complex network of relationships and accountability of the key partners	
4. How representative is the proposed membership: are all aspects of child protection covered i.e. what about the courts and judiciary? Does the essential wide representation come at the cost of unwieldiness? What level of seniority of staff should be represented?	<p>The membership of the SBNI is comprehensive and the need for accommodating other groups and agencies is acknowledged and addressed in 21.1 through a Safeguarding Regional Forum and in 22.1 in the Young Persons Safeguarding Forum.</p> <p>Consideration should be given to: Limiting the term of the Designated Paediatrician who will chair the Child Death Overview Panels as this is a particularly onerous task. To ensure that the medical and public health aspects of child protection and prevention of child abuse are addressed, we would wish membership to include the Director of Public Health in the PHA/HSCB or their nominee being a full member of the SBNI. The courts and justice systems should be represented on the SBNI. The seniority as described in the membership section 11 is appropriate as it enables the members to appropriately represent their organisation and to challenge each other.</p>	<p>The membership is detailed in Section 1 (3) and is comprehensive. This would be appropriately detailed in the revised Departmental policy. The membership detailed in Section 1 (3) give the potential for this comment to be addressed, through subsection 1.(3) (j) . the PHA would consider that the DHSSPS should include reference to Medical and nursing membership of the SBNI in the revised policy document. This is addressed in Section 1 (3) (d)(e)(f) This would be appropriately detailed in the revised Departmental policy.</p>
5. How should the chairperson of the local safeguarding panels be appointed and should these be paid posts?	<p>Given the importance of the work of the SBNI, the roles and functions outlines in the policy document and the descriptors of the role of the Chairman in 9.4 and 9.5, the PHA considers that the chairperson of the panels should be appointed in line with DHSSPS public appointments procedure and</p>	<p>The Bill addresses these issues in Section 5 (6) and Section 7 (5) the out workings of these clauses will more appropriately be dealt with in the revised policy guidance.</p>

	PHA Policy Response	Draft Bill Issues
	that these posts should be remunerated.	
6. How clear is the interaction between the DHSSPS, The Health and Social Care Board and the Trusts and the SBNI regarding who will have primacy on issues/policy areas and who does what?	The relationship between the parties above and including the role of the Office of the First and Deputy First Minister are described in clear terms. The potential, however, for overlap and duplication remains real particularly during the transition period. The PHA would suggest that there should be a formal review of the structures and processes two years from instigation to ensure they continue to be fit for purpose. In that time the PHA would hope to work with colleagues to maximise the public health contribution to the health and wellbeing of children, in particular targeting a reduction in inequalities.	Section 3 of the Bill details the Functions of the Safeguarding Board. Subsection 9 indicates that the SBNI must seek the approval of the Department to publish any matter concerning safeguarding and promoting the welfare of children. Section 4 details the Directions that the Department may give to the SBNI. Section 6 Details the reporting arrangements with an annual report going from the SBNI to the Department whose role is then to lay a copy before the Assembly.
7. Should there be a legal duty on the relevant agencies to cooperate as well as safeguard?	The policy document at 7.4 indicates that it is the Departments plans to , outline a duty to cooperate to improve the wellbeing of children's and safeguard their welfare'. The PHA would support this inclusion.	The Duty to co-operate is detailed in section 10 and has the support of the PHA
8. Any opinions that your organisation may have on serious cases reviews and the single database?	The PHA would support the proposals on serious case reviews and a single data base as essential elements in the provision of a comprehensive safeguarding service.	This issue will more appropriately be dealt with in the revised policy guidance
9. Where should the SBNI be based? Is the Public Health Agency appropriate?	The PHA considers that locating the SBNI in the Agency is appropriate. This approach ensures the SBNI is at arms length from the HSCB and HSC service but maximises opportunities for economies of scale in operational support.	This issue will more appropriately be dealt with in the revised policy guidance
10. How can the potential gaps or slippage between the current Regional Area Child Protection Committee and the	The HSCB is already taking the lead in this work with transitional arrangements either in place of being developed.	While transitional arrangements are addressed in section 13 the detailed out workings of this is currently being lead by the HSCB.

	PHA Policy Response	Draft Bill Issues
newly formed SBNI be avoided?		
11. Is the funding for the SCNI clearly defined? The Department have indicated that the £750,000 of funding is supplemented with existing funding? Does this kind of arrangement work?	The core funding of £750,000 is clearly identified. It would be helpful if the resources to the five Safeguarding Panels were more clearly defined at HSC Trust level. This would enable the SBNI to ensure that funds for this vital work are sustained recurrently.	This issue will more appropriately be dealt with in the revised policy guidance
Additional comments made on Policy by PHA The proposal to review the membership of the SBNI is welcomed and will enable the chair of the SBNI to adjust membership as learning is developed. The importance of linking the SBNI to the children's services planning processes cannot be underestimated, particularly the importance of other agencies such as Education, housing and employment. The PHA would also encourage the new arrangements to embrace a public health model whereby interventions commissioned are evidence based and reflect the proportionate universalism concept from the Marmot Review on Social Determinants of Health, including intensive support for those who need it most. Staff within the SBNI Board and Panels have access to adequate professional and personal support in the discharge of their duties to maintain their own health and wellbeing.		Membership is addressed in Section 1 Education and Library Boards are referenced in the membership section 1. This issue will more appropriately be dealt with in the revised policy guidance
Other PHA Comments on the Bill	The PHA is satisfied that the detail in the Bill addresses the role, form and function of the SBNI along with identifying clear lines of accountability. The detailed working of the SBNI is more appropriately detailed in the revised Departmental Policy. The PHA is committed to contributing to the revision of the policy.	

Include Youth

youth

7th June 2010

Stella McArdle
Clerk, Committee for Health, Social Services and Public Safety
Room 412
Parliament Buildings
Stormont
Belfast BT4 3XX

NI ASSEMBLY

14 JUL 2010

HSS&PSCOMMITTEE

Dear Ms McArdle

Safeguarding Bill

Further to your letter of the 23rd of June I write with regards to the above legislation. Include Youth as an organisation that is concerned with older children who are deemed at risk welcomes the introduction of an Independent Safeguarding Board for NI – we believe that it has the potential to significantly promote the health and well-being of all children. We would also like to recognise the inclusive and wide reaching approach taken by both the department and the Committee during this process.

Include Youth has a close working relationship with the Department and has provided some feedback to them with regards to Safeguarding proposals and practices particularly as they relate to children and young people who are both vulnerable and considered to pose a risk. We have undertaken significant work on the issues relevant to children and young people who display sexually harmful behaviours and the child protection needs of children who become vulnerable at an older age and we would welcome the opportunity to discuss the needs and experiences of these children with the HSSPS Committee at a later stage.

Additionally as active members of Children in NI we are confident that our views and the experiences of the young people we work with have been reflected in the substantial work that CiNI have undertaken on the Safeguarding Bill.

Therefore our response below is brief and we would like to highlight 2 points arising from the Safeguarding Board Bill.

1. **Article 7** states that the SBNI must take reasonable steps to promote communication with children and young persons. Include Youth believes that there should be a clear duty for the Board to communicate with and take

Alpha House 3 Rosemary Street BELFAST BT1 1QA

Tel: 028 9031 1007 Fax: 028 9024 4436

E-mail: info@includeyouth.org Website: www.includeyouth.org

Inland Revenue Charity Reference No. XR25598 Limited Company No. NI 38084

cognition of the views and experiences of, not only, children and young people but their parents and carers also. Having examined other legislation (Commissioner for Children and Young People (NI) Order, 2003) we would ask for the following to replace article 7.

"the views of children and young persons, their parents and carers are sought and fully considered concerning the exercise by the SBNI of its functions"

- 2. Article 10** places a "Duty to Co-operate" on all members of the SBNI. We applaud the introduction of this clause as it is imperative in these times of limited resources that there is clarity with regards to legal duty not only amongst health and social care organisations but across all those with significant responsibility for children and their families. We do have some concerns with regards to accountability of non-HSSPS bodies and their duties to SBNI. Include Youth has been assured by the Department that accompanying Guidance (as outlined in Article 12 (3)) and protocols between DHSSPS and other bodies will ensure that all bodies will specify their duty to SBNI and the safeguarding of children within their own governance arrangements. We look forward to working with DHSSPS in the development of this Guidance but would in the meantime suggest that the word "duty" is removed from **Article 12 (3)**.

I hope our response will be helpful to the deliberations of the committee in its scrutiny of this important legislation. Should you require further information please do not hesitate to contact us.

Yours sincerely



Koulla Yiasouma
Director

Ards Borough Council

Dear Sir/Madam,

Thank you for consulting with Ards Borough Council on the Safeguarding Board Bill.

The document was considered at a recent meeting of the Health & Social Services Committee where it was agreed to respond welcoming the Bill,

I hope that this is of assistance to you.

Western and Southern Education and Library Boards

The SELB/WELB welcomes the proposed Safeguarding Bill which will provide the necessary legislative framework for the creation of a new regional Safeguarding Board to safeguard and promote the welfare of children and young people.

Clause	Comment
Clause 1	Agree Wording
Clause 2	Agree Wording
Clause 3 Set out the functions that the Safeguarding Board must undertake which developing policies and procedures to safeguard and promote the welfare of children in NI.	The roles of the Chair should be included as functions of the Board for which the Chair and the constituent agencies have collective responsibility and accountability. These include functions related to (b) provision of an annual report, (d) forging links with bodies outside N.I. (f) seeking to secure appropriate structures and processes to facilitate effective co-ordination (i) dissemination of information about best practice (j) undertaking research, (k) & (l) identifying and reviewing training needs and (m) co-operation with other LSCBs and organisations in the Republic of Ireland. Proposed functions should also possibly include the establishment and monitoring of the Local Safeguarding Panels. In addition to the co-operation with other LSCBs it may be helpful to include linkages with other relevant strategic e.g. the proposed Regional Safeguarding fora, C&YP Committees, Child Care Partnerships, Domestic Violence fora etc Clause 3(b) needs greater clarity.
Clause 4	Agree Wording
Clause 5	Agree Wording
Clause 6	Agree Wording
Clause 7 & 8 A duty on the Safeguarding Board to establish 2 specific types of Committee (1) Safeguarding Panel (2) Case Management Review Panels (3) The Child Death Overview Panel	It would be more appropriate to question how a representative of one or more agencies or organisations can hold a representative of another agency to account. We would suggest that it is not the role of individual agency representatives to hold others to account but rather the role of the Chair and ultimately the Minister to do so. Prior to the establishment of the SBNI there must be agreed procedures and processes in place which identify how issues such as attendance at meetings, failures to implement agreed actions and disputes or disagreements between agencies are addressed. It will be necessary for the Safeguarding Panels to have similar procedures and processes in place. Also need to ensure representations from Education at senior level and breadth inextricably interrogated to establishment of information sharing protocols as referred in Clause 3 comment.

Clause	Comment
<p>Clause 7 & 8 Safeguarding Panel – the establishment of subcommittees and local panels</p>	<p>There are many and varied interests involved in safeguarding children and it is important that they can contribute to the safeguarding agenda. It is also important to have a Board which is both manageable in size and effective. Core membership must include organisations with statutory duties in relation to the safeguarding of children and who are responsible for the regional development and delivery of such services. The proposed Regional Safeguarding Forum and Young Peoples Forum will also provide a voice for other interested parties in particular the voluntary, community and faith sectors. The proposed membership of the SBNI would appear to continue to provide a largely child protection focus. Since the remit of SBNI is much broader than that of child protection there is an argument for representation from organisations such as the Housing Executive, the NI Ambulance service and indeed the Fire Service. Need for Representation from the Judiciary (Family Courts) on this Committee in view of their oversight of safeguarding practice across Northern Ireland. There is also a question as to how adult mental health interests can be best represented on this Board. This is important given the concerns in relation to the interface between adult and children's services highlighted in a number of Case Management Reviews. A medical representative on the Board should also be addressed. Since ESA did not commence on January 1st 2010 a question also arises as to how the various interests in education should be best presented on the SBNI. Membership of this body must be representation at Chief Executive or Director level. Representatives must have sufficient authority to effect change within agencies and to address the shortfalls identified with the previous ACPC structure.</p>
<p>Clause 7 & 8</p>	<p>The Chairpersons of Panels must be independent appointments. The criteria for such posts must include relevant knowledge and experience whilst at the same time the appointments process should ensure that the individuals are seen by Panel members to be truly independent e.g. should chairs only be appointed to Panels involving agencies in which they have not been directly employed?</p>
<p>Clause 9</p>	<p>Agree Wording</p>
<p>Clause 10 Places a general duty of co-operation on the Safeguarding Board and its member agencies</p>	<p>The Link between CYPSP and SBNI Structures suggests something of a one way process between the Safeguarding Panels and both the SBNI and the CYPSP Joint Chairs (HSC & Education). Apart from stating that such relationships inevitably involve a two way process there is a lack of clarity as to the specific nature of these relationships. Clarity required on to the future of the four Area C&YP Committees. When will a new Children &</p>

Clause	Comment
	Young Peoples Strategic Partnership be created and what will be the local planning and commissioning arrangements? Welcome the proposal that such a legal duty should exist in order to fully mandate the work of the SBNI and to gain maximum commitment from stakeholders. There will be a need to define relevant agencies and with whom they are expected to co-operate. An Information sharing protocol must be established as a matter of urgency between the agencies represented on the Safeguarding Board.
Clause 11 Seeks to place a duty on bodies to supply information requested by the Safeguarding Board	Clause 11 inextricably interrelated to the establishment of Information Sharing Protocols as referenced in Clause 3 comment
Clause 12	Agree Wording

South Eastern Health & Social Care Trust

1. Do you agree that there should be one region wide Safeguarding Board for Northern Ireland (SBNI)?

The Trust is fully supportive of one Safeguarding Board, which will facilitate the planning and coordination of interagency working in respect of providing protection for children.

2. Are there any other broad elements or interfaces which you think should be included in the scope of the SBNI's role in safeguarding and promoting the welfare of children?

The scope is appropriate in that it focuses on safeguarding and child protection, but ultimately promotes the welfare of all children.

3. Do you agree that a single database should be created for at risk children? If not, what alternative would you suggest?

The Trust is supportive of the work to develop the single database, which will allow faster and more reliable access to information regionally.

4. Are there any other objectives which you think should fall to the SBNI?

The objectives are appropriate in that they maintain a focus on child protection.

5. Do you agree that statutory powers should be created to enable the Minister to require the setting up of similar databases as outlined in the Children's Act 2004? If not, what alternative would you suggest?

Please see the comments made in relation to question 3 above.

6. Do you agree that the chairman and lay members should be public appointments? If not, what alternative would you suggest?

The Trust fully supports this approach.

7. Do you agree that chairpersons and lay people should not serve for more than 2 terms, with each term lasting no more than 4 years? If not, what alternative would you suggest?

The Trust agrees with the proposed arrangement for the tenure and rotation of people undertaking these roles.

8. What kind of experience, knowledge and qualifications do you consider is important for the independent chairman to have?

Whilst not seen as essential to have formal qualifications in safeguarding, the person should be qualified by experience and must have the ability and skills to develop and maintain communication with people on complex matters and to be able to appraise data, concepts, models, methods and practice in relation to safeguarding of children. It is advisable that chair should have experience in effective control of meetings.

9. What kind of experience, knowledge and qualifications, if any, do you consider is important for lay members to have?

As mentioned above, formal qualification are not seen as essential, rather the attributes referred to in the answer to question 8 are more important.

10. Do you agree that the SBNI should have its own secretariat and budget? If not, what alternative would you suggest?

Yes, it is essential that it has its own secretariat and budget in order to administer and provide professional assistance to the Board.

11. Do you agree that membership of the SBNI should be drawn from the statutory, voluntary and community sectors? If not, what alternative would you suggest?

Yes we agree with the suggestion made.

12. Do you agree that membership of the SBNI should be a statutory obligation? If not, what alternative would you suggest?

Yes we agree, this will ensure that within member organisations, safeguarding and the promotion of child protection is seen as a core function.

13. Do you agree that membership of the SBNI should be drawn from senior members of relevant agencies? If not, what alternative would you suggest?

Yes, the Trust agrees, to ensure that resources are brought to the process and that those involved have the ability to and the mandate from their respective organisations to make decisions.

14. Do you agree with the level of seniority of the posts which are being proposed to comprise the SBNI? If not, what alternative would you suggest? Consultation Paper – Safeguarding Board for Northern Ireland 19

Yes, we agree.

15. Do you agree that individual Agencies should be held accountable and responsible for ensuring co-operation and promotion of the welfare of the child? If not, what alternative would you suggest?

Absolutely yes, as this is core to the success of the proposed arrangements.

16. Do you agree with the range of Agencies/Interests proposed to comprise the core membership of the SBNI? If not, what alternative would you suggest?

The proposed levels of representation would appear to be reasonable and after a designated period of operation, the membership should be reviewed to ensure the right people are in attendance and the contribution they make is commensurate with SBNI's aims and strategic focus.

17. Do you agree with the proposal for rolling membership of the SBNI? If not, what alternative would you suggest?

The Trust agrees with the idea of refreshing the Board as this will bring with it renewed vigour and enthusiasm from new members.

18. Do you agree that rolling membership of the SBNI should be reviewed no later than every 4 years? If not, what alternative would you suggest?

Yes, as a shorter timescale may prove disruptive to the business of the Board.

19. What other expertise do you consider appropriate for the SBNI to utilise in order to discharge its functions effectively?

SBNI should have the flexibility to bring in additional expertise as and when required at short notice to address any developing needs of the Board and its sub groups.

20. Do you think that a Young Person's Reference Group should be established? If not, what alternative would you suggest?

Yes, the Trust would agree with the concept of a young person's reference group, however attention to the appropriate support needed would be essential.

21. Do you agree that the Young Person's Reference Group should be available to the SBNI through the chairman? If not, what alternative would you suggest?

While this might be appropriate, SBNI may have to consider utilising existing young person's reference/focus groups.

22. What age group should the Young Person's Reference Group be drawn from?

The Trust suggests the age group 14 years to 18.

23. How many members of the Young Person's Reference Group should there be?

Whilst the issue of numbers is important, the key to the success of the group is effective leadership and facilitation of the young people. It is suggested that an operating number of about 8 young people would be reasonable.

24. How do you think that membership of the Young Person's Reference Group should be selected?

The group must be representative of young people within society and therefore selected from the universal population of young people within the province.

25. How often do you think membership of the Young Person's Reference Group should be reviewed?

It is likely that young people will participate sporadically and membership will have to be refreshed on a regular basis. The ultimate aim is to have a group that is keen, willing and wants to engage with the Board.

26. Do you agree that there should be a Safeguarding Panel in each of the 5 new Trust areas? If not, what alternative would you suggest?

Yes, the Trust agrees with this proposal.

27. What interests/disciplines/agencies/providers do you think should comprise membership of the Safeguarding Panels?

The panels should reflect the membership of the Safeguarding Board but with an operational focus that takes account of specific local needs and interests.

28. What interests/disciplines/agencies/providers do you think should comprise membership of the sub-groups which will support the Safeguarding Panels?

As above, but dependant on the function of the sub groups, particularly ad hoc sub groups. Panels will be required to bring in additional interests and expertise as needed.

29. What do you think the functions of the sub-groups should include?

It is suggested that the following be set up:

1. Serious Case Reviews, to ensure that lessons are learnt and action plans are progressed
2. Staff Development and communication
3. Policies, procedures and service development.

30. What do you consider the criteria to initiate a Serious Case Review should be?

Similar to the criteria listed in Chapter 10 of the Co-operating to Safeguard Children guidance Booklet. It is acknowledged that this guidance may be revised.

31. What do you consider to be a reasonable time frame for the completion of a Serious Case Review to be?

The SBNI should monitor the timescales taken to complete Serious Case Reviews and seek to address any delays that are evident.

32. Is the timescale proposed reasonable? If not, what alternative would you suggest?

No comment.

33. Where, or with which host organisation, do you think the SBNI should be located?

As indicated in previous consultation returns made by the Trust, the Board should be based in the Health Promotion Agency.

34. What difficulties, if any, do you foresee in the transfer of functions from ACPCs to the SBNI? What actions are needed to resolve these difficulties?

The Trust would suggest a twin track approach with SBNI being formed in "Shadow", to run in tandem with RACPC for a period of time. This would mitigate any potential difficulties that may arise.

35. Is the time frame for transfer proposed reasonable? If not, what alternative would you suggest?

No comment.

36. What do you consider to be the most effective ways to engage the range of stakeholders, including the wider community who can contribute to the effective safeguarding and promotion of the welfare of children?

There may be an opportunity for engaging within the new children's planning approach. This approach will have direct links with community, voluntary groups who are all interested in improving outcomes for children. There is a real opportunity to engage with the media using the wider expertise of PR colleagues within health and social care. Consideration could also be given to the utilisation of new technologies and social networking sites, which have the potential to reach a wide group of stakeholders.

37. Is there any indication or evidence of higher or lower participation or uptake by different groups?

None that is apparent.

38. Do different groups have different needs, experiences, issues and priorities in relation to this policy issue?

Nothing in addition to that highlighted in the original screening exercise.

39. Have consultations with relevant groups, organisations or individuals indicated that policies of this type create problems that are specific to them?

This has occurred in some instances, what is required is that this is recognised and steps taken to mitigate or reduce the problem that have been identified.

40. In relation to implementing this policy, is there an opportunity to better promote equality of opportunity or good relations by altering the policy or by working with others in Government or in the larger community?

None that is apparent.

41. With reference to Questions set out please summarise how you believe the policy may impact on organisations' obligation to have due regard to the need to promote equality of opportunity.

The policy will not have an adverse effect on an organisations obligations to have due regard to the need to promote equality of opportunity.

42. Are there any relevant groups which you believe should be consulted at this time?

No groups that have not already been consulted with.

43. What data do you think will be required to ensure effective monitoring of the policy following implementation?

There will need to be agreement on what is required to be measured, systems put in place to capture this from the inception of the Board and a regular time table for review of the data. In terms of what will be measured, consideration needs to be given to whether this is based on current data collected, or if anything new is required.

44. Any other comments on the policy and/or screening exercise?

Consideration should be given to re running the screening, as this was initially carried out in 2007, to ensure that it is fully reflective of the current prevalent demographic situation.

45. On the basis of answers to Questions above (and in particular positive answers), do you recommend that the policy should be subjected to a full impact assessment?

Based on the previous screening, no, but if a re-screening is carried out, and then the decision will be based on what the findings are.

Police Service of Northern Ireland

I welcome the opportunity to respond on the proposed legislative framework for the establishment of the Safeguarding Board for Northern Ireland (SBNI). I therefore make the following comments:

Clause 3(9,c) - I am concerned that the independence of the Board is not reflected here.

Clause 4 - Whilst I am led to believe that the Department may give directions as to the Boards functions only as a last resort or when the Board has failed to carry out its functions, I am of the opinion that this needs to be accurately reflected in the wording.

Clause 7(3) - Whilst I recognise the SBNI may devolve some of its tasks to Sub Groups to which experienced staff may be appointed i.e. the Case Management Review Panel and the Child Death Overview Panel I would prefer that if other Committees are to be established, they are either identified now or at least a limit is placed on the number of Committees/Sub Groups that may be operational at any one time given my limited resources of specialist staff who are in the best position to assist with safeguarding matters.

Clause 10 - In order to better safeguard children and improve inter-agency working, this routinely takes place and will continue. However, there may be occasion when police are unable

to reveal specific pieces of information, for example in the use of covert human intelligence sources, and the legislation should therefore be worded to reflect this.

Clause 11(1) - Whilst I acknowledge that the PSNI has considerable information that will greatly contribute towards the work of the SBNI, I suggest that any request is 'reasonable' and complied with within a 'reasonable' timeframe. Information the PSNI hold may not be readily accessible or may require significant resources to retrieve it. Furthermore, if information is to be provided to a 'person or body specified', consideration should be given to how that information is managed and secured.

Clause 12(3) - I am concerned regarding how this section may be interpreted. No account seems to have been taken of any existing duties or responsibilities of our own organisation and, to a point, we are answerable to the Department of Health for any direction given, whilst I am sure this is not the case, a Court may interpret it in this manner due to the ordinary meaning of the words actually used.

Children in Northern Ireland

Introduction

CiNI welcomes the opportunity to provide written evidence to the Committee for Health Social Services and Public Safety on the Safeguarding Board Bill. CiNI has been involved pro-actively from the outset of the policy development process through to pre-legislative scrutiny of proposals and we support the policy intent underpinning the establishment of the SBNI. One of our key concerns in responding with written evidence on the draft legislation is to ensure that the policy intent is accurately reflected and translated into the legislative proposals for the establishment of the SBNI. We would highlight that this written evidence should be read alongside our previous written evidence to the Committee presented in February 2010 and which we have appended to this submission.

General Comment – Child Rights Framework for Safeguarding Children and Young People

In our previous evidence to the Committee we had indicated our firm view that a fully integrated and coordinated response to safeguarding children and young people must be grounded in a child-rights based framework. We welcomed that the Department's detailed policy proposal did highlight the responsibilities of Government as a signatory to the United Nations Convention on the Rights of the Child (UNCRC). The Department's detailed policy proposal recognises the right of children to family life and the unique relationships between children and their parents. It also observes Government's responsibility in terms of supporting parents and families in their role of caring for children and young people, protecting them from violence, abuse and/or neglect by their parents or anyone else who looks after them. Importantly, it notes the paramountcy of article 3 of the UNCRC, where in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

We are however disappointed and concerned to note that the recognition given to the obligations of Government as a signatory to the UNCRC have not been translated into a firm commitment to meeting these obligations within the legislation.

CiNI would advocate that the legislation should specifically require that in undertaking its objective and functions in respect of children and young people, the SBNI must give primary consideration to the best interests of the child.

As we have indicated in our earlier response the UN Committee on the Rights of the Child when addressing the UK and Northern Ireland implementation of the Convention has consistently raised its concerns regarding violence, abuse and neglect of children and young people^[1]. CiNI firmly believes that in co-ordinating efforts to safeguard and promote the welfare of children the SBNI should be mindful of the UN Committee's Concluding Observations, and give regard to the requirement on Government to address the recommendations of the Committee in pursuance of the full and proper implementation of the UNCRC.

Clause 2 Objective of the Safeguarding Board

CiNI supports and agrees that in respect of clause 2 (1) the objective of the SBNI must be to co-ordinate and ensure the effectiveness of what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children. We recognise that the effectiveness of the Safeguarding Board is intricately linked to the quality of safeguarding practices within the agencies that make up the SBNI membership. To this end CiNI would advocate that the SBNI develop a mechanism through which to assess the effectiveness of safeguarding within its member agencies and develop standards to promote effective practice. This would bring much desired transparency and consistency of practice and strengthen the arrangements to protect children in Northern Ireland.

Clause 3 Functions of the Safeguarding Board

CiNI notes that one of the functions of the SBNI will be to develop policies and procedures for safeguarding and promoting the welfare of children (Clause 3 (1)). As part of the outworking of this function CiNI would envisage that the SBNI would update Co-operating to Safeguard Children (DHSSPS 2003) and the Regional Policies and Procedures for Child Protection (April 2005) and ensure that this documentation is worked to regionally across all disciplines and sectors.

In respect of clause 3 (4) it is our understanding that the SBNI will not be responsible for undertaking Case Management Reviews (CMRs) per se, but will hold responsibility for the establishment of a sub committee to be known as the Case Management Review Panel (clause 7 1 (c)) who will undertake the Reviews. As we indicated to the Committee previously in our evidence presented in February 2010 the way in which this clause is currently written is misleading and should be amended to clarify explicitly the role and responsibilities of the SBNI and that of the Case Management Review Panel.

Having a role to oversee that Case Management Reviews are conducted in a timely and effective manner will allow the SBNI to identify key trends and themes to promote reflective learning and improve safeguarding practices for children through the dissemination and implementation of regional findings from reviews.

The establishment of a Case Management Review Panel will allow for the right balance of appropriate professional expertise, openness, independence and thoroughness to conduct reviews of such a serious nature.

In relation to 3 (6) CiNI would suggest that Health and Social Care Trusts should also be named in this clause as they hold the delegated responsibility for safeguarding and promoting the welfare of children and they commission services for children and families from the voluntary,

community and private sectors. We would suggest that by clarifying this issue in the legislation it would be extremely useful in helping stakeholders understand the distinction between the role of the SBNI, and the role of the HSCB and the HSCTs.

CiNI notes that at present there are two separate clauses, Clause 3 (6) and 3 (9) (b), both dealing with the SBNI role in providing advice. CiNI would suggest a single clause is required within the legislation in relation to the SBNI role in providing advice and information which applies to any agency on any matter concerning safeguarding and promoting the welfare of children. The level of safeguarding standards for all agencies involved in the SBNI process should be the same irrespective of whether they are statutory, voluntary or private agencies and therefore the standard of advice they receive from the SBNI should be the same.

In relation to 3 (7) we welcome that communication between the SBNI and children and young people is recognised and included as a key 'function' for the SBNI. However, we do believe that this particular function does need to be considerably strengthened. CiNI does not believe that reasonable steps is an adequate requirement in relation to communication between the SBNI and children and young people, particularly bearing in mind the requirements of article 12 of the UNCRC and existing obligations on public agencies through section 75 of the NI Act 1998. CiNI did address this particular issue in some detail in our written evidence to the Committee in February 2010^[2].

We would highlight to the Committee the requirements of Article 12 of the UNCRC which provides:

- "1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law."

We would also highlight to the Committee the 2006 report of the independent expert for the UN Study on Violence against Children^[3]. The report recommended that States actively engage with children and young people and respect their views in all aspects of prevention, response and monitoring of violence against them, taking into account article 12 of the UNCRC^[4].

The UN Committee on the Rights of the Child in observing and commenting on progress to implement the UNCRC in the UK and Northern Ireland have consistently voiced concern regarding the lack of progress in implementing the requirements of article 12 in domestic legislation. Most recently the Committee in its 2008 Concluding Observations recommended that the State party "promote, facilitate and implement, in legislation as well as in practice, within the family, schools and the community as well as in institutions and in administrative and judicial proceedings, the principle of respect for the views of the child"^[5].

CiNI does note that the Department in its detailed policy proposal for the creation of the SBNI did highlight the responsibilities of Government as a signatory to the UNCRC. This recognition on the part of the Department is welcome, however we would highlight to the Committee Government's precise obligations with regard to implementation of article 12 of the UNCRC and would emphasise that the legislation to set up the SBNI must fully incorporate and reflect the requirements of article 12. Therefore, CiNI would recommend that the SBNI ensure that the voices of both children and young people are heard in all that the SBNI does, and furthermore that these voices are given due weight in accordance with the age and maturity of the child.

CiNI would recommend an amended Clause 3 (7) The Safeguarding Board in exercising its functions must engage actively and directly with children and young people, listening directly to their views and giving these due weight in accordance with their age and maturity".

CiNI believes that a robust clause of this nature is absolutely necessary to ensure the effective engagement and involvement of children and young people. We are aware that DCSF research into the effective operation of Local Safeguarding Children's Boards in England has found that engagement with children and young people is under-developed; they may be informed about the work of the Boards, though it is unusual for them to be actively involved or for their views and opinions to influence LSCB business and priorities. It recommended that LSCBs need to develop opportunities for children and young people to be more involved in the work of LSCBs^[6].

CiNI recognises that the obligations relating to consultation outlined above must also be widened to be inclusive of parents, carers and families involved in the safeguarding and child protection process and would advocate for a clause within the legislation addressing the involvement and engagement of parents/carers.

We would expect that the SBNI will be designated for the purposes of section 75 and therefore subject to the requirements relating to engagement and consultation with children and young people?

In relation to clause 3 (8) it is not clear with whom the SBNI is to make arrangements for consultation and discussion in relation to safeguarding and promoting the welfare of children, or indeed, what the purpose of such consultation and discussion is. We would assume that this clause does relate directly to the preceding clause in relation to communication between the SBNI and children and young people, and therefore the implication is that the SBNI would make arrangements for consultation and discussion with children and young people, and their parents/carers on safeguarding and promoting their welfare. A single clause is required.

CiNI notes Clause 3 9 (c) which provides that the Safeguarding Board may, subject to the approval of the Department, publish any matter concerning safeguarding and promoting the welfare of children. It should be noted that in relation to Clause 5 (2) the Safeguarding Board, in exercising its functions (which include the publication of any matter) must have due regard to any guidance given to it for the purpose by the Department. We would suggest that this Clause 5 (2) which would allow the Department to give guidance on the publication of any matter and would require the SBNI to give due regard to the guidance should be sufficient and it should not be necessary for the Department to then have to approve any publication. CiNI would be concerned that Clause 3 9 (c) could amount to a veto on the SBNI's functioning and is both inappropriate and indeed unnecessary given the SBNI will in any case be required to give due regard to guidance that the Department may issue in respect of publications.

Clause 4 Directions to the Board and Clause 5 Functions of Safeguarding Board - general

It is CiNI's view that the particular way in which clause 4 of the legislation is written is unhelpful as it appears to undermine the independence of the SBNI. It would be helpful within the legislation to clarify precisely what independence of the SBNI means, who is it independent from and what it is independent of. The directions clause appears to suggest that the Department can direct the SBNI with regard to the exercise of its functions; the Department will be able to direct the work of the SBNI with and without consultation. In addition, according to clause 5 (2) the SBNI, when exercising its functions, will be required to have due regard to any guidance given to it for the purpose. This would suggest a significant degree of interference in the functioning of

the SBNI and we would question whether this is necessary. CiNI recognises that all public bodies must have an accountability function and we have no issue with the SBNI being accountable to the Department which constituted it; however this needs to be reasonable and proportionate to the SBNI's remit and functions.

Clause 6 Annual report of Safeguarding Board

It is crucial that the annual report of the SBNI on the exercise of its functions is laid before the Assembly in the interests of transparency and accountability. In relation to 6 (1) we would recommend that this clause should state 'the department must lay a copy of the report before the Assembly as soon as practicably possible or within three months of receipt of the report'. We would recommend that the report is also made publicly available on the Department's website.

Clause 7 Committees and Sub-Committees

CiNI welcomes the provision for the creation of Safeguarding Panels, the Child Death Overview Panel and the Case Management Review Panel and the scope for the establishment of other committees should these be deemed necessary. In particular we welcome 7 (6) which opens up opportunities for a wider range of stakeholders to be pro-actively engaged in the process of safeguarding and promoting the welfare of children and young people. Promoting a more inclusive response to the work of the Safeguarding Board is to be welcomed and should be embraced given its remit of ensuring a broader understanding and awareness of the concept of safeguarding as the responsibility of all agencies delivering services to children, young people and their families.

Clause 8 Functions of committees and sub-committees

In relation to 8 (3) we note that each committee and sub-committee must, in exercising its functions, have due regard to any guidance given to it for the purpose by the Department or the Safeguarding Board.

In the interests of the proper functioning of the committees we strongly believe that it is appropriate and indeed sufficient to have the SBNI give guidance to the committees and sub-committees that it establishes. We would suggest that to have guidance emanating from two different sources to the committees could cause duplication of information, lead to confusion and is unnecessary. For the proper and effective functioning of the committees we would suggest a single line of accountability from the Department through the SBNI to its committees and sub-committees.

Clause 9 Annual report of committees

CiNI would advocate for a joined up, coherent annual reporting framework and therefore we would recommend the linking of clause 6 and clause 9, so that the report of each of the committees on the exercise of their functions is incorporated into the overall annual report of the SBNI to the Department. We would assume that this is the intention however it is not specifically addressed in the legislation.

Clause 10 Duty to co-operate

CiNI warmly welcomes and supports the proposed duty to co-operate vested in the SBNI and its members requiring inter-agency co-operation to safeguard children. It should however be noted that the duty is to operate at agency level, that is, it does not apply at Ministerial and

Government Department level. CiNI is strongly of the view that this commitment to co-operation must be effectively championed and actively demonstrated at the highest level of our political system.

Therefore Executive Ministers and Government Departments through the auspices of the Ministerial Sub-Committee on Children and Young People must show leadership and demonstrate their commitment to co-operating to safeguard children and young people. This is imperative to the effective operation of the SBNI and would ensure that each statutory member of the SBNI clearly follows the mandate to co-operate given them by their sponsoring Government Department.

CiNI looks forward to supporting the positive outworking of the duty to co-operate. We are also keen to look to the future to examine the scope for expanding the duty to co-operate beyond safeguarding and into the wider realm of the joint planning and commissioning of all services for children and young people.

CiNI would recommend that the duty to co-operate is specifically prescribed for in regulations, which would outline precisely what is required of members in fulfilment of the duty to co-operate. CiNI recognises that the duty to co-operate is at the core of the success of the SBNI we would therefore suggest that co-operation is identified as a core area for review for the Safeguard Board on an annual basis.

Clause 11 Supply of information requested by the Safeguarding Board

CiNI would highlight that this particular clause is not easily interpreted. We note that while the request for information must be complied with, there is no associated timeframe within which compliance is required. We would suggest the clause be amended to ensure the request for information is responded to in a timely manner

While clause 11 (6) indicates that the information may only be used for the purpose of enabling or assisting the Board to exercise its functions, we would suggest that in the first instance it should only be requested in relation to information that pertains to safeguarding and promoting the welfare of children and enables the SBNI to exercise its functions.

Clause 12 Arrangements to safeguard and promote the welfare of children

In relation to 12 (3) in its present form it is not clear specifically whom this clause applies to, is it not a duplication of what is already stated in clause 4 directions to the SBNI?

Clause 14 Regulations

CiNI recognises that much of the practical operational issues for the SBNI will be determined by way of the development of statutory regulations and guidance which will be fundamental to ensuring the proper functioning of the Safeguarding Board and will contain much of the detail needed to inform and guide the day to day operation of the SBNI. It is therefore imperative that the Department's proactive process of engagement with key stakeholders, which has been a central and welcome element of the policy and legislative development process thus far, is carried on into the process of developing the guidance and regulations required to bring the SBNI to life. We also believe that the Committee and Assembly should take a pro-active approach to scrutinising the guidance and regulations which are developed.

Financial Effects of the Bill

CiNI notes that £750k has been secured within the existing DHSSPS budget to facilitate the establishment of the SBNI. We would seek an assurance from the Department that adequate and appropriate resources will be secured for the functioning of the SBNI in the future and that these resources would be ring-fenced.

As we have stated previously in our evidence to the Committee in February 2010 we would advocate that the SBNI must be protected against any potential future efficiency savings or indeed pressures of re-allocation of spend.

We would highlight that to ensure the SBNI does not become an overt drain on resources, it will be essential for the Department to continue to invest in and take forward developments in the area of early intervention and preventative family support initiatives. CiNI would be entirely opposed to any re-allocation of spend/investment away from these crucial services, which are well evidenced as delivering value for money, and reducing the need to revert to crisis led statutory child protection services.

Conclusion

CiNI trusts that our written evidence on the Bill's clauses can usefully inform Committee discussion and deliberation on the establishment of the SBNI and help ensure that the final legislative proposals are absolutely clear and unambiguous with regard to the objective and functioning of the SBNI and its accountability arrangements. We look forward to meeting with the Committee at our oral evidence session.

Appendix

CiNI Written Evidence to Assembly Committee for Health, Social Services and Public Safety (February 2010)

Introduction

Children in Northern Ireland (CiNI) is the regional umbrella body for the children's sector across Northern Ireland. CiNI provides information, policy, training, participation and advocacy services to support our 132 members in their direct work with and for children and young people. Our membership is drawn from across the voluntary, statutory and independent children's sector. We are increasingly working in partnership with the statutory children's sector, recognising that the best outcomes for children and young people are achieved through partnership working. As part of our commitment to partnership working we represent the sector on a number of cross-sectoral, multi-agency bodies, most notably the interim regional Area Child Protection Committee and also the regional Children and Young People's Committee.

CiNI welcomes this opportunity to present both written and oral evidence to the Committee and look forward to engaging with and supporting the Committee as it moves forward with its scrutiny of the Department's detailed policy proposal for the creation of the Safeguarding Board for Northern Ireland.

CiNI warmly welcomes the work which the DHSSPS is undertaking to develop a Safeguarding Board for Northern Ireland. We believe this presents a unique opportunity to develop a more strategic, comprehensive and consistent approach to safeguarding children and young people.

Key Issues

What are the essential elements that you would like to see to ensure a fully integrated and coordinated response to safeguarding of children?

A fully integrated and coordinated response to safeguarding children must be grounded in a child-rights based framework. It is particularly welcome that the detailed policy proposal does highlight the responsibilities of government as a signatory to the United Nations Convention on the Rights of the Child (UNCRC). The policy proposal recognises the right of children to family life and the unique relationships between children and their parents. It also observes government's responsibility in terms of supporting parents and families in their role of caring for children and young people protecting them from violence, abuse and/or neglect by their parents or anyone else who looks after them. Importantly it notes the paramountcy of article 3 of the UNCRC, where in all actions the best interests of the child must be the primary consideration. Article 3 is one of the guiding principles of the UNCRC and states:

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 3, taken with the other guiding principles of the Convention, provides important standards against which the policy proposals and subsequent legislation should be assessed:

Article 2 Non-Discrimination

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 6 Right to Life and Maximum Survival and Development

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 12 Voice of the Child

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

We have given particular consideration to government's responsibilities under article 12 below.

We also note that the policy proposal does recognise that some groups of children, including children with a disability and minority ethnic children are potentially more vulnerable to harm, and therefore the principle of non-discrimination is of particular importance in ensuring that the SBNI can respond in a timely and effective manner to the particular needs and circumstances of small and often dispersed populations who can easily be isolated and largely invisible when approaches to safeguarding are being developed. It is therefore extremely welcome that a proposed function of the SBNI is to develop a regional safeguarding forum that provides a platform for a wide group of interested bodies to share their understanding of safeguarding and influence the SBNI and in particular provide a voice for those with a disability, from different ethnic backgrounds, marginalised groups including young people who are homeless and those subject to the justice system and the general population within NI.

CiNI would highlight to the Committee for its consideration the commentary from the UN Committee on the Rights of the Child. In considering progress on UK and NI implementation of the Convention in 2002, the Committee expressed serious concern at the number of children across the UK experiencing violence, abuse or neglect in spite of the protections afforded them within the Convention:

The Committee is deeply concerned that one or two children die every week as a result of violence and neglect in the home. It is also concerned at the prevalence of violence, including sexual violence, throughout the State Party against children with families, in families, in schools, in institutions, in the care system and in detention. It also notes with deep concern the growing levels of child neglect^[7]

Six years later the Committee, while welcoming the efforts undertaken to tackle the problem of violence, abuse and neglect against children, reiterated its alarm at the still high prevalence of violence, abuse and neglect against children, including in the home, and at the lack of a comprehensive nationwide strategy ... the Committee regrets that there is still no comprehensive system of recording and analysing abuses committed against children and young people, and that the mechanisms of physical and psychological recovery and social reintegration for victims are not sufficiently available across the state party.

The Committee recommend that Government:

a) Establish mechanisms for monitoring the number of cases and the extent of violence, sexual abuse, neglect, maltreatment or exploitation, including within the family, in schools and in institutional or other care;

- b) Ensure that professionals working with children (including teachers, social workers, medical professionals, members of the police and the judiciary) receive training on their obligations to report and take appropriate action in suspected cases of domestic violence affecting children;
- c) Strengthen support for victims of violence, abuse, neglect and maltreatment in order to ensure that they are not victimised once again during legal proceedings;
- d) Provide access to adequate services for recovery, counselling and other forms of reintegration in all parts of the country^[8].

In the ongoing development of the SBNI and its ultimate establishment and operation, CiNI would advocate that a child-rights framework is essential to ensure that children and young people are afforded the protection of the state, and we would urge the Department to give particular attention to the UN Committee recommendations. We would also highlight to the Committee the 2006 report of the independent expert for the UN Study on Violence against Children^[9], which we will refer to throughout this written evidence.

In addition to ensure a fully integrated and co-ordinated response to safeguarding children CiNI believes that it is essential that there is a statutory duty to co-operate to safeguard children (see below). Co-operation must be clearly defined and understood by all partners. It is the crucial ingredient needed to address previous shortcomings identified by Laming and others in relation to poor-coordination and failure to share information.

A broader understanding and awareness of the concept of safeguarding is also essential. Safeguarding can no longer be viewed as a narrow social services responsibility, safeguarding is the responsibility of all public agencies delivering services to children, young people and their families. Early intervention and preventative provision, alongside family support must be recognised as key to enabling and ensuring the safeguarding of children, so that we can reduce and minimise the need for crisis intervention and statutory child protection intervention. CiNI welcomes that one of the proposed functions of the SBNI is to develop a communication strategy to inform members of the public, statutory, voluntary and community groups about the need to safeguard and promote the welfare of children and young people raise awareness about how best this can be done and encourage participation on a cross-agency, professional and statutory/voluntary basis.

Are the functions of the SBNI as outlined at Chapter 3 of the Policy Document adequate?

Overall the proposed functions of the SBNI appear adequate. We have made specific comments in relation to particular proposed functions throughout this evidence paper.

Given that one of the roles of the SBNI is to secure accountability, how can one panel member hold another to account?

CiNI agrees that the accountability of each member of the SBNI and of the SBNI as an entity is of the utmost importance. It is our firm belief that the necessary accountability can only be secured through a statutory duty on each member to co-operate in the process of safeguarding children and young people. CiNI welcomes the policy proposals on representation on SBNI, and we agree that accountability is an essential component of the successful functioning of the SBNI. We would suggest that this could be strengthened by having a role description for members and a contracting process that addresses performance management, accountability and governance issues. A statutory duty to co-operate would give members the ability to challenge one another in the execution of their safeguarding responsibilities.

How representative is the proposed membership; are all aspects of child protection covered i.e. what about the courts and the judiciary? Does the essential wide representation come at the cost of unwieldiness? What level of seniority of staff should be represented?

CiNI would support strong links with the judiciary, and would advocate that as occurs in other jurisdictions, members of the judiciary should be regularly invited to influence and advise the SBNI on a variety of issues relating to court matters and the welfare of children. We would also recommend that the SBNI establish a relationship with the Children Order Advisory Committee. This Committee which is currently chaired by The Honourable Mr Justice Weir, Family Division, Court of Judicature, is made up of a broad spectrum of disciplines and professions engaged in working with children in both the courts and in other spheres. COAC issues best practice guidelines on a regular basis and CiNI would suggest this could be one medium by which the two bodies could inform and influence each other.

We do believe that the wide representation is essential to ensure that all key stakeholders are involved. We appreciate that this brings with it the risk of unwieldiness, and therefore we would suggest that this is where a sub-group structure is essential so that a wider constituency of relevant expertise can be engaged in the work of the SBNI. We would suggest that sub-groups might consider issues including Case Management Review, Education and Training, Communication and Audit and Public Protection. We would also suggest that provision should be made for the establishment of ad-hoc/themed, time limited groups to look at specific emerging issues.

Seniority of staff is a key issue and we would agree with the policy proposal that members should occupy a senior role within their organisation with a strategic role in safeguarding and promoting the welfare of children. We also agree that members must be able to represent their organisation and commit it to policy and procedural matters, and hold their organisation to account. CiNI strongly believes that it is vital for members to be mandated by their organisation not only in relation to representation but also with decision making powers.

How should the chairperson of the local safeguarding panels be appointed and should these be paid posts?

CiNI would strongly recommend that the chairperson of each of the local safeguarding panels should be the Trust Director of Children's Services. We do not believe that the statutory function should be separated out across two different posts. CiNI would also recommend that consideration be given to the appointment of co-chairs from the voluntary sector or from education to ensure that the full spectrum of safeguarding issues are promoted, this includes early intervention and family support as well as child protection.

CiNI would also recommend that the Committee give its consideration to the role of the Chairperson of the SBNI. We note the proposals within the detailed policy document and welcome that this will be an independent public appointment. We agree that this should be a part-time 3-day per week post designed to attract candidates of the highest calibre and experience.

We would suggest that a key post will be that of the proposed Executive Officer who will be responsible for managing the SBNI and supporting the Chair in the execution of his or her duties. CiNI would also highlight that it is essential that this post holder is able to ensure the decisions

of the SBNI are actioned and they will play a key role in the links between the SBNI and the LSPs.

How clear is the interaction between the DHSSPS, the Health and Social Care Board and the Trusts and the SBNI regarding who will have primacy on issues/policy areas and who does what?

It is CiNI's view that the interaction and indeed the lines of accountability within these arrangements are not currently clear. We appreciate that health and social services has just come through a major re-structuring programme as a result of the RPA process and therefore new arrangements and new ways of working are still being worked through and embedded into working relationships. However, we believe that it is now urgent that there is clarification of precise roles and responsibilities, with clear demarcation of lines of responsibility. It is essential that the SBNI is unfettered in its independent scrutiny of the HSCB and the Trusts. Importantly the role of the SBNI is quite distinct from the current RQIA, the SBNI must not become an inspection body.

We agree with the policy proposal that the Chairperson of the SBNI should be accountable and report directly to the Minister for Health, Social Services and Public Safety. Therefore the Committee for Health, Social Services and Public Safety will have an important scrutiny role in relation to the functioning of the SBNI.

Should there be a legal duty on relevant agencies to co-operate as well as safeguard?

CiNI would suggest that the legal duty on relevant agencies must be to co-operate to safeguard, that is, these should not be viewed as two separate legal requirements, rather these are inter-dependent; there is a need for optimal co-operation between all key agencies in order to deliver safeguarding to its highest standard.

However, in relation to the duty to co-operate we would highlight that there is a wider issue which the Committee must give specific consideration to, and therefore we would draw the Committee's attention to section 12 of the detailed policy proposal on Children's Services Planning and the SBNI.

CiNI notes that the policy proposal recognises that it will be important that the SBNI establishes firm connections with the children's planning process and a close relationship. The policy proposal also recognises that it will be necessary and appropriate for the SBNI to participate directly in the children's services planning process to ensure the issue of safeguarding children and young people within Northern Ireland is highlighted and acted upon accordingly.

Therefore one of the specific functions of the SBNI (section 3) is to:

iv. Participate in the planning arrangements to commission children's services to ensure that this takes safeguarding into account and promotes the welfare of children.

CiNI would highlight that this function would be discharged through the SBNI contributing to the now Northern Ireland wide Children and Young People's Plan.

It is important that the Committee, and indeed the wider public, appreciate the need for a connection between the safeguarding process and the existing statutory regional process of integrated planning of services for all children in Northern Ireland.

Indeed we would highlight that the imperative for this firm connection and close relationship is recognised internationally. The UN General Assembly's Independent Expert on the Study into Violence against Children recommended that:

All states develop a multi-faceted and systematic framework to respond to violence against children which is integrated into national planning processes^[10].

Children's Services Planning has been operating in Northern Ireland since 1998 as a result of statutory guidance issued by an inter-departmental group (DHSSPS, DE, and the NIO)^[11]. It is a multi-agency process for the planning of children's services similar to that operating in England. The process in NI is firmly linked into and supports the delivery of the outcomes framework of the cross-government 10 Year Strategy for Children and Young People^[12]. It is this outcomes framework that is also the ultimate driver for the SBNI which, while focusing on delivering on the outcome 'Living in Safety and with Stability', must also be concerned with the safety aspects of the other five outcome areas. Children's Services Planning is concerned with planning of services for the holistic delivery of the entire outcomes framework for all children and young people. However, its work has been hampered for a number of reasons, chief among these being the lack of a statutory duty on agencies to co-operate in the planning process. The process while led by the former HSCBs and now the new regional HSCB, relied on the goodwill of partner agencies, therefore there has been no way in which to secure accountability of the process, either in terms of participation in the planning process or the ultimate delivery of the plan itself.

Given that it is proposed that there will be a firm connection and indeed close relationship between the safeguarding process and inter-agency planning process, we would suggest that there should in fact be one single legislative framework reinforcing this important relationship and recognising that safeguarding is an essential consideration in the planning of all services for children and young people. CiNI would advocate that the Committee consider the scope for a legislative duty to co-operate to plan and commission services for all children and young people, with a specific requirement on key agencies to co-operate to safeguard and promote the welfare of children.

CiNI would urge the Committee to seek and take evidence from the Children's Services Planners on this issue and indeed the wider issue of the creation of the SBNI.

Any opinions that your organisations may have on serious case reviews and the single database?

In relation to Serious Case Reviews CiNI believes that steps should be taken to widen out the representation on these panels to include those from public health and also education, in line with the wider approach to safeguarding as everyone's responsibility. We would suggest that there is a need to ensure appropriate training of Chairs and members. This must include training on children's rights principles and provisions underpinning and informing safeguarding practice. It must also include training in relation to investigative skills, interview skills, and report writing including the writing of recommendations. Training must also include a focus on ensuring the development of a knowledge base around key areas that consistently emerge from Serious Case Reviews. This includes training on issues such as mental health, substance misuse and domestic violence.

CiNI does believe that the reports from serious case reviews contain too many recommendations; and in this long list the fundamentals of what needs to be addressed can be lost. We believe that reports must be outcome and learning focused. We would suggest that a

pro-forma would be helpful to guide compilation of the report and would be helpful in ensuring that the report relates to purpose and is linked to learning outcomes.

There has been some debate as to whether serious case review reports should be made publicly available; however we would urge great caution on this matter, while clearly general learning points would be useful to publish, we would suggest that if these reports were to become public documents those involved might edit their input for fear of the public repercussions. Clearly of most concern would be the issue of protecting the anonymity of victims.

CiNI would strongly advocate that the SBNI should oversee case management reviews, with a view to identifying key trends and themes that require attention.

We also note that a proposed function of the SBNI is to address the development of a single database to record key information on all children whose names are placed on the Child Protection Register maintained by HSC Trusts.

We would highlight that the recording and monitoring of information that can lead to prevention/detection of violence, abuse or neglect and allow for more timely and effective support, and where necessary intervention, is a crucial issue which the Committee must give its attention to. It is an issue which continues to receive significant attention from international observers. In 2008 the UN Committee on the Rights of the Child recommended to Government that it:

Establish mechanisms for monitoring the number of cases and the extent of violence, sexual abuse, neglect, maltreatment or exploitation, including within the family, in schools and in institutional or other care^[13]

The Report of the UN General Assembly' s Independent Expert on Violence against Children recommended the development and implementation of systematic national data collection and research:

States improve data collection and information systems in order to identify vulnerable sub-groups, inform policy and programming at all levels and track progress toward the goal of preventing violence against children. States should use national indicators based on internationally agreed standards and ensure data is compiled, analysed and disseminated to monitor progress over time ... states should also create and maintain data on children without parental care and children in the criminal justice system. Data should be disaggregated by sex, age, urban/rural, household and family characteristics, education and ethnicity. States should also develop a national research agenda on violence against children across settings where violence occurs, including through interview studies with children and parents, with particular attention to vulnerable groups of girls and boys^[14].

Therefore CiNI would strongly recommend that the single database must not be restricted to those children on the child protection register, it must include all children subject to serious case reviews, recognising that not all these children appear on the child protection register. Professionals need to have access to the learning that this information can produce, particularly where the information from serious case reviews produces recommendations for practice and/or opportunities for learning, and help to identify any current gaps in service. This information can also highlight evidence relating to key themes which consistently emerge during serious case reviews, including mental health, substance misuse and domestic violence.

Where should the SBNI be based? Is the Public Health Agency appropriate

As proposed in the Department's detailed policy document CiNI would agree that the SBNI should be located within the PHA. We note and agree with the rationale presented in the document. Hosting of the SBNI within the PHA does support and reflect the SBNI wider remit for all children, including children in need. The SBNI while incorporating child protection, will have a safeguarding remit, with a significant function of focusing on prevention and promoting safe behaviour and practice and thus fits well with the overall ethos of the PHA.

However, we do believe that it is essential that the ultimate independence of the SBNI must be protected, therefore we welcome that it is proposed the Chairperson would report directly to the Minister. We would also recommend that from the Minister there should also be a direct reporting line to the Ministerial Sub-Committee on Children and Young People chaired by the Junior Ministers responsible for children and young people's issues.

How can potential gaps or slippage between the current Regional Area Child Protection Committee and the newly formed SBNI be avoided?

The establishment of an interim Regional Area Child Protection Committee is extremely welcome. We believe that in its operation the interim committee can ensure that gaps do not develop and can ensure that slippage is minimised. CiNI welcomes that the interim Committee has secured a wider membership and representation and we believe that the interim committee can enable a smooth transition to the new SBNI.

Is the funding for the SBNI clearly defined? The Department have indicated that the £750,000 of funding is supplemented with existing funding? Does this kind of arrangement work?

CiNI would highlight that it is essential to the effective and efficient operation of the SBNI that it is adequately resourced to fulfil its role and functions; and clearly we believe that such a body must be protected against any potential future efficiency pressures or indeed re-allocation of spend.

We would highlight that to ensure the SBNI does not become an overt drain on resources, it will be essential for the Department to continue to invest in and take forward developments in the area of early intervention and preventative family support initiatives. CiNI would be entirely opposed to any re-allocation of spend/investment away from these crucial services, which while non-statutory, are well evidenced as delivering value for money, and reducing the need to revert to crisis led statutory child protection services.

Any other issues that you feel may be of interest to the Committee.

Young Persons Safeguarding Forum

It is extremely welcome that the Department, in recognition of its UNCRC Article 12 obligations, have given serious consideration to how the voice of the child can be heard in all that the SBNI do in relation to safeguarding and promoting the well-being of children and young people.

It is particularly welcome that this has been included as one of the proposed functions of the SBNI requiring it to:

vi. Consider how best to engage with young people, which ensures that the young persons voice is heard in all that the SBNI do.

In 2006 the independent expert for the UN Study on Violence against Children recommended that States actively engage with children and young people and respect their views in all aspects of prevention, response and monitoring of violence against them, taking into account article 12 of the UNCRC[15].

We would however highlight that this must include consideration of how best to engage with children, including young children, through age appropriate methods. The UN Committee on the Rights of the Child in its General Comment No.7 'Implementing Child Rights in Early Childhood' observes that "respect for the young child's agency – as a participant in family, community and society – is frequently overlooked, or rejected as inappropriate on the grounds of age and immaturity". Significantly the Committee goes on to emphasise "article 12 applies both to younger and older children ... as holders of rights, even the youngest children are entitled to express their views, and these views should be 'given due weight in accordance with the age and maturity of the child' ... young children make choices and communicate their feelings, ideas and wishes in numerous ways, long before they are able to communicate through the conventions of spoken or written language[16]".

We would therefore request that the proposed function is amended to state:

Consider how best to engage with children and young people, which ensures that the child and young persons voice is heard in all that the SBNI does and that these voices are given due weight in accordance with the age and maturity of the child.

We note that the Department does wish the process to be dynamic and interactive and is aware of existing groups and young people's fora that can support the process. CiNI would highlight to the Committee the cross-departmental work (led by DENI) to establish a Northern Ireland Network for Youth[17] that will link together all of the existing best practice and expertise that exists across the region in relation to both children and young people's engagement and participation in legislative, policy and service development. Through the Network it should be possible to ensure representative input into the work of the SBNI, including from those marginalised and traditionally harder to reach individuals and groups.

We would further highlight to the Committee, that if the Department is seriously committed to delivering on its article 12 obligations, this requires the engagement and the involvement of children and young people in this early stage process of developing policy proposals and ultimately legislating for the creation and establishment of the SBNI. We would urge the Committee to ensure that it also seeks and listens to the views of children and young people at the earliest opportunity possible. We would also highlight that in line with the Department's Section 75 obligation to promote equality of opportunity, the Department, in keeping with its Equality Scheme, must produce a child-accessible version of the policy proposals and ensure timely and age appropriate processes for taking the views of children and young people and responding to these views.

CiNI would highlight that support is available to the Department and indeed to the Committee to engage directly with and seek the views of children and young people. CiNI hosts the Participation Network[18], an initiative supported by OFMDFM, set up to help the Public Sector to engage effectively with children and young people in development and review of policy and services that impact on their lives. The Participation Network offers training, consultancy support, a signposting service and resources to central and local government. CiNI would urge the Committee to contact the Participation Network to discuss in more detail the support that is available.

In conclusion CiNI would like to reiterate the importance of the broadening of the understanding of what safeguarding means in the Northern Ireland context. We commend the DHSSPS for the

proposals which attempt to ensure that early intervention and family support sit alongside child protection in the safeguarding spectrum. From our understanding of arrangements in other jurisdictions working together and partnership arrangements are key to securing successful outcomes for safeguarding children and young people, and we would again reiterate that the statutory duty to co-operate to safeguard is a vital lever in securing the success of this process.

CiNI trusts that our written evidence can usefully inform Committee discussion and deliberation on the development of the SBNI. We look forward to meeting with the Committee at our oral evidence session.

[1] CiNI (2010) Written Evidence to Committee for Health Social Services and Public Safety on the Safeguarding Board for NI p.3-4-5

[2] CiNI (2010) Written Evidence to Committee for Health Social Services and Public Safety on the Safeguarding Board for NI p.11-12

[3] UN General Assembly (2006) Report of the Independent Expert for the United Nations Study on Violence against Children (A/61/299)

[4] UN General Assembly (2006) Report of the Independent Expert for the United Nations Study on Violence against Children (A/61/299) p.26

[5] Committee on the Rights of the Child (2008) Consideration of Reports submitted by State Parties under Article 44 of the Convention Concluding Observations United Kingdom of GB and NI CRC/C/GBR/CO4 para 33

[6] DCSF (2010) The Evaluation of Arrangements for Effective Operation of the New LSCBs DCSF-RBX-10-03

[7] Committee on the Rights of the Child (2002) Consideration of Reports submitted by State Parties under Article 44 of the Convention Concluding Observations United Kingdom of GB and NI CRC/C/GBR/CO? para 39

[8] Committee on the Rights of the Child (2008) Consideration of Reports submitted by State Parties under Article 44 of the Convention Concluding Observations United Kingdom of GB and NI CRC/C/GBR/CO4 para 50-51

[10] UN General Assembly (2006) Report of the Independent Expert for the United Nations Study on Violence against Children p.25

[11] DHSS, DENI and NIO (1998) Children's Services Planning Guidance. Belfast: The Stationary Office NI

[12] Our Children and Young People – Our Pledge: A Ten Year Strategy for Children and Young People in NI.

[13] Committee on the Rights of the Child (2008) Consideration of Reports submitted by State Parties under Article 44 of the Convention Concluding Observations United Kingdom of GB and NI CRC/C/GBR/CO4 para 51

[14] UN General Assembly (2006) Report of the Independent Expert for the United Nations Study on Violence against Children p.27

[15] UN General Assembly (2006) Report of the Independent Expert for the United Nations Study on Violence against Children p.26

[16] CRC/C/GC/7 para 11

[17] http://www.ycni.org/ycni_projects/NINFY/ninfy_introduction.html

[18] <http://www.participationnetwork.org/>

Parents Advice Centre

General Comments

Parents Advice Centre (PAC) welcomes the opportunity to provide written evidence to the Committee for Health, Social Services and Public Safety on the Safeguarding Board Bill for Northern Ireland.

We commend the work undertaken by the Department of Health, Social Security and Public Safety (DHSSPS) in developing a Safeguarding Board for NI (SBNI). We believe that the Bill represents an important step in setting up mechanisms to strengthen safeguarding arrangements in Northern Ireland and in promoting interagency co-operation at the highest level within departments, local government and the statutory, voluntary and community sectors.

Safeguarding Board for Northern Ireland

A crucial factor for the Board's future and success is the persons or bodies represented on it. In looking at Clause 1 PAC were concerned by the lack of both medical and judicial representation on the Board, we feel that these areas are both serious and essential counterparts in child protection and if representation is not sought, strong links with these professions and the SBNI would need to be established.

Another area of concern was the minimal representation from the community and voluntary sector. We are aware that Clause 1 (2)(C) provides for the inclusion of at least 2 but no more than 4 persons that are not representatives of the bodies specified in Clause 1(2). PAC would advocate that the vacancies be filled by members of the community and voluntary sector in order to ensure that the SBNI and their arrangements reflect the work that is happening on the ground. Northern Ireland has a strong community and voluntary sector, with many individuals who are experts in their fields. These individuals should be utilised to ensure that all sectors are working collectively to safeguard children.

PAC notes that the legislation contained no reference to the level of seniority of the Boards membership. It is vital that members of the SBNI are at such a level that they can make decisions on behalf of their organisations and commit their organisation to policies when necessary. Clear terms of reference must be drawn up so that Board members understand what is expected of them and what their responsibilities are.

The Chair of the SBNI will be a central element in the success of the SBNI. The successful appointee would need to have a background in safeguarding so that he or she understands the issues and is able to make informed decisions. The role and functions of the Chair need to be clearly defined, in particular when it comes to the accountability of the chairperson.

Functions of the Safeguarding Board

PAC notes that one of the functions of the SBNI is to develop policies and procedures for safeguarding and promoting the welfare of children. PAC would hope that this would lead to the updating of Co-Operating to Safeguard (DHSSPS 2003) and the Regional Policies and Procedures for Child Protection (2005), ensuring that this documentation is adhered to across all disciplines and sectors.

In respect of Clause 3(2) PAC would highlight that alongside promoting an awareness of the need to safeguard a broader understanding and awareness of the concept of safeguarding is essential. Safeguarding is the responsibility of all agencies that deliver services to children, young people and their families. It must also include early intervention, prevention and family support to assist in the reduction of crisis statutory child protection interventions.

We faced an element of confusion regarding Clause 3(4) and Clause 7(1)(c). It is our understanding that the SBNI will not be responsible for undertaking Case Management Reviews but rather a Case Management Review Panel will be established. We found Clause 3(4) to be misleading and may need to be amended to clarify the role of the SBNI and that of the Case Management Review Panel.

PAC notes that at present there are two separate clauses, Clause 3(6) and Clause 3(9)(b), that both cover the SBNI role in providing advice in relation to safeguarding and promoting the welfare of children. PAC feel that these both should be written into one clause as the level of advice provided by the SBNI should be to the same standard irrespective of who it is being given to.

With regards to Clauses 3(7) and 3(8) PAC were pleased to see that consultation and communication with children and young people were included as key functions of the SBNI. However as an organisation that seeks to promote the important role of parents in bringing up their children we would advocate that these clauses be widened to include the involvement and engagement of parents and carers.

PAC would like to highlight to the Committee the requirements of Article 12 of the United Nations Convention on the Rights of the Child, which states:

1. Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Given that the UK is a signatory to the UNCRC we would recommend that Clause 3(7) be strengthened. PAC does not believe that 'reasonable steps' is an adequate requirement or a firm commitment to communication between the SBNI and children and young people or indeed their parents and carers.

Clause 3 (9)(c) states that subject to the approval of the Department, the SBNI may publish any matter concerning safeguarding and promoting the welfare of children. In reading that Clause PAC would have concerns as to whether the Department could restrict the overall independence of the SBNI. Clause 5(2) states that the SBNI must, in exercising its functions, have due regard

to any guidance given to it for the purpose by the Department. Assuming that this includes guidance over the publishing of any matter, we feel that this Clause should be sufficient for the SBNI and would be concerned as to whether Clause 3(9)(c) represents a veto.

Directions to the Safeguarding Board

Clause 4 of the legislation appears to undermine the independence of the SBNI. It is stated in the legislation that the Department may give directions of a general or specific nature (Clause 4 (1)) and that the Safeguarding Board must comply with any directions given to it (Clause 4 (4)). These Clauses would cast doubt as to how the SBNI is to function independently and who it is independent from.

Functions of the Safeguarding Board – general

Clause 5(2) again raises the issue of the ability of the SBNI to act independently. The legislation states that the SBNI must, in exercising its functions, have due regard to any guidance given to it for the purpose by the Department.

Annual Report of the Safeguarding Board

It is essential that the annual report of the SBNI is laid before the Assembly in the interests of both accountability and transparency. Public accountability is vitally important and PAC would hope that the SBNI annual report would be made publicly available.

Committees and sub-committees

PAC welcomes the establishment of the Safeguarding Panels, the Child Death Overview Panel and the Case Management Review Panel. We were pleased to see that the legislation provided the scope for the establishment of other committees should they be seen as necessary. As mentioned previously, in relation to Clause 3(4) we would like to see the role Case Management Review Panel clarified and would be keen to know when these panels will be established.

Duty to co-operate

PAC welcomes Clause 10 and the proposed inter-agency co-operation to safeguard children. However, we note that it only applies to the bodies mentioned in Clause 1 of the Bill and believe that this obligation should be applied more widely in order to strengthen the functions of the SBNI. PAC would also question who will hold to account such bodies or organisations that fail to co-operate.

PAC feels that the duty to cooperate is essential in addressing previous shortcomings, which were identified by Lord Laming, such as poor co-ordination and a failure to share information and looks forward to the positive outworking of the duty to co-operate.

Conclusion

PAC is grateful for the opportunity to provide written evidence on the Safeguarding Board Bill. We hope the information provided can usefully inform the Committee in their discussion on the establishment of the Safeguarding Board for Northern Ireland.

Probation Board for Northern Ireland

1. Clause 1

PBNI welcome the proposed establishment of a unitary Safeguarding Board for Northern Ireland (SBNI) as a mechanism for improving inter-agency co-operation in the delivery of better outcomes for children in Northern Ireland.

The proposed membership, by way of maintaining focus needs to be manageable in terms of size. For those agencies / organisations not currently proposed as members of SBNI, their valued involvement could be accommodated in the SBNI sub committee structure.

Agency representatives on the SBNI should be at senior management level with the authority to make decisions. The agencies should have discretion on who should act as their representative.

Transparency and effectiveness would be best serviced by the public recruitment of (outside) chair for SBNI; and its Safeguarding Panels, respectively.

Given the demands of the post(s) remuneration is appropriate to recruit and retain highly competent chair(s).

2. Clause 3

The proposed functions of SBNI are measured, and if managed tightly, in terms of work planning, are deliverable.

As the Committee will be aware, some Safeguarding Boards in England and Wales, have suffered in terms of measureable outcomes, because remits have been too expansive.

3. Clause 6

In terms of both public and political accountability, the laying of an annual report by the SBNI before the Assembly is welcomed by PBNI.

4. Clause 7

As stated in the response to Clause 1, PBNI suggest that the Safeguarding Panel Chairs should be recruited externally, and paid.

Given the function of the SBNI it is probable that sub-committees, in addition to the three referred to in the Safeguarding Board Bill, will be required. This discretion in the Bill to establish additional sub-committees is prudent.

5. Clause 10

The reciprocal duty to co-operate between the Board and its constituent agencies is a key statutory provision in the Bill. PBNI hold that this provision will enhance interagency effectiveness (and accountability) in the delivery of safeguarding and welfare promotion for children.

6. Clause 12

PBNI note that in exercising their functions, the constituent agencies of SBNI will have "due regard" to the need to safeguard and promote the welfare of children.

Whilst PBNI will strive to fully promote the welfare of children, there will be occasions when this could be inconsistent with PBNI's other statutory duties. The caveat of "due regard" in the Bill is therefore welcome, for a criminal justice organisation, such as PBNI.

National Deaf Children's Society

The National Deaf Children's Society (NDCS) welcomes the opportunity to respond to the Committee's consultation on the Safeguarding Board Bill. NDCS is concerned to ensure that all children in Northern Ireland are safeguarded and that deaf children are able to access the same protections as their hearing peers.

Additionally as active members of Children in NI we are confident that our views have been reflected in the substantial work that CiNI have undertaken on the Safeguarding Bill.

Clause 1

Clause 1.4 NDCS would ask that this clause specify that at least one of the representatives on the board should have knowledge and experience of safeguarding disabled children and represent disabled people.

Clause 2

NDCS fully support the clause; particularly it's recognition of the need for co-ordination of agencies.

NDCS would welcome a statement in the Boards objectives to the effect that the Board should promote international standards contained within the UN Convention on the Rights of the Child and the UN Convention on the Rights of People with Disabilities.

Clause 3

Clause 3.1 NDCS would have particular concern that the safeguarding needs of deaf children are the focus of attention in the development of policies and procedures. As outlined above, deaf children have particular needs that must be met if a safeguarding service is to be truly inclusive. Guidance for Local Safeguarding Committees in GB, drafted by the University of Manchester in association with the National Deaf Children's Society for the then Department of Children Schools and Families are available. NDCS would encourage the use of these existing resources in developing policy.

Clause 3.7 NDCS welcomes the encouragement of communication between Board and Children and young people. The Board should ensure that the specific communications needs of all deaf children are catered for in board communications.

Article 10

NDCS welcome the duty to co-operate detailed in Article 10. Co-operation between the Safeguarding Board and agencies is crucial if the Board is to be effective.

NDCS would wish to see the extension of the duty to co-operate in safeguarding matters to all Government Departments as well as agencies

Conclusion.

NDCS welcome the opportunity to comment on the Committee for Health, Social Services and Public Safety's consultation on the Safeguarding Bill. We will be watching the progression of the Bill with interest.

Dungannon & South Tyrone Borough Council

Council welcomes the above Bill as the safe guarding of children is paramount within our communities.

An overall vision of what the Board is seeking to do would be essential to not only allow for monitoring of effectiveness but to also provide for a strong message to agencies, people and communities on the importance of 'keeping every child safe'. Scrutiny of the Board and its role in seeking to reduce the level of harm coming to children will be critical.

Regarding 'Membership'; Council welcomes the inclusion of district Councils on the proposed boards. It would also suggest that wording is included to ensure that the appropriate senior representative attends from agencies to ensure a level of accountability and quick decision making.

In relation to the section on 'Functions' the wording here is quite 'soft' and would suggest the Board has little authority to make a real difference. For example, what is the level of responsibility for monitoring of the implementation of recommendations from an Investigation to ensure that they are fully implemented in a timely manner. Further if the same recommendations appear again in a future Investigation and evidence would show that an Agency has not fully committed to previous actions what authority has the Board to call on accountability.

It is critical that this Board focuses on outcomes and seeking to deliver a better service and does not become another bureaucratic layer.

It may not be applicable directly to this Bill but in relation to the new Board it would be important that direct intervention would happen immediately, addressing such practices that are evidently posing serious risk to children; including sex offenders relocating close to children, and particularly when they are not known to parents and communities.

We look forward to receiving the Bill in due course and to the prompt initiation of the new Safe Guarding Board.

Omagh District Council

I am writing on behalf of Omagh District Council in response to the consultation on the Safeguarding Board Bill.

The Council welcomes the introduction of the legislation to give effect to the Safeguarding Board Bill, which places a duty on the Department of Health to subsequently establish a regional Safeguarding Board (SBNI) and 5 Safeguarding Panels, one in each of the five Health and Social Care Trust areas.

The Council concurs with the proposal to strengthen child protection in Northern Ireland to ensure the effective safeguarding and protection of children. The Council is also pleased to note that the term 'child' refers to those up to the age of eighteen.

The Council is concerned that this issue had been brought to the table as far back as 2002, by Ms Patricia Lewsley and is only getting to the stage of consultation on the required legislation now, some 8 years later. Given the tragic circumstances of the Lamy Fire in Omagh in November 2007, when a family including five young children died, it brings the need for robust child protection systems and support to the fore. The Council concurs with the duty placed on the SBNI to establish a 'Child Death Overview Panel' and a 'Case Management Review Panel' as well as the five Safeguarding Panels.

The Council welcomes the inclusion of representation from district councils on the Board and would ask that similar representation is a requirement on the five Safeguarding Panels given that elected representatives are close to grass root issues and are the voice of the people of the areas they represent.

The Council notes that funding of £750k has been secured within the existing Department of Health budget to facilitate the establishment of the SBNI. The Council would seek assurance that this is adequate funding to ensure the newly established SBNI and the five Panels are able to deliver an effective service for one of the most vulnerable groups in our society. Given the start up costs of any new organisation which must recruit Board members and support staff, undertake appropriate training, set up its premises and establish systems and procedures, its initial costs can be exorbitant. It would be folly to establish such a necessary and worthwhile organisation and have it under-resourced from the outset.

The Council supports the requirement for the SBNI to submit an annual report to the Department of Health which subsequently is laid before the Assembly and for each of the Safeguarding Panels to produce an annual report for the SBNI.

In conclusion, the Council would like to thank you for the opportunity to respond to this important consultation and awaits the outcome of the consultation process.

Youth Justice Agency

1. The Youth Justice Agency welcomes the Safeguarding Board Bill and the provisions set out in it. The Agency takes its child protection and safeguarding responsibilities very seriously. It has fully participated in Area Child Protection Committees and Serious Case Reviews and supports the move to put these functions on a statutory basis and the duty to co-operate.

It welcomes the wider scope of the Safeguarding Board compared to the Area Child Protection Committees and the more all-embracing approach which will place greater emphasis on the family support model of work which incorporates both protection and prevention.

2. It believes that prevention and early intervention are vitally important for the child and families who are referred to us. There is strong evidence that children who come into contact with the criminal justice system are likely to suffer multiple disadvantage. Children and young people are as often the victims of offending and anti-social behaviour in high-crime neighbourhoods as adults. In addition, a significant percentage of young people who commit crime have also been victims – especially assault and theft from the person.

The recently published report of the Independent Commission on Youth Crime and Anti-social Behaviour (July, 2010) wants to see prevention and early intervention given a higher profile in

tackling crime. Research has shown how action to raise the quality of up-bringing, education and support that children receive can significantly influence later outcomes across the life span.

An understanding of "risk" and "protective" factors in children's lives provides the foundation for the planning of preventive services which produce positive results. The nurturing of protective factors, particularly in early life, can build resiliency and reduce exposure to multiple risk factors which can impact in later childhood and adolescence and mitigate potential damaging effects.

There is a real risk that the new Safeguarding Board will feel forced to focus too much on child protection issues – perhaps driven by media campaigns in relation to high profile cases of child abuse. This will be a mistake. The emphasis should be on prevention. We now have a mass of evidence (see for example "Learning lessons from serious case reviews" Ofsted, April 2010), on the sort of factors which will help prevent abuse and neglect. These include the importance of parental support, pre-school play and nourishing personal development, family therapy and mentoring programmes. These programmes should take a "public health" perspective and be available universally, with "targeted" prevention in areas of high need. There is a particular need to target services at young, poorly supported mothers, both prior to birth and in the early months after birth to address issues such as post-natal depression.

3. The report of the Independent Commission on Youth Crime and Anti-social Behaviour highlights the following key principles: Prevention, Restoration and Integration. Indeed when promoting restoration it specifically mentions the restorative youth conferring system in place in Northern Ireland and delivered by the Youth Justice Agency. Restorative practices have much to commend them. Human beings are happier, more productive and more likely to make positive changes in their behavior when those in positions of authority do things with them, rather than to them or for them.

In Northern Ireland the Criminal Justice Board has set up a Youth Justice Sub-committee which is chaired by the Department of Justice and has representatives from senior management of all the criminal justice agencies and from the DHSSPS and DE. This Sub-committee has agreed the following priorities for action in Northern Ireland:

- Early Intervention – we recognise that the most effective way to reduce or prevent offending is to provide the right level of support at the time it is needed
- Targeted Effective Practice – where offending does occur, a targeted, purposeful and coherent approach will reduce risk of further offending
- Re-integration – young people who offend often need particular help to reconnect with their families and communities, especially following a period in custody.

We believe that these priorities are very much in keeping with the research evidence and comply with the key principles of the Independent Commission's report.

4. There should be special concern for children who display early onset of problem behaviour as this can profoundly shape their life outcomes and the behaviour itself can give rise to child protection and safeguarding issues. Key factors in early onset are:

- Multiple Problems
- Hyperactivity and high daring and impulsive behaviour
- Cognitive difficulties, social and educational difficulties
- Alcohol and drug problems
- Anti-social and criminal activity at an early age

- Risk of serious offending 2-3 times higher for child aged 7-12 involved in ASB than for child with later onset delinquency.

These are clearly issues which the Safeguarding Board will need to address.

5. A further major concern for children in Northern Ireland is the re-emergence of threats, exclusions and punishment beatings by paramilitary groupings. This activity is completely unacceptable and is a huge source of abuse and damage to the children concerned and to their wider families. These behaviours should be dealt with as child protection referrals. It is a matter that the Youth Justice Agency would like to see addressed by the Safeguarding Board in a strategic manner. Indeed it should be one of the highest priorities on its agenda when it comes into being.

6. Conclusion

The Youth Justice Agency welcomes the Safeguarding Board Bill and the requirements in it. It is pleased to see the wider brief and supports an emphasis on prevention. Children and young people referred to the Agency often have complex needs and are particularly vulnerable to victimisation and abuse. The research evidence points to the importance of early intervention both at a population level and at a targeted level. This will do much to help safeguard the most vulnerable. The Youth Justice Agency is concerned that there may be a "drift" back towards a preoccupation with child protection cases when the Board gets up and running. It would urge that the Board maintains a focus on strategic prevention issues. The Agency has particular concerns about young people who display early onset behaviour problems and about the re-emergence of paramilitary threats, intimidation, exclusions and violence.

References:

1. Independent Commission on Youth Crime and Antisocial behaviour (2010), "Time for a fresh start" London: The Police Foundation.
2. Ofsted (2010), "Learning lessons from serious case reviews: interim report 2009-10" Manchester: Ofsted.

Northern Ireland Commissioner for Children and Young People

Introduction

NICCY is very supportive of the creation of a Safeguarding Board for Northern Ireland. Indeed, in her previous role the Commissioner, Patricia Lewsley, sought to place the work of the Area Child Protection Committees on a statutory footing by sponsoring a Private Members Bill, prior to the suspension of the Northern Ireland Assembly in 2002.

In considering the role of the Safeguarding Board, NICCY would highlight that while this will provide a new strategic focus on the protection of children; this represents only one aspect of strengthening safeguarding arrangements and practices in Northern Ireland. Other areas to be addressed include the history of under investment in personal and social services, responding to increasing referral rates to social services and providing early intervention and prevention services.^[1] We would also note that all parts of government, including departments, must work collaboratively in order to ensure that children and young people are safeguarded and their welfare is protected.

NICCY is keen to ensure that the principles and spirit of the Department for Health, Social Services and Public Safety policy proposals are embedded in both primary and secondary legislation relating to the Safeguarding Board. While our submission supports much of the detail of this primary legislation, we also raise substantive concerns which the Commissioner would welcome the opportunity to discuss directly with the Committee.

Clause 1 Safeguarding Board for Northern Ireland

NICCY has strongly endorsed the principle within the Departmental policy proposals to ensure the Safeguarding Board has an independent Chair selected through the public appointments process. The independence of the Chair must go beyond the appointments process and we would draw attention to the need for the Chair to act as a 'critical friend' to government and statutory authorities.

To ensure the effectiveness of the Safeguarding Board, members must carry the delegated authority to speak on behalf of their organisations while also drawing on a robust knowledge and understanding of safeguarding practice. The role and responsibilities of members that will be detailed in Partnership Agreements will be central to establishing clear and appropriate working relationships.

NICCY appreciates the need to secure representative membership of the Safeguarding Board while ensuring it operates an effective working forum. However, we are concerned that where there are significant absences in representation, mechanisms are developed to address this. For example, in relation to the judiciary and Courts Service, medical profession and adult mental health services. It is also important that links are made with authorities in relation cross-border and UK border concerns, such as the UK Border Agency.

NICCY would highlight the importance of ensuring that the membership of the Safeguarding Board, as well as its overall effectiveness is reviewed.

Clause 2 Objective of the Safeguarding Board

We welcome the objective of co-ordinating and ensuring the effectiveness of what is done by each person or body represented on the Safeguarding Board for the purposes of safeguarding and promoting the welfare of children. We believe the establishment of a Safeguarding Board provides an opportunity to strengthen safeguarding arrangements and ensure the highest standard of protection is afforded to children, young people and families.

NICCY is of the view that the establishment of the Safeguarding Board should be placed in the context of the United Nations Convention on the Rights of the Child and reflect the obligations on the UK Government, including Northern Ireland, as a signatory to ensure that the rights and best interests of children and young people are upheld.

Our understanding is that the establishment of the Safeguarding Board will not impact on the Scheme of Delegation which currently operates between the Department, the Health and Social Care Board and Health and Social Care Trusts. We do however feel that greater clarity should be provided regarding the remit of the Safeguarding Board and agencies that hold inspection and quality assurance roles, such as the Regulation, Quality and Improvement Agency.

Clause 3 Functions of the Safeguarding Board

NICCY welcomes the range of functions outlined for the Safeguarding Board but would highlight the importance of the Board maintaining a clear focus on its 'core business' of child protection before expanding into its wider functions relating to safeguarding.

In relation to the remit to develop safeguarding policies and procedures it is important for the respective roles of the Safeguarding Board and the Department in this area to be clarified. In considering the function outlined in 3(2), effective communication mechanisms must be developed to ensure the Safeguarding Board informs operational matters and frontline practice. In regard to reviewing the effectiveness of each member, again appropriate mechanisms must be developed to achieve this.

NICCY welcomes the statutory responsibility placed on the Safeguarding Board in relation to Case Management Reviews (CMRs) and the review of information regarding child deaths. We would highlight that these critical areas of work, which will in large part be conducted by Panels, will be resource intensive. We hope that a review of the CMR process will be completed and informed by research undertaken by Queen's University and the NSPCC.^[2] In relation to child deaths, we would expect that the child death review protocol will be operational and that arrangements for cooperation with agencies, such as the Coroners Office, will be in place.

We draw attention to the importance of the Safeguarding Board monitoring the implementation of CMR action plans and assessing information from child deaths in order to ensure lessons about weaknesses and failures in the protection of children and young people are learned. It may be helpful for the legislation to place a positive duty on the Safeguarding Board to review the implementation of CMR action plans. Indeed, due to our concerns in this area NICCY has agreed a protocol with the Health and Social Care Board to allow us to monitor progress in relation to CMRs.

In relation to the Safeguarding Board's role in advising others, provided for in 3(6) and (9), it may be helpful to place this function within one sub clause. We would also make clear our concern that an aspect of 3(9) requires that Departmental approval be given prior to any publication by the Safeguarding Board. We are of the view that this raises concerns about the capacity of the Safeguarding Board to operate independently and to function effectively and suggest that this provision is both unnecessary and unhelpful.

We welcome the duty placed on the Safeguarding Board in 3(7) to promote communication with children and young people and were supportive of the Departmental policy proposal to establish a Young Person's Safeguarding Forum. However, we consider that engaging with children should be an active duty placed on the Safeguarding Board. We note that suggested guidance to LCSBs states that the voices and experiences of young people should strongly inform their work programme.^[3] We would also highlight the role of the Safeguarding Board in communicating with parents, carers and families and note our expectation that the Board will become a designated body in relation to Section 75 of the Northern Ireland Act 1998.

It would be helpful to have greater clarity in regard to the Safeguarding Board function of 3(8) in making arrangements for consultation and discussion and we are unclear if this refers to the Safeguarding Regional Forum detailed in the Departmental policy proposal. The Safeguarding Board must ensure there are effective mechanisms in place to engage with the community and voluntary sector which provide many services and supports for children, young people and families.

Clause 4 Directions to the Safeguarding Board

NICCY acknowledges the need to ensure that appropriate oversight structures are in place for the Safeguarding Board and appreciates the line of accountability that must run from the Safeguarding Board, to the Department and the Minister. We would however also highlight the importance of ensuring there are strong links between the Safeguarding Board to government departments and the Ministerial Sub-Committee on Children and Young People.

Governance arrangements for the Safeguarding Board must be proportionate and we would voice concerns that the provision for the Department to give general or specific direction to the Safeguarding Board in relation to any of its function, with or without consultation must be carefully considered. Such a provision raises questions about the capacity of the Safeguarding Board to operate independently and function effectively and we suggest that this provision is both unnecessary and unhelpful. We note that an equivalent clause has not been included in either the Children Act (2004) or The Local Safeguarding Children Boards Regulations (2006) in regard to the establishment and functioning of LSCBs.

Clause 5 Functions of the Safeguarding Board – general

We note that clause 5 requires the Safeguarding Board in exercising its functions, to have due regard to any guidance given to it for the purpose by the Department. We raise concerns that this may impact negatively on the capacity of the Board to operate independently and effectively.

In reference to our concerns in regard to the provisions of clauses 4 and 5 it may be helpful for the legislation to clarify the status of the Safeguarding Board in relation to its independence in meeting its objective of co-ordinating and ensuring the effectiveness of what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children.

Clause 6 Annual report of the Safeguarding Board

We welcome the requirement that an annual report is laid before the Assembly. The annual report should provide an assessment of the activities of the Safeguarding Board but must also offer an analysis of progress made and challenges that remain in improving the safeguarding of children and young people. Reporting should reflect key areas of its responsibilities, such as, the learning from the review of child deaths and the implementation of CMR action plans.

We would welcome an approach that mapped the work of the Safeguarding Board directly to the outcomes of the Children's Strategy and to Children's Services Planning processes.

Clause 7 Committees and sub-committees

NICCY welcomes the establishment of Safeguarding Panels, the CMR Panel and the Child Death Overview Panel. We would highlight the importance of the appointments process for Panel chairs and the need to ensure there is a direct link between chairs and the Safeguarding Board itself to ensure strategic coherence. It is important that Panels maintain a strong focus on child protection functions, particularly in the transition and bedding down period of the new structures.

We welcome the provision that will enable committee and sub-committee membership to go beyond that of the Safeguarding Board and note that consideration must be given to ensuring that membership reflects the significant role of voluntary and community sector organisations in working with children, young people and families.

Clause 8 Functions of committees and sub-committees

The structure of the Safeguarding Board will result in significant areas of work being undertaken by Panels, committees and sub-committees and NICCY acknowledges the pivotal role that regulations and guidance will have in prescribing their functions and working arrangements.

We accept that it is in keeping with clear governance for Panels, committees and sub-committees that they have due regard to guidance provided by the Safeguarding Board but raise concerns it is not necessary for this to also apply to the provision of guidance by the Department.

Clause 9 Annual reports of committees

We welcome the requirement for committees and sub-committees to complete an annual report for the Safeguarding Board. It would be helpful for these reports to be incorporated into the Safeguarding Board's annual report.

Clause 10 Duty to co-operate

NICCY welcomes the duty to co-operate placed on the Safeguarding Board and its members. We would hope that the spirit of this duty will also be evidenced in the co-operation demonstrated between government departments in working collaboratively in relation to safeguarding and promoting the welfare of children and young people.

We are disappointed that the provisions for the Safeguarding Board do not directly address its relationship with the outcomes of the Children's Strategy and the Children's Services Planning process.

Clause 11 Supply of information requested by the Safeguarding Board

It would be helpful if these provisions made reference to information being supplied in a timely manner as this may impact on the functioning of the Safeguarding Board, for example, in relation to CMRs.

Clause 12 Arrangements to safeguard and promote the welfare of children

It would be helpful to have greater clarity in relation to how this clause is differentiated from the provisions of clause 2 whereby the Safeguarding Board must ensure the effectiveness of its members for the purposes of safeguarding and promoting the welfare of children and clause 4 in relation to having due regard to Departmental guidance.

Clause 13 Ancillary and transitional provisions etc

NICCY would again highlight the importance of ensuring that a strategic and operational focus is maintained on child protection during the transition to and consolidation of the new arrangements of the Safeguarding Board. This may include bodies running in tandem or shadow form for a period of time.

Clause 14 Regulations

We have previously noted the important role that regulations will play in directing the arrangements and working of the Safeguarding Board and welcome the provision that these will require Assembly approval. We would highlight the importance of ensuring the broader engagement of stakeholders and agencies in this process.

Additional comments

The resourcing of the Safeguarding Board will be critical to its performance in strengthening arrangements to protect and safeguard children and young people. The Departmental policy proposals indicate that monies will be ring-fenced for the Safeguarding Board and we note that these funds must be protected from budgetary cuts.

During our submission we have referred to the important role of other agencies, such as, voluntary and community organisations, the Court Service and medical profession in safeguarding and promoting the welfare of children and young people. The Safeguarding Board must ensure it meaningfully engages with and draws on the experience of all sectors.

We would expect that the Safeguarding Board will be regarded as a relevant authority in relation to Article 4(1) (c) of 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003).

[1] NICCY, DFP, OFMdfM (2007) An Analysis of Public Expenditure on Children in Northern Ireland, (Belfast: NICCY).

[2] Lazenbatt, A., Devaney, J, and Bunting, L. (2009) An Evaluation of the Case Management Review Process in Northern Ireland, (Belfast: QUB, NSPCC).

[3] Department for Children, Schools and Families (2010) Local Safeguarding Children Boards: Practice guidance for consultation, (London: DCSF).

British Medical Association

Clause 1 provides for the establishment of a Safeguarding Board for Northern Ireland (SBNI). The Board must include a chair appointed by the department and include representatives of the bodies listed.

Appointment of Chair: BMA(NI) supports that this post be independently appointed and agrees that it should be remunerated with the time commitment clearly laid out. The Public Appointments process may provide a suitable vehicle for recruitment.

The appointment of an experienced chair will be vitally important and pivotal to the effective conduct of SBNI business. The independence of the chair is not specifically referred to in the Bill but, we understand, it is the stated intention of the DHSSPS for the chair to be independent. We would stress the importance of independence.

Size and membership of the Board: A crucial factor for the board's success is the size and seniority of its membership. The Bill does not prescribe the detail of the level of representation, as this will be dealt with in subordinate legislation. It is important that agency representation is from senior individuals, who will be in a position to make decisions on behalf of their organisations and commit those bodies to their decision.

Accountability: We recognise that accountability can be a challenge given the complexity and interagency nature of the Board when agencies will operate under their own separate legislative and policy mandates. It would be useful to clarify the complex network of relationships and accountability of the key partners and how statutory functions will be discharged and monitored by the respective bodies.

GP representation on the Board

The proposed SBNI core membership is quite large but we believe that the members named are crucial as it reflects those agencies with statutory responsibilities towards children.

However, BMA(NI) would propose that a General Practitioner is a core member of the SBNI given the very valuable contribution that they make to the identification and management of abuse and neglect.

General Practitioners are uniquely placed to recognise and act upon concerns for the well-being of children. A large proportion of child protection work goes on in primary care.

GPs remain the first point of contact for most health problems and are often among the first to have contact with children or families in difficulty. A GP may be the first to recognise parental and or carer health problems, or someone whose behaviour may pose a risk to children and young people. GPs are well placed to detect patterns of child protection that work and those that are dysfunctional.

There are GPs who are highly skilled and committed in this area of work who might ably represent the views of their colleagues.

Main duties and powers of SBNI

Clause 3 describes the main duties and powers of the SBNI which includes: undertaking case management reviews; reviewing information related to the death of children; taking steps to promote communication with children and young people; compiling and analysing information; and the publication of matters concerning safeguarding, subject to approval of the department.

The functions detailed appear to be adequate, however they are wide ranging, demanding and resource intensive. Therefore it is important SBNI has the capacity to discharge all of the functions listed.

We welcome that clause 3 subsection (3) that the Safeguarding Board "must keep under review the effectiveness of what is done by each person or body represented on the Board (by virtue of section 1(2)(b) and (4)) to safeguard and promote the welfare of children." We hope that the main duties and powers will be reviewed in a systematic way and on a regular basis to ensure that they are still fit for purpose.

Case management reviews and child death reviews: We welcome case management reviews and child death reviews included as core aspects of the work of the Board. We note that the detail will be in the subordinate legislation.

BMA(NI) is aware that Queens University Belfast and the National Society for the Prevention of Cruelty to Children (NSPCC)^[1] have conducted a number of evaluations in relation to the case management review process and have made several recommendations with regard to taking the process forward. It is important that the SBNI take consideration of these recommendations to strengthen current arrangements.

Establishment of committees and panels

BMA(NI) welcomes the establishment of subcommittees and local panels are outlined in clauses 7 and 8. It is unclear, however, how the Local Safeguarding Panels will be financed. It would be helpful if the resources to the Safeguarding Panels were more clearly defined/earmarked. This will bring consistency across Northern Ireland.

Duty to cooperate

We welcome clause 10 which places a duty to co-operate being included in the legislation, but we seek more clarity as to how it work in practice, for example details of expectations for organisations to participate. We also note that the duty to cooperate extends only to those organisations listed in clause 1(3) and wonder whether this should be applied more widely to, for example, other government departments.

Additional comments

There is no specific mention in the Bill of the cross border aspect of safeguarding. There are certain aspects of the safeguarding agenda that need to be considered on an all-island basis and the SBNI clearly has a role. The issue of child protection between different jurisdictions should be considered as a responsibility of the SBNI.

Conclusion

The BMA(NI) considers that the provisions of the Bill set out an appropriate legislative framework that will support the necessary structural changes. There is a need to ensure that the system is fit for purpose, delivers high quality outcomes and that the organisational structure is efficient and effective. We have highlighted a few areas in which we consider further thought is required.

If the committee would like any clarification on any of the issues covered in our submission, we would be most happy to provide same.

[1] "An evaluation of the case management review process in Northern Ireland" (2009) Queens University Belfast and NSPCC; Anne Lazenbatt, John Devaney and Lisa Bunting (January 2009)

Disability Action

In relation to the clauses of the Bill, Disability Action would make the

following comments

1 (1) – Agreed

1 (2) – Disability Action agrees with sub-clauses 1 (2) (a) and 1 (2) (b) but advises that at 1 (2) (c) or in an additional sub-clause the Bill should make reference to how children will be represented in the composition of the Board and at this or another point ensure that reference is made as to how the accountability of such representatives will be assured.

1 (3) – 1 (7) – Agreed

2 (1) and 2 (2) – Agreed

3 (1) – We advise that this should read ".....develop policies, practices and procedures....."

3 (2) – 3 (6) – Agreed

3 (7) – We advise that this should read ".....arrangements for accessible and age appropriate consultation....." A sentence should be added as follows. "The Board should ensure best practice in relation to consulting directly with children."

3 (8) – 3 (10) – Agreed

4 (1) – 4 (5) – Agreed

5 (1) and 5 (2) – Agreed

6 (1) and 6 (2) – Agreed

7 (1) – 7 (7) – Agreed

8 (1) – 8 (3) – Agreed

9 – Agreed

10 (1) – 10 (3) – Agreed

11 (1) – 11 (6) – Agreed

12 (1) (g) – Is there a provision to change "education and library boards" to the Education and Skills Authority when it comes into being without invalidating or delaying this Bill. In addition see our comments at 1 (2) (c) above.

12 (2) – 12 (3) – Agreed

13 (1) – 13 (4) – Agreed

14 (1) – 14 (3) – Agreed

15 – Agreed

16 (1) and 16 (2) – Agreed

17 – Agreed

Conclusion

Disability Action has welcomed the opportunity to make a submission. Disability Action looks forward to continued dialogue on this and other issues of major significance to people with disabilities throughout Northern Ireland.

Northern Ireland Guardian Ad Litem Agency

The Northern Ireland Guardian Ad Litem Agency (NIGALA) welcomes the opportunity to comment on the Safeguarding Board Bill. This submission is prepared by the Executive Director, Ronnie Williamson, who served as a professional adviser to an Area Child Protection Committee 1990-1996 before taking up his present post at NIGALA. He has also been invited, in recent years, to chair Case Management Reviews. His background is that of social work.

Clause 1

With respect, one would suggest that the NIGALA should be included in 1(3) as a body on the Safeguarding Board. We are aware of the evaluation of the operation of Local Safeguarding Children Boards (LSCB) in England by France et al^[1] which concluded that "the most effective size of LSCBs would seem to be between 20 and 25 members", and understand the danger of a Board becoming too large and unwieldy, but would nevertheless suggest that the NIGALA should be a named member.

The equivalent organisation to NIGALA in England and Wales is the Children and Family Court Advisory and Support Service (CAFCASS) and it is specified as a member of Local Safeguarding Children Boards under Section 13(3) of the Children Act 2004.

The official record of the Assembly debate on the second stage of the bill was most informative. It was noted that concerns were raised about lack of input from the judiciary and also regarding linkage with the Children Order Advisory Committee (COAC). As the Executive Director of NIGALA is a member of COAC, it opens the possibility of that individual not only representing NIGALA but serving as a vital link with COAC. The same outcome could, of course, be achieved by a member of the judiciary, who sits on COAC being invited to sit on the Safeguarding Board.

Centre for Research in Social Policy and Centre for Child and Family Research, Loughborough University.

Clause 3 (4) & (5)

The Safeguarding Board is required to undertake Case Management Reviews and also review prescribed information in relation to the deaths of children, but it is also critical that lessons are learnt and disseminated as widely as possible.

With respect, suggest rewording to 3(4) as follows:

"The Safeguarding Board must undertake case management reviews in such circumstances as may be prescribed; ensure that an individual action plan is prepared based on the recommendations of each case management review, and disseminate key lessons",

3(5) might similarly read:

"The Safeguarding Board must review such information as may be prescribed in relation to deaths of children in Northern Ireland in such circumstances as may be prescribed; ensure, as necessary, a co-ordinated response by Board members and other relevant persons and disseminate key lessons".

Clause 4

It is most important that the Board has a clear line of accountability through the Chair to the Department. It is also appropriate that the Board has a measure of independence of action

which will allow it to act as 'critical friend'. A reasonable balance is required. This point has been made by the Chairperson of the Committee for Health, Social Services and Public Safety in the debate at the Second Stage of the Safeguarding Board Bill. Clause 4, in particular, allows a perception of being unduly restrictive. I will leave it for others to propose alternative wording, if deemed appropriate.

Clause 7 (2) & (3)

These parts of the Bill are to be commended. Although they appear relatively innocuous, experience of driving forward the agenda of an ACPC has taught that

(a) much of the work has to be delegated to sub-committees and short life working groups, and

(b) representation can be drawn from those with appropriate expertise and not necessarily confined to members of the Board. It is important to engage with people who are motivated to work on an inter-agency basis.

Clause 12

The NIGALA acknowledges that if included as a Board member in Clause 1, the organisation will also be included in Clause 12(1).

Finally, there is a risk that all encompassing safeguarding remit, such as that ascribed to the Safeguarding Board, may dilute the focus on child protection issues. This should never be the case and one would look to the Regulations to emphasise the importance of this point.

[1] France A et al. The Evaluation of Arrangements for Effective Operation of the New Local Safeguarding Children Boards in England.

Belfast Education and Library Board

The Belfast Education and Library Board (BELB) welcome the SSB and congratulate the minister on bringing the bill to this second stage. It demonstrates commitment to the comprehensive programme of reform to the child protection service in Northern Ireland, one in which education has always been an active player.

The BELB fully supports the underlying principles and endorses the proposed arrangements that provide the legislative framework to establish a Safeguarding Board for Northern Ireland. (SBNI).

As requested comments for consideration from the BELB are set out under each clause;

Clause 1 – Safeguarding Board for Northern Ireland

(2) (a) In light of the necessity for SBNI to demonstrate its independence it would be helpful to include the word 'independent' chair. It may be useful to consider a panel, representative of the member agencies, to interview potential candidates and make recommendations to the minister regarding suitability for appointment to the chair.

(3) While this clause acknowledges that other relevant persons or bodies may be involved it is imperative to have medical representation on the SBNI e.g. paediatricians and general practitioners and it would be helpful to have that clearly prescribed in the list.

(7) This statement could be open to interpretation. A process for managing vacancies should be prescribed and what is regarded as quorate defined. Presumably this will be dealt with by Regulations as per 5(c).

Clause 2 – Objective of the Safeguarding Board

The BELB acknowledges the objectives.

Clause 3 – Functions of the Safeguarding Board

(6) (a) 'as soon as reasonably practicable'. There should be an expected time frame for response defined by Regulations.

(9) (c) Evidence from England and Wales indicates that establishing the independence of the SB is fundamental to building the confidence of all stakeholders and to the subsequent effectiveness of the SB. Further clarification on the circumstances when the Department would wish to approve written materials from the SB prior to publication would be helpful in order to avoid undermining confidence in the transparency of the SB.

Clause 4 – Directions to the Board

The BELB acknowledges the importance of the necessity for powers of directions in emergency situations. However further clarification would be helpful regarding the independence of the SB and lines of accountability in day to day dealings. Experience within the BELB is that clear lines of accountability are necessary when dealing with matters in relation to children's welfare.

Clause 5 – Functions of the Board

Acknowledged.

Clause 6 – Annual Report of Safeguarding Board

Acknowledged as a minimum requirement.

Clause 7 – Committees and sub-committees

(4) & (5) The establishment of committees and sub-committees are a critical factor for the operation and implementation of SB procedures and processes. It is clear from the bill that the chair of the SB will report directly to the minister. Similar clarity would be helpful in relation to the sub – committees. Again experience within the BELB would be that clarity and simplicity in structures for reporting matters relating to the welfare of children are essential elements of child protection.

(7) It would be helpful if regulations as per 5 (c) define what is acceptable as being quorate in the event of vacancy in membership in committees and sub – committees.

Clause 8 – Functions of committees and sub-committees

Acknowledged.

Clause 9 – Annual Report of Committees

Acknowledged.

Clause 10 – Duty to co-operate

The BELB emphatically supports this clause in making it a statutory duty to co-operate. However we note that this duty appears to apply only to those persons or bodies listed in the bill, clause 1 (3) when in fact there may be other organisations to whom this should equally apply, e.g. voluntary and community agencies working with children, this needs clarification. However in adopting the bill, realistic budgets need to be established by all funding bodies. The BELB has experience of previous legislation being enacted without a proper financial model and of the subsequent difficulties that ensue.

Clause 11 – Supply of Information requested by the Safeguarding Board

In a region as compact as Northern Ireland it should be possible to establish and maintain a children's database to record concerns and to share information within and across agencies.

BELB endorses clause 11 and would hope that a mechanism for the electronic exchange of information and a "safeguarding register/database" between agencies could be legislated for. The implementation of this relatively straightforward proposal could do much to protect children.

Clause 12 – Arrangements to Safeguard and Promote Welfare of Children

Acknowledged

Clause 13 – Ancillary and Transitional Provisions

Acknowledged.

Clause 14 – Regulations

Acknowledged.

Clause 15 – Interpretation

Acknowledged.

Clause 16 – Commencement

Acknowledged.

Clause 17 – Short Title

Acknowledged.

BELB unequivocally acknowledges the role that all agencies need to play in the protection of children. We endorse the Safeguarding Bill and welcome the commitment that the minister has shown to safeguarding and child protection.

Regional Child Protection Committee

Further to your letter of the 23rd June inviting responses on the Safeguarding Board legislation, I wish to respond on behalf of the Regional Child Protection Committee.

The RCPC welcomes the introduction of the SBNI and believe it will be a positive step in further enhancing the protection of children and young people in Northern Ireland. For ease of reference I have attached evidence in Appendix 1 and cross referenced to clauses in the Bill where appropriate. I hope the views of the RCPC assist the Committee in their deliberations on the Safeguarding Bill.

Appendix 1

PROPOSED SAFEGUARDING BILL

Health & Social care Committee Questions	RCPC Response	Draft Bill Issues
<p>1. What are the essential elements that you would like to see to ensure a fully integrated and coordinated response to Safeguarding of Children?</p>	<p>There are a number of areas that will help achieve a more integrated and coordinated response to Safeguarding Children. The culture of Safeguarding children will take time to build, ensuring safeguarding is a truly multi-agency multi-professional responsibility. The SBNI will provide a positive platform upon which to further enhance this sense of cross agency ownership. The SBNI provides a regional focus and will have the appropriate level of authority to ensure consistency. The level of member seniority will facilitate various agencies to work more closely together to achieve a more integrated and coordinated approach. It is important that the SBNI builds from a child protection perspective before embracing the wider safeguarding agenda. The SBNI promotes a learning approach. The level of accountability will also facilitate a more coordinated inter-agency response.</p>	<p>The Bill clearly sets out a regional approach in identifying its objective (Section 2) and detailing the functions of the SBNI (Section 3). The Bill reinforces the coordination and integration in setting out a duty to cooperate (Section 10) and in identifying key statutory agencies (Section 3). It is important that the SBNI recognises and makes use of the significant contribution of the voluntary and community sectors. The level of seniority needs to ensure that those who attend the SBNI have sufficient experience and delegated authority to act on behalf of the respective agencies. The SBNI addresses a balance between protection and prevention which is set out in Section 12.</p>
<p>2. Are the functions of the SBNI as outlined in Chapter</p>	<p>The Safeguarding Bill highlights the key functions of the SBNI. Further detail which will be</p>	<p>The functions of the SBNI are addressed in Section 3 of the</p>

Health & Social care Committee Questions	RCPC Response	Draft Bill Issues
3 of the policy document adequate?	addressed in the subsequent regulations may help refine the functions.	Bill and reinforced by the Duty to Cooperate in Section 10.
3. Given that one of the Roles of the SBNI is to secure accountability, how can one panel member held another to account?	The SBNI has clear lines of accountability through to the PHA and ultimately to the Minister and Health Committee. The complexity of safeguarding on a cross agency basis will pose challenges. The RCPC believe that those challenges can be met particularly as membership will be drawn from senior members of each agency. The RCPC believe the SBNI partnership agreement will further clarify the complex network of relationships and accountability of key members.	The Bill recognises the need to review membership so that efforts and work can be targeted appropriately at the key safeguarding issues and will keep under review the effectiveness of membership.
4. How representative is the proposed membership: are all aspects of child protection covered ie what about the Courts and Judiciary? Does the essential wide representation come at the cost of unwieldiness? What level of seniority of staff should be represented?	Membership is comprehensive and subject to amendment in order to facilitate the work of the SBNI. There is the potential to have an SBNI which covers a wider range of agencies which could potentially undermine key functions by becoming too large and losing focus. The SBNI will need to ensure that the views of the wider group are acknowledged which can be achieved in for e.g. – Memorandums of Understanding with Regulation bodies, COAC etc and in providing platforms for a wider consultation process with both agencies and young people on a regular basis. The SBNI Partnership agreement sets out in detail the role and responsibility of SBNI membership.	Membership is detailed in Section 1 (3). The policy clarifies that membership will be reviewed in order to ensure that key safeguarding issues and priorities continue to be addressed appropriate.
5. How should the Chairperson of the local Safeguarding Panel be appointed and should these be paid posts?	The Bill addresses these issues in Section 5 (6) and Section 7 (5). Detail will need to be further referenced in the policy.	
6. How clear is the interaction between the	The Bill details the functions of the SBNI in Section 3 which	

Health & Social care Committee Questions	RCPC Response	Draft Bill Issues
DHSSPS, the Health and Social Care Board and the Trusts and the SBNI regarding who will have primacy on issues/policy areas and who does what?	extends beyond the Trust, HSCB & DHSSPS recognising the multi-agency responsibilities in addressing the safeguarding needs of Northern Ireland. Section 6 details the reporting arrangements with an annual report provided by the SBNI to the DHSSPS whose responsibility is to lay a copy before the Assembly.	
7. Should there be a legal duty in the relevant agencies to cooperate as well as Safeguard?	The Duty to cooperate is detailed in Section 10 and is supported by the RCPC.	
8. Any opinions that your organisation may have on serious case reviews and the single database?	The Bill addresses the responsibility that the SBNI will have in convening Case Management Reviews.	
9. Where should the SBNI be based? Is the Public Health Agency appropriate?	The issue of siting the SBNI in the PHA is addressed in the policy.	
10. How can the potential gaps or slippage when the current Regional Area Child Protection Committee and the newly formed SBNI be awarded?	The transitional arrangements are addressed in the policy.	
11. Is the funding for the SBNI clearly defined? The Department have indicated that £750,000 of funding is supplemented with existing funding? Does this kind of arrangement work?	The issue of funding is one which the Committee may wish to return to as the SBNI begins to progress its work.	

Other RCPC Comments

The RCPC is satisfied that the detail in the Bill addresses the key functions and responsibilities of the SBNI and clarifies the lines of accountability. The detailed policy and subsequent regulations will provide additional guidance on the outworkings of the SBNI committees and sub committees.

Extern

Extern welcomes the establishment of the Safeguarding Board for Northern Ireland.

We endorse the inclusion and recognition of the voluntary sector and other relevant bodies and persons. We are of the view that the establishment of the Safeguarding Board for Northern Ireland Stakeholder Group is a positive step in including a broad range of views and perspectives.

Functions appear to be prescriptive and comprehensive but clarity is offered – the outworking of this section will be interesting to review in terms of the terms of reference, pro-forma / documentation, outcomes, recommendations, resource implications, etc.

The Department will need to play a key role in terms of leadership, direction and limitations of the Safeguarding Board.

An annual report is welcome but if the work of the Safeguarding Board becomes significant, reporting twice yearly may be appropriate.

The establishment of various committees – section 7 - is totally appropriate.

Similarly – if a particular Committee is tasked with significant work, a report to the Safeguarding Board may be required more than annually – Section 9.

Section 11 (Supply of required information) - What are the consequences of non-compliance?

The Safeguarding Board Bill 2010 must be viewed as progressive and robust in terms of dealing with some difficult and potentially controversial issues.

The Regulation and Quality Improvement Authority

General Comments on the sponsorship of the Draft Safeguarding Board Bill by DHSSPS

RQIA note that DHSSPS is the only named sponsoring Department for this Bill but we are cognisant of the need for ownership of safeguarding responsibilities across a range of Departments. Whilst it is important that the Safeguarding Board has a single sponsor, and that it is right and appropriate that it should be the DHSSPS, we would contend that had the Departments of Education and Justice jointly sponsored this Bill it would have helped to ensure that the safeguarding of children and young people in Northern Ireland, is not seen as exclusively Health and Social Services' responsibility. It is unclear if e.g. the Education Training Inspectorate will have a remit to oversee the safeguarding responsibilities agreed by the SBNI, for the Department of Education and for the Education and Library Boards or whether the Criminal Justice Inspectorate, will have specific responsibility in relation to the organisations they inspect. It would be helpful if this could be made clearer in the legislation or in the guidance accompanying this Bill.

The Safeguarding Bill and it's associated guidance will need to show how each of the agencies will discharge their statutory functions. All agencies need to have clearly defined roles to avoid duplication.

The challenge for the SBNI will be how it can coalesce the potential synergies between different bodies involved in safeguarding in Northern Ireland.

RQIA will collaborate with the proposed SBNI as necessary to discharge our regulatory functions. RQIA will continue to independently inspect and review the governance arrangements in place to

protect and safeguard children and the young people across all Health and Social Care bodies in Northern Ireland.

Comment on sections 1 to 14

1 (1) RQIA note that the membership of the proposed SBNI does not include the Northern Ireland Housing Executive. This is currently required under Part IV (Article 46) and Part VI (Article 66) of the Children (Northern Ireland) Order 1995, where they have a "duty to co-operate with HSC bodies in the discharge of their statutory duties to children in need and those in need of protection."

The Children Order Article 46 (3) and 66 (11) also names other organisations which are not currently brought into membership in the Safeguarding Bill. The Children Order e.g. in Part IV deals with support for children in need and their families, (essentially the wider safeguarding agenda) and Part VI covers the protection of children.

The SBNI's proposed membership needs to be inclusive of all relevant organisations engaged in safeguarding of children/young people in Northern Ireland and particularly, in view of the SBNI's remit to advise on lessons to be learned from Case Management Reviews.

RQIA would suggest that the SBNI should either, through invitation or setting up of short life working groups, involve some of the listed groups below, to ensure that all appropriate personnel and information is used to plan and agree the safeguarding agenda. These are as follows:

- Domestic Violence Forums
- Drugs / Alcohol Misuse Services and Drug Alcohol Addiction Teams
- Housing Providers / Culture / Leisure Services
- Legal Services (BSO)
- Multi Agency Risk assessment (Public Participation Group)
- Sexual Health Services
- Family Intervention Projects
- CEOP (Child Exploitation and Online Protection Centre).

No reference is made in subsection (2) to representation from the Children and Family Law Court or to a representative from e.g. the Secure Care Centre to the SBNI Board. Professionals from both these services could provide a very helpful insight into safeguarding issues. We note that both of these bodies are represented on each of the Local Children's Safeguarding Boards (LCSBs), operating in some 160+ local Authorities in England and Wales.

Careful consideration regarding lay membership of the SBNI, is required both to support stronger public engagement in local child safety issues and to help contribute to an improved understanding of the SBNI's child protection work, in the wider community. Those appointed will have a challenge function regarding the accessibility by the public and children / young people of its plans and procedures.

Other Comments for consideration

The SBNI has an important role in ensuring the appropriate level and type of training for all staff in member agencies and also for lay members, to ensure they are able to contribute effectively to its work. It is unclear if Board members will receive a fee for their time and contribution, in line with other lay people appointed to non departmental public bodies. It would be helpful if this point could be clarified.

The process to agree a fair and proportionate number of members from the Education / Library Boards and from the District Councils, is unclear, as there is an absence of information, on the number of members that each organisation can nominate to the SBNI.

2 (1) The proposed objective of the SBNI is to coordinate and ensure the effectiveness of what is done by each person or body represented on the Board.

Currently the HSC Board has under the Scheme of Delegation of Statutory Functions, specific responsibilities as described in Co-operating to Safeguard Children. The objective of the SBNI, as stated above, is similar to that for LCSBs in England and Wales; however, neither of these jurisdictions, has a regional HSC Board nor Schemes of Delegation. It would be helpful therefore if the draft Bill clarified the expected relationship between the SBNI, the HSC Board and the 5 HSC Trusts, to ensure clarity of roles and purpose and to avoid confusion and/or duplication of effort by these agencies.

3 Functions of the SBNI

"The proposed functions of the SBNI is to keep under review the effectiveness of what is done by each person or body represented on the Board."

The legislation needs to ensure that it does not weaken the responsibility and accountability of member organisations, by giving rise to duplication, in respect of the discharge of functions granted to and expected from each member agency, particularly in terms of their individual governance arrangements and statutory powers. It is important that the SBNI work with the representative bodies to ensure that the changes suggested are managed smoothly and ensure that business continuity is maintained throughout the transition period. A key part of the future operation of the proposed SBNI, will be to ensure that the requirement of their activities placed on other bodies or agencies is understood, justified and proportionate. Paramount within this will be to act on feedback from all stakeholders and utilising any innovative methods, to deliver their functions effectively in partnership with others.

3 (4) "The Safeguarding Board must undertake Case Management Reviews."

This duty rests under the current guidance, Co-operating to Safeguard Children, with the HSC Board. Co-operating to Safeguard Children Guidance will require to be amended to reflect this new position, prior to the establishment of the new Board. It is crucial that the range of regulation, guidance and policy and procedures documents, required by all agencies are in place, prior to the commencement of the Safeguarding Board. This will assist staff from a range of agencies, as they require the requisite operational guidance and relevant training, to enable them to act appropriately, in view of the scale of changes proposed.

3 (6) "The Safeguarding Board must advise the Regional HSC Board and local commissioning groups in relation to safeguarding and promoting the welfare of children."

There is a need for legislative clarity regarding the respective role of the SBNI, the HSC Board, HSC Trusts and other member agencies with statutory functions, to ensure clarity of roles, particularly in terms of the primacy of response to safeguarding matters. In addition to the need for legislative clarity, clear information sharing protocols will need to be agreed by all agencies, to ensure the timely, efficient and effective reporting of information, so that no child suffers from harm.

3 (7) "The Safeguarding Board must take reasonable steps to promote communication between the Board and children / young persons".

This is already a statutory function delegated by the DHSSPS to the HSC Board and the 5 HSC Trusts. RQIA notes that the proposed Bill replicates substantially, the enabling parts of the Children and Adoption Act 2004, which established LCSBs in England and Wales. As previously noted, there are no similar structures such as the HSC Board and HSC Trusts, in either of these jurisdictions. This reinforces the need for the primary legislation, establishing the SBNI, to cover the respective interface between these bodies, particularly in relation to the protection of children and in the wider discharge of statutory functions.

3 (9A) It is indicated that the Safeguarding Board 'may'(a) compile and analyse information concerning safeguarding / promoting the welfare of children.

The word may seems weak in the context of the expected function of the Board. RQIA considers that the analysis of this type of information is crucial to understanding trends and to inform key issues requiring attention. Other member agencies who have information responsibilities, under the legislation, should give consideration to how information data can be brought together, to add benefit, rather than potentially duplicate effort.

3 (9C) "Subject to the approval of the Department, publish any matter concerning safeguarding and promoting the welfare of children."

The SBNI is required to be independent in all its functions, which are underpinned by its legislative base. The SBNI should not be constrained by any party in reaching its conclusions and publishing its findings. The SBNI must be free to make judgements and be able to publish reports of its findings.

Section 4: Directions to the Safeguarding Board

4 (c) "Before giving any directions to the Safeguarding Board under subsection (1) the Department must consult the Board."

RQIA's interpretation of the above statement is that the Department must first consult with the Safeguarding Board before giving the Safeguarding Board direction. There is no reference to a requirement to consult with the HSC Board, in relation to any direction likely to be imposed on

the SBNI. Given the Scheme of Delegation and its primary role in the Children Order legislation, this should be clarified in the proposed legislation or associated guidance.

Section 6: Annual Report of Safeguarding Board

"At least once in every 12 month period the SBNI must send to the Department a report about the exercise of its functions."

It is unclear if the SBNI will require the 5 HSC Trusts, to submit to them their Annual Reports on the Discharge of Statutory Functions, under their Schemes of Delegation i.e. regarding their work in safeguarding and protection of children. This would help ensure an overview of all relevant issues, in respect of the safeguarding of children/young people across Northern Ireland.

Comment on Paragraph 7 (3), (4), (5)

RQIA would suggest that the Standing Orders/ Management Statement will identify how Committees will be established and a Chair appointed.

7 (6) Establish a Child Death Overview Panel

RQIA note the reference to a Committee called the 'Child Death Overview Panel'. The proposed legislation provides no information regarding the chairing of such a Panel or how a Chair will be selected or indeed the nature of any proposed links with the 5 Trust based Safeguarding Panels. The potential for duplication in roles exist and this needs to be clarified. The draft protocol on Child Death Reviews has been outstanding since 2001 (post the David Briggs case). It is unfortunate that this is not finalised, as it would help place the legislation within its wider policy context.

7 (7) "Proceedings of committees or sub committees are not invalidated by any vacancy in membership or by any defect in a members qualification or appointment."

RQIA would suggest that the Standing Order/Management Statement should address the issue of how each committee will be quorate.

8 Functions of Committees / Sub Committees

8 (1) "Each Safeguarding Panel is to exercise its functions as regards such areas of Northern Ireland as may be prescribed."

It is unclear whether the prescription will be by the SBNI or DHSSPS.

8 (2) "Regulations may make provision as to the manner in which committees / sub committees exercise their functions."

This requires to be addressed through either the regulations or through the Management Statement and/or the Standing Orders. Committees must be constituted in such a way as to facilitate a sufficient scrutiny of the breadth of the key issues of concern.

8 (3) Each committee / sub-committee must, in exercising its functions have due regard to any guidance given to it for the purpose by the Department or the SBNI.

The terms of reference for any committee or sub committee of the Safeguarding Board should be approved by the Safeguarding Board. The arrangement of the Safeguarding Board to establish any committee or sub committee should be set out in the Management Statement and/or the Standing Orders and agreed with the sponsoring body. All arrangements and Terms of Reference for committee or sub committee will need to be shared with the HSC Board.

9 Annual Report of Committee

"Once every 12 months report to be sent to SBNI by each committee."

Currently, there is a requirement for each HSC Trust to bring a report to their Board and for the HSC Board to prepare an annual discharge of statutory functions report. ROIA would suggest that the HSC Board report be shared with SBNI.

10 (2) Duty to cooperate

Current Departmental guidance and ACPC Policy and Procedures will need to be amended to this effect, as each Agency has to cooperate with it's own Board currently, in the exercise of its functions.

12 (2) (6) The response required by PSNI in view of their need to determine if a crime has been committed means, that their different function, in this regard, should be made clearer, in view of their other requirements under their separate legislation.

Action for Children

General Comments

Given the confusion already surrounding the concept of independence of the Safeguarding Board, we would suggest the Committee or Department clarify with the wider public whether the Safeguarding Board will be an Independent Board or a Safeguarding Board made up of members independent of the Department. We also feel it is important that the Safeguarding Board and legislation underpinning it retains a focus on impacting positively on children, rather than processes, and on clear leadership and governance issues such as ensuring clear relationships between the Safeguarding Board and other decision-making children services planning and commissioning bodies (such as the Health and Social Care Board).

As safeguarding children is a key cross-cutting issue, we would suggest the First Minister and deputy First Minister, working with their Executive colleagues and own department (OFMDFM) should take an active interest in the Bill. We would also suggest the Committee for Health, Social Services and Public Safety may wish to request / ensure that that Committee for Office of the First Minister and deputy First Minister take an active interest in ensuring the cross-cutting issues relevant to the Safeguarding Board Bill (such as dealing with the duty to cooperate) are dealt with adequately.

We hope you find our general comments and specific (Clause by Clause) points helpful. If you require any further clarification please do not hesitate to contact us. In the meantime, we would wish the Committee well in their deliberations in considering this important piece of legislation aimed at putting children 'at the centre' in helping safeguard children and young people and promoting their welfare which we regard is 'everyone's business'.

Specific Points on the Draft Bill (as Introduced)

Clause 1: Safeguarding Board for Northern Ireland

Sections	Comments	X-Reference note
<p>1. The Department shall establish in accordance with this section a Safeguarding Board for Northern Ireland (in this Act referred to as "the Safeguarding Board").</p>		
<p>2. The Safeguarding Board must include: a. a Chair appointed by the Department; b. such representative or representatives of the persons or bodies specified in sub-section (3) as may be prescribed; and c. at least 2 but not more than 4 other persons (who are not representatives of the persons or bodies specified in sub-section (3) or of any other relevant persons or bodies) appointed by the Department.</p>	<p>2 (c) How will such appointment be made and what criteria will be used? We would suggest that the Department make the appointments of senior officers of organisations with experience of delivering services to children and which have a robust child-focused safeguarding framework in place. Such persons should have significant experience in the management of operational services The Chair of the Safeguarding Board (NI) will have a critical role to play. The experience in England has been that the independence of the chair is very important; however the person in this position will also need sufficient experience and knowledge to gain the trust of the constituent agencies.</p>	
<p>3. The persons or bodies referred to in sub-section (2) are: a. the Regional Health and Social Care Board; b. the Regional Agency for Public Health and Social Well-being; c. Health and Social Care trusts; d. the Police Service of Northern Ireland; e. the Probation Board for Northern Ireland; f. the Youth Justice Agency; g. education and library boards; h. district councils; i. the National Society for the Prevention of Cruelty to Children; j. such other relevant persons or bodies as may be prescribed.</p>	<p>3 (c) Does this mean a senior representative from each HSCT in NI? Also should this representation reflect senior officers within the main directorates of Social Care, Nursing, Child Health and Children with a Disability? Perhaps a Director of one such discipline from the 5 HSC Trusts (i.e. one Director from each Trust). In our view, the voluntary sector does not seem to be very well represented in the current list of agencies. The definition of safeguarding needs to be very clear in terms of what areas of harm to children</p>	

Sections	Comments	X-Reference note
	it will cover. If it is going to look at wider safeguarding issues, road accidents, death in fires, accidents in general, bullying and dangers on the internet, then the current list of agencies represented will not adequately cover these issues.	
4. Subject to the approval of the Department, the Safeguarding Board may also include representatives of such relevant persons or bodies (other than the persons or bodies specified in sub-section (3)) as the members of the Board consider should be represented on it.	Point of clarification – how does this sub-section relate to sub-section 2 (c)? Does 'as the members of the Board' mean all members of the Safeguarding Board?	2c
5. Regulations may make provision as to: a. the appointment, tenure and vacation of office of a Chair and members of the Safeguarding Board; b. the procedure of the Safeguarding Board; c. the staff, premises and expenses of the Safeguarding Board.		
6. The Department may pay the Chair and the members of the Safeguarding Board referred to in sub-section 2 (c) such remuneration and allowances as the Department may, with the approval of the Department of Finance and Personnel, determine.		
7. Proceedings of the Safeguarding Board are not invalidated by any vacancy in membership or by any defect in a member's appointment or qualifications.	Does the Safeguarding Board require a prescribed quorum of members to be present to enable a meeting to progress e.g. the Chair and 60-70% of other persons/bodies present?	

Clause 2: Objective of the Safeguarding Board

Sections	Comments	X-Reference note
1. The objective of the Safeguarding Board is to co-ordinate and ensure the effectiveness of what is done by each person or body represented on the Board (by virtue of section 1(2)(b) and (4)) for the purposes of safeguarding and promoting the welfare of children.		
2. Regulations may amend the objective specified in sub-section (1) (whether by adding to, removal of or substitution of any part of that	Reference 14 (1).	

Sections	Comments	X-Reference note
objective) for the purposes of safeguarding and promoting the welfare of children.		

Clause 3: Functions of the Safeguarding Board

Sections	Comments	X-Reference note
1. The Safeguarding Board must develop policies and procedures for safeguarding and promoting the welfare of children.		
2. The Safeguarding Board must promote an awareness of the need to safeguard and promote the welfare of children.		
3. The Safeguarding Board must keep under review the effectiveness of what is done by each person or body represented on the Board (by virtue of section 1(2)(b) and (4)) to safeguard and promote the welfare of children.	<p>What mechanism and measurements of 'effectiveness' will be in place to enable an 'annual' review/reporting to happen? In our view 'effectiveness' should mean keeping a focus on the impact on children and young people and not just be about process issues. The experience in England would be that looking at targets etc has not lead to child centred approach and has considered indicators such as how long children are subject to a child protection plan, numbers of children subject to these plans, and how long core assessment took, rather than how safe children are and whether their welfare has been promoted. There needs to be clarity in the relationship between the Safeguarding Board and the agencies - how critical can they be when members are also senior officers of agencies being considered?</p>	Link Clause 6.
4. The Safeguarding Board must undertake such case management reviews as may be prescribed in such circumstances as may be prescribed.	<p>Point of clarification – re: 'as prescribed' by whom (by the HSCB?). Also will the detail of the relationship between the Safeguarding Board and HSCB be set out in Regulations /Schedule? It is important that Case Management Reviews avoid the tendency to date of becoming focussed on individual fault, but rather more effectively examine deeper systems issues. We would suggest that more</p>	

Sections	Comments	X-Reference note
	systems-type approaches to such reviews should be adopted such as those being developed by SCIE. Information available on Publications available on www.scie.org.uk .	
5. The Safeguarding Board must review such information as may be prescribed in relation to deaths of children in Northern Ireland in such circumstances as may be prescribed.	More clarity is needed as to why the Department and/or Safeguarding Board (NI) are doing this and what processes will be in place? If this is for strategic planning purposes aimed at reducing child deaths, will the Safeguarding Board, as currently proposed, have the representation that might be able to achieve these changes e.g. fire brigade. If not how will they influence these agencies?	
6. The Safeguarding Board must advise the Regional Health and Social Care Board and Local Commissioning Groups in relation to safeguarding and promoting the welfare of children: a. as soon as reasonably practicable after receipt of a request for advice; and b. on such other occasions as the Safeguarding Board thinks appropriate.	Will this 'advice' include situations in which the Department have given the Safeguarding Board 'directions'? Who will determine what is 'reasonably practical'? What happens if the Safeguarding Board does not heed the advice or direction given by the department? This links back to independence of the Chair and their links/role with the HSCB.	
7. The Safeguarding Board must take reasonable steps to promote communication between the Board and children and young persons.	Consultation with whom and for what purpose? Is this sub-section linked with the above sub-section? In line with UNCRC Article 12, this should be about participation and consultation with children and young people regarding the Safeguarding Board. It is currently unclear as to what is meant by or the purpose of communication. We feel that this Article should be amended to ensure similar engagement takes place with parents and carers as with children and young people.	
8. The Safeguarding Board must make arrangements for consultation and discussion in relation to safeguarding and promoting the welfare of children.	Point of clarification – who will define what the reasonable steps are/ should be?	7(c)
9. The Safeguarding Board may: a. compile and analyse information concerning safeguarding and promoting the welfare of children; b. provide advice or information on any matter concerning safeguarding and promoting	Clarify 'advisory' function of the SB from that outlined in 3 (6) above – could this be achieved by a single clause? 9 (c) What will be the mechanism for ensuring the approval of the Department? Engagement with the media? What is	3 (6) Link 5 (2)

Sections	Comments	X-Reference note
the welfare of children; c. subject to the approval of the Department, publish any matter concerning safeguarding and promoting the welfare of children.	meant (definition) of 'publish' i.e. a written publication issued by the Board – a statement provided to the media 9 (c) Appears to provide the Department with a 'veto' re: how the Safeguarding Boards exercises its functions. Could this issue be dealt with by Departmental Guidance as per Section 5 (2) - if 'due regard' term is clarified (and mechanisms put in place) – see comments below.	
10. The Safeguarding Board may also engage in any other activity that facilitates, or is conducive to, the achievement of its objective.		

Clause 4: Directions to the Safeguarding Board

Sections	Comments	X-Reference note
1. The Department may give directions of a general or specific nature to the Safeguarding Board as to the exercise by the Board of any of its functions.	See General Comment – re: Department clarifying with the public about what is meant by 'independence' with regard to the Safeguarding Board.	
2. Before giving any directions to the Safeguarding Board under sub-section (1) the Department must consult the Board.		
3. Where the Department is of the opinion that because of the urgency of the matter it is necessary to give directions under sub-section (1) without consulting the Safeguarding Board: a. sub-section (2) does not apply; but b. the Department must as soon as reasonably practicable give notice to the Board of the grounds on which the Department formed that opinion.		
4. The Safeguarding Board must comply with any directions given to it under sub-section (1).		
5. Any directions given to the Safeguarding Board by the Department under sub-section (1) may be varied or revoked by any subsequent directions so given.	No comment – but it might be of interest to know the experience/ learning from England (albeit with different structures) re: the Department (former DFES) giving directions to LSBs in England.	

Clause 5: Functions of Safeguarding Board - general

Sections	Comments	X-Reference note
1. Regulations may make provision as to the manner in which the Safeguarding Board is to exercise its functions.		
2. The Safeguarding Board must, in exercising its functions, have due regard to any guidance given to it for the purpose by the Department.	Point of clarification – does 'due regard' mean compliance? What mechanism and measurements will be in place in relation to this? Will RQIA be expected to have a role in this regard?	

Clause 6: Annual report of Safeguarding Board

Sections	Comments	X-Reference note
1. At least once in every 12 month period, the Safeguarding Board must prepare and send to the Department a report about the exercise of its functions.	In terms of transparency, it would be useful for the Department to clarify when / how such reports will become publically available.	
2. The Department must lay a copy of the report before the Assembly.		

Clause 7: Committees and sub-committees

Sections	Comments	X-Reference note
1. 1 The Safeguarding Board shall establish in accordance with this section: a. a prescribed number of committees to be called "Safeguarding Panels"; b. a committee to be called "the Child Death Overview Panel"; c. a committee to be called "the Case Management Review Panel".	Point of clarification - one in each HSCT area. Re: HSCT membership see comments above under 3 (c).	3 c
2. Without prejudice to sub-section (1), the Safeguarding Board may establish in accordance with this section one or more other committees.		
3. The Safeguarding Board or a committee may establish in accordance with this section one or more sub-committees.	Point of clarification – what guidance (terms of reference) will be in place to help clarify what is committee and what is sub-committee business and	See 7.7

Sections	Comments	X-Reference note
	relevant quorum, reporting, decision-making arrangements?	
4. Regulations may make provision as to: a. the appointment, tenure and vacation of office of Chairs and members of committees and sub-committees; b. the procedure of committees and sub-committees; c. the functions of committees and sub-committees; and d. the staff, premises and expenses of committees and sub-committees.		
5. The Department may pay the Chairs of committees and sub-committees such remuneration and allowances as the Department may, with the approval of the Department of Finance and Personnel, determine.		
6. Members of: a. committees may be persons who are not members of the Safeguarding Board; b. sub-committees may be persons who are not members of the Safeguarding Board or of a committee which established the sub-committee.		
7. Proceedings of committees or of sub-committees are not invalidated by any vacancy in membership or by any defect in a member's qualifications or appointment.	Should there not be an expectation of 'reasonable attendance' on committees and sub-committees re: conducting/progressing business – e.g. quorum requirements (see 8 (2)).	

Clause 8: Functions of committees and sub-committees

Sections	Comments	X-Reference note
1. Each Safeguarding Panel is to exercise its functions as regards such area of Northern Ireland as may be prescribed.		
2. Regulations may make provision as to the manner in which committees and sub-committees are to exercise their functions.	Including setting out minimum attendance requirements for meetings from members.	
3. Each committee and sub-committee must, in exercising its functions, have due regard to any guidance given to it for the purpose by the Department or the Safeguarding Board.	It would be useful to clarify/ensure that such committees/sub-Committees are issued Guidance from a single body – to avoid potential confusion / duplication.	

Clause 9: Annual report of committees

Sections	Comments	X-Reference note
1. At least once in every 12 month period, each committee must prepare and send to the Safeguarding Board a report about the exercise of its functions.	Points of clarification - Will these be public documents, will there be action plans to address any needs for development?	

Clause 10: Duty to co-operate

Sections	Comments	X-Reference note
1. The Safeguarding Board must co-operate with the persons or bodies specified in section 1(3) and with any persons or bodies referred to in section 1(4) in the exercise by the Board of its functions.	It is important that this duty is understood in relation to the core objective of the Safeguarding Board – i.e. to coordinate and ensure effectiveness of what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children.	
2. The persons or bodies specified in section 1(3) and any persons or bodies referred to in section 1(4) must co-operate with the Safeguarding Board: a. in the exercise by the Board of its functions; and b. in the exercise by the person or body concerned of any of its functions relating to safeguarding or promoting the welfare of children.	The focus of this is on cooperation of agencies represented on the SB. While not appropriate for Executive Ministers or senior officials across government departments to have a place on the SB, they should ensure their senior agency staff are provided with a clear mandate to work cooperatively and share learning on safeguarding issues relevant to future departmental policy and agency practice. While it will not be possible to impose a duty on those who are not members of the Safeguarding Board, those commissioning children services should ensure service providers are operating within a robust safeguarding framework. Our understanding is that in England all agencies which deliver a service to children have to meet Section 11 requirements (in the English legislation). These ensure adequate systems, processes and training to offer a safe and effective service.	
3. The disclosure of information to or by the Safeguarding Board in pursuance of a duty of co-operation under subsection (1) or (2) does not breach any		

Sections	Comments	X-Reference note
restriction on the disclosure of information (however imposed); but this subsection does not authorise a disclosure of information which contravenes the Data Protection Act 1998 (c. 29).		

Clause 11: Supply of information requested by Safeguarding Board

Sections	Comments	X-Reference note
1. If the Safeguarding Board requests a person or body to supply information specified in the request to: a. the Board, or b. another person or body specified in the request. The request must be complied with if the first and second conditions are met and either the third or the fourth condition is met.	In requesting information, will the Safeguarding Board explicitly specify the reason for requesting such information, what the information will be used for and a 'no other purpose' indication. NB The Committee may wish to seek the opinion of the Information Commissioner on this issue.	
2. The first condition is that the request is made for the purpose of enabling or assisting the Safeguarding Board to exercise its functions.		
3. The second condition is that the request is made to a person or body whose functions or activities are considered by the Safeguarding Board to be such that the person or body is likely to have information relevant to the exercise of a function by the Board.	The specification should state the relevance of the information and relevance of the function of the Safeguarding Board to such requests.	
4. The third condition is that the information relates to: a. the person or body to whom the request is made, b. a function or activity of that person or body, or c. a person in respect of whom a function is exercisable, or an activity is engaged in, by that person or body.		
5. The fourth condition is that the information: a. is information requested by the Safeguarding Board from a person or body to whom information was supplied in compliance with another request under this section, and b. is the same as, or is derived from, information so supplied.		

Sections	Comments	X-Reference note
6. The information may be used by the Safeguarding Board, or other person or body to whom it is supplied under subsection (1), only for the purpose of enabling or assisting the Board to exercise its functions.	Specification statement to this effect to accompany each information request – stating relevance to a specific function of the Safeguarding Board.	

Clause 12: Arrangements to safeguard and promote welfare of children

Sections	Comments	X-Reference note
1. This section applies to each of the following: a. the Regional Health and Social Care Board; b. the Regional Agency for Public Health and Social Well-being; c. Health and Social Care trusts; d. the Police Service of Northern Ireland; e. the Probation Board for Northern Ireland; f. the Youth Justice Agency; g. education and library boards; h. district councils; i. the National Society for the Prevention of Cruelty to Children; j. such other relevant persons or bodies as may be prescribed.		
2. Each person and body to whom this section applies must make arrangements for ensuring that: a. their functions are exercised having due regard to the need to safeguard and promote the welfare of children; and b. any services provided by another person pursuant to arrangements made by the person or body in the exercise of their functions are provided having due regard to that need.	2 (a) Should this not just read - 'their functions are requested to safeguard and promote the welfare of children and ...? 2 (b) Instead of 'having due regard' – use 'comply with'.	
3. Each person and body to whom this section applies must, in exercising their duty under this section, have due regard to any guidance given to them for the purpose by the Department.		

Clause 13: Ancillary and transitional provisions etc.

Sections	Comments	X-Reference note
1. The Department may by order make such incidental, consequential, transitional or saving provisions as appear to the Department to be necessary or expedient for the purposes of, in consequence of or for giving full effect to this Act or any provision of it, or in connection with the coming into operation of any provision of this Act.		

Sections	Comments	X-Reference note
2. An order under this section may amend, repeal or modify any statutory provision (including this Act).		
3. The power conferred by this section is not restricted by any other provision of this Act.		
4. No order shall be made under this section unless a draft of the order has been laid before, and approved by resolution of, the Assembly.		

Clause 14: Regulations

Sections	Comments	X-Reference note
1. No regulations shall be made under section 2(2) unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.		
2. Any other regulations under this Act are subject to negative resolution.		
3. Regulations under this Act may contain such incidental, consequential, supplementary, transitional or saving provisions as appear to the Department to be necessary or expedient.		

Clause 15: Interpretation

Sections	Comments	X-Reference note
1. In this Act: "child" means a person under the age of eighteen, (but in relation to matters falling within Parts 10, 11 or 12 of or Schedule 1 to the Children (Northern Ireland) Order 1995 (NI 2), has the meaning assigned to it for the purposes of those provisions); "committee" means a committee of the Safeguarding Board established under section 7(1) or (2); "the Department" means the Department of Health, Social Services and Public Safety; "prescribed" means prescribed by regulations; "regulations" means regulations made by the Department; "relevant persons or bodies" means persons or bodies of any nature exercising functions or engaged in activities relating to children; "the Safeguarding Board" means the Safeguarding Board for Northern Ireland established under section 1; "statutory provision" has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33).		

Clause 16: Commencement

Sections	Comments	X-Reference note
1. Sections 14 to 17 come into operation on the day after the day on which this Act receives Royal Assent. 2. The other provisions of this Act come into operation on such day or days as the Department may by order appoint.		

Army Welfare Service

Thank you for the opportunity to comment on the Safeguarding Board Bill. You wrote to Mr McQuillan at Army Welfare Service (AWS), 38 (Irish) Brigade and Northern Irish Garrison, seeking comments on the Bill: I have been asked to provide a response on behalf of the organisation. I apologise for the slight delay.

AWS has no formal comments to submit on the Bill. We do however wish to commend the concept of safeguarding and the creation of a legislative framework which formalises the requirement for agencies to cooperate in order to safeguard and promote the well-being of young people. We look forward to playing our full role in this new development.

Northern Health and Social Care Trust

Safeguarding Board Bill

Thank you for your letter dated 23 June 2010 seeking comments in respect of the above. You will be aware that the Northern Health and Social Care Trust submitted comments to you on 24 February 2010, regarding the proposed Safeguarding Board. The only additional points we would like to raise at this stage are as follows.

- Clause 2 (Objective of the Safeguarding Board) should explicitly state the independent nature of the Board, including the right to publish any materials or documents as it sees fit, together with any limitations on this such as the line of accountability to the Minister.
- Clause 3 (Functions of the Safeguarding Board):
- The need to develop policies and procedures is specified in clause 3 (1). The difficulties in implementing these in the face of inadequate funding is often overlooked with potentially tragic consequences.
- This section would be significantly strengthened were it to include a specific role from reviewing the adequacy of the level and type of resources provided to safeguard the children of Northern Ireland, to advising relevant Departments and the Health and Social Care Board (HSCB) of their conclusions.
- Clause 3 (6) helpfully sets out that the Safeguarding Board must advise the HSCB and local Commission Groups in relation to safeguarding and promoting the welfare of children. An equivalent responsibility for the Safeguarding Board in respect of Government Departments, who play a key role in safeguarding children, could very usefully be included.
- The duty to co-operate with the Safeguarding Board set out in clause 10 is welcome, and could usefully be extended to Government Departments and to the Housing Executive given their crucial roles in this area. Clause 10 could also be revised to make explicit the Safeguarding Board's challenge role in respect of these and its member agencies.

I trust these additional comments are helpful.

Southern Health & Social Care Trust

The Trust welcomes the opportunity to make a written submission on the proposed Safeguarding Bill. As requested we have aligned our responses to the specific clauses of the Bill.

Clause 1 – Safeguarding Board for N Ireland

Notwithstanding the provisions in clause 1(2) (c) and 1(4), the Trust feels that further consideration needs to be given in relation to a medical representative sitting on the SBNI.

Clause 3 – Functions of the Safeguarding Board

That under clause 3 (7) "take reasonable steps" be replaced by "must ensure" communication between the Board and children and young people.

That under clause 3 (9) (c) "subject to the approval of" be replaced by "following consultation with" the Department.

Clause 10 – Duty to Co-operate

The Trust welcomes the fact that the duty to co-operate is on a statutory footing. There needs to be a further debate on whether or not it should be applied more widely than those organisations named in the Bill.

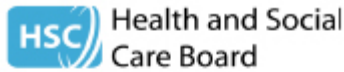
General Comments

The Trust is of the view that any requests for information must set realistic timescales, taking account of current information demands on the respective organisation(s).

The need, through the regulation and guidance, to ensure strong links with other relevant committee/bodies e.g. COAC, MARAC, PPU etc.

The Trust fully supports the introduction of the Safeguarding Board Bill, which will further strengthen inter-professional and inter-agency co-operation, as well as giving a clear message that safeguarding is everyone's business.

Health and Social Care Board



*Health & Social Care Board
12-22 Linenhall Street
BELFAST BT2 8BS*

*Tel: 028 90321313
Fax: 028 90553625
Website: www.hscboard.hscni.net*

Dr Kathryn Bell
Clerk Committee for Health, Social
Services & Public Safety
Room 412
Parliament Building
Stormont
Belfast BT4 3XX

30 July 2010

Dear Dr Bell

SAFEGUARDING BOARD BILL

Further to your letter of the 23rd June inviting responses on the Safeguarding Board legislation, I wish to respond on behalf of the Health & Social Care Board. The Health & Social Care Board welcomes the introduction of the SBNI and believe it will be a positive step in further enhancing the protection of children and young people in Northern Ireland. For ease of reference I have attached evidence in Appendix 1 and cross referenced to clauses in the Bill where appropriate. I hope the views of the Health & Social Care Board assist the Committee in their deliberations on the Safeguarding Bill.

If I can be of any further assistance please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Compton', written over a light blue horizontal line.

John Compton
Chief Executive
Health & Social Care Board

Enc

PROPOSED SAFEGUARDING BILL

Health & Social care Committee Questions	RCPC Response	Draft Bill Issues
<p>1. What are the essential elements that you would like to see to ensure a fully integrated and coordinated response to Safeguarding of Children?</p>	<p>There are a number of areas that will help achieve a more integrated and coordinated response to Safeguarding Children.</p> <ol style="list-style-type: none"> 1. The culture of Safeguarding children will take time to build, ensuring safeguarding is a truly multi-agency multi-professional responsibility. The SBNI will provide a positive platform upon which to further enhance this sense of cross agency ownership 2. The SBNI provides a regional focus and will have the appropriate level of authority to ensure consistency 3. The level of member seniority will facilitate various agencies to work more closely together to achieve a more integrated and coordinated approach. 4. It is important that the SBNI builds from a child protection perspective before embracing the wider safeguarding agenda. 5. The SBNI promotes a learning approach. 6. The level of accountability will also facilitate a more coordinated inter-agency response. 	<ol style="list-style-type: none"> 1. The Bill clearly sets out a regional approach in identifying its objective (Section 2) and detailing the functions of the SBNI (Section 3) 2. The Bill reinforces the coordination and integration in setting out a duty to cooperate (Section 10) and in identifying key statutory agencies (Section 3). It is important that the SBNI recognises and makes use of the significant contribution of the voluntary and community sectors. 3. The level of seniority needs to ensure that those who attend the SBNI have sufficient experience and delegated authority to act on behalf of the respective agencies. 4. The SBNI addresses a balance between protection and prevention which is set out in Section 12.
<p>2. Are the functions of the SBNI as outlined in Chapter 3 of the policy document adequate?</p>	<p>The Safeguarding Bill highlights the key functions of the SBNI. Further detail which will be addressed in the subsequent regulations may help refine the functions.</p>	<p>The functions of the SBNI are addressed in Section 3 of the Bill and reinforced by the Duty to Cooperate in Section 10.</p>

Letter to DfE, 2nd May 2019 re: Safeguarding Bill.doc

Health & Social care Committee Questions	RCPC Response	Draft Bill Issues
<p>3. Given that one of the Roles of the SBNI is to secure accountability, how can one panel member hold another to account?</p>	<p>The SBNI has clear lines of accountability through to the PHA and ultimately to the Minister and Health Committee. The complexity of safeguarding on a cross agency basis will pose challenges. The Health & Social Care Board believe that those challenges can be met particularly as membership will be drawn from senior members of each agency. The Health & Social Care Board believe the SBNI partnership agreement will further clarify the complex network of relationships and accountability of key members.</p>	<p>The Bill recognises the need to review membership so that efforts and work can be targeted appropriately at the key safeguarding issues and will keep under review the effectiveness of membership.</p>
<p>4. How representative is the proposed membership: are all aspects of child protection covered in what about the Courts and Judiciary? Does the essential wide representation come at the cost of unwieldiness? What level of seniority of staff should be represented?</p>	<p>Membership is comprehensive and subject to amendment in order to facilitate the work of the SBNI. There is the potential to have an SBNI which covers a wider range of agencies which could potentially undermine key functions by becoming too large and losing focus. The SBNI will need to ensure that the views of the wider group are acknowledged which can be achieved in for e.g. – Memorandums of Understanding with Regulation bodies, COAC etc and in providing platforms for a wider consultation process with both agencies and young people on a regular basis.</p> <p>The SBNI Partnership agreement sets out in detail the role and responsibility of SBNI membership.</p>	<p>Membership is detailed in Section 1 (3). The policy clarifies that membership will be reviewed in order to ensure that key safeguarding issues and priorities continue to be addressed appropriately.</p>

Health & Social care Committee Questions	RCPC Response	Draft Bill Issues
<p>5. How should the Chairperson of the local Safeguarding Panel be appointed and should these be paid posts?</p>	<p>The importance of the Safeguarding Panels and the role of the Chair is detailed in the policy. The level and complexity of the work should be appropriately remunerated in line with DHSSPS public appointment procedure.</p> <p>The skills, knowledge and competence of the Chair will be critical factors in enabling the panels to achieve their main functions.</p>	<p>The Bill addresses these issues in Section 5 (8) and Section 7 (5). Detail will need to be further referenced in the policy.</p>
<p>6. How clear is the interaction between the DHSSPS, the Health and Social Care Board and the Trusts and the SBNI regarding who will have primary on issues/policy areas and who does what?</p>	<p>The statutory functions of the HSCB delegated to Trusts remains and the DHSSPS remains as lead agency in developing policy. The SBNI role as laid out in the policy and draft Bill provides a challenge function to all of these agencies. The reporting line from the SBNI Chair to the Minister will reinforce the SBNI's ability to scrutinise and comment on policy and service provision.</p> <p>The Health & Social Care Board believe that the functions of each agency will not be diluted by the SBNI.</p>	<p>The Bill details the functions of the SBNI in Section 3 which extends beyond the Trust, HSCB & DHSSPS recognising the multi-agency responsibilities in addressing the safeguarding needs of Northern Ireland.</p> <p>Section 8 details the reporting arrangements with an annual report provided by the SBNI to the DHSSPS whose responsibility is to lay a copy before the Assembly.</p>
<p>7. Should there be a legal duty in the relevant agencies to cooperate as well as Safeguard?</p>	<p>The policy document references the importance of the Duty to Cooperate to improve the well-being of children. The DHSSPS intend to address this duty at a later stage which the RCPC would welcome.</p>	<p>The Duty to cooperate is detailed in Section 10 and is supported by the RCPC.</p>

Health & Social care Committee Questions	RCPC Response	Draft Bill Issues
<p>8. Any opinions that your organisation may have on serious case reviews and the single database?</p>	<p>The RCPC have already moved in the direction of having a single Child Protection Register database. The Health & Social Care Board also welcomes the significant work already achieved in addressing Case Management Reviews and is supportive of proposed changes reinforcing a learning approach.</p>	<p>The Bill addresses the responsibility that the SBNI will have in convening Case Management Reviews.</p>
<p>9. Where should the SBNI be based? Is the Public Health Agency appropriate?</p>	<p>The SBNI could be sited in a number of agencies. There are issues of economy and efficiency which are met by placing the SBNI within the PHA. The PHA also has a wider safeguarding and well-being function which sits well with the ethos of the SBNI. The location also strengthens the challenge function of the SBNI.</p>	<p>The issue of siting the SBNI in the PHA is addressed in the policy.</p>
<p>10. How can the potential gaps or overlap when the current Regional Area Child Protection Committee and the newly formed SBNI be avoided?</p>	<p>The HSCB has already taken the lead in managing the transition process. Each legacy ACPC provided a transitional report which informs the work of the RCPC. TCPP Structures have been reviewed and modified and membership of the RCPC reflects the need to involve some senior members at a regional level. The RCPC are also addressing a more integrated and coordinated statistical analysis and reporting system which will facilitate the early formation of the SBNI.</p> <p>The Health & Social Care Board welcomes the introduction of the SBNI and will continue to work closely with all agencies in enabling the safe transition from RCPC to SBNI.</p>	<p>The transitional arrangements are addressed in the policy.</p>

Health & Social care Committee Questions	RCPC Response	Draft Bill Issues
<p>11. Is the funding for the SBNI clearly defined? The Department have indicated that £750,000 of funding is supplemented with existing funding? Does this kind of arrangement work?</p>	<p>The core funding of £750k is clearly identified. The nature of the SBNI will require each agency to contribute to the working of the SBNI in facilitating members participation and securing additional agency resources to support the SBNI functions. The Health & Social Care Board are mindful of the economic envelope within which the SBNI will work. It is important that the financial package made available is not reduced and that a sensible balance is achieved between staffing/running costs and financing safeguarding work.</p>	<p>The issue of funding is one which the Committee may wish to return to as the SBNI begins to progress its work.</p>

Other Health & Social Care Board Comments

The Health & Social Care Board is satisfied that the detail in the Bill addresses the key functions and responsibilities of the SBNI and clarifies the lines of accountability. The detailed policy and subsequent regulations will provide additional guidance on the workings of the SBNI committee and sub committees.

Belfast Health and Social Care Trust

The Trust is grateful for the opportunity to make a written submission to the committee on the Safeguarding Bill.

As requested, the Trust's submission addresses the specific clauses of the Bill.

Clause 1 (2): Safeguarding Board for Northern Ireland

The Trust would suggest that the Bill might reference the inclusion of representation of key professional groups with discrete responsibilities for the welfare and care of children.

In this regard, the Trust feels that the Board should include representation from the medical profession.

In the Trust's opinion, the inclusion of a professional medical representative will enhance the Board's effectiveness in delivering the safeguarding agenda.

Clause 5 (c):

The Trust would welcome the inclusion a form of words in line with the following: "Such regulations should require that the Chair and Members of the Safeguarding Board have sufficient knowledge in the field of safeguarding as to enable them to discharge their responsibilities as Board members".

The Trust is concerned to ensure that Board members have appropriate levels of operational and organisational experience in safeguarding and child protection to effectively discharge their functions.

In the Trust's view, the role of Chair is central to the success of the Safeguarding Board. An effective Chair will require evidenced operational, organisational and strategic competencies in safeguarding, embracing policy development, multi-agency service delivery, assurance and performance processes.

The Trust envisages that this role will be particularly challenging and significant in the initial establishment and operationalising of the Board.

Clause 3: Functions of the Safeguarding Board

With regard to (7), the Trust would suggest that the term "take reasonable steps to promote" be replaced by "must establish appropriate processes and mechanisms to ensure:" In the Trust's opinion, the Board's engagement with children and young people will be central to its effectiveness.

Clause 8:

The Trust regards the local Trust-area Panels as pivotal to the securing of positive safeguarding outcomes.

Effective local inter-agency structures and relationships, engagement with local communities and representatives in profiling need and establishing priorities for service developments and local accountability arrangements will be integral to improved outcomes for children and families, in the Trust's opinion.

The Trust appreciates that the Regulations and Guidance accompanying the legislation will provide clarification with regard to the continuum of implementation and operational issues.

The Trust welcomes the Safeguarding Bill as establishing mechanisms for enhancing co-ordinated and integrated strategic and operational processes to promote the safeguarding of children at both regional and local levels.

Northern Ireland Local Government Association

NILGA is pleased to be able to have an opportunity to comment on the proposals for a Safeguarding Board Bill, and we trust that our comments will be taken into account when developing the final proposals. This response was developed in liaison with SOLACE representatives.

Background

It is proposed that the DHSSPSNI will establish a regional Safeguarding Board for NI as an unincorporated statutory body, hosted and supported by the Public Health Agency, which will be underpinned by 5 Safeguarding panels located within the geographical boundaries of the 5 Health and Social Care Trusts.

The Board and Panels are to replace the existing regional Child Protection Committee and the five Trust Child Protection Panels, which were established under administrative arrangements underpinned by Departmental Guidance contained in 'Cooperating to Safeguard Children' (May 2003).

It is proposed that the Board should co-ordinate and ensure the effectiveness of what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children. It is proposed that the Board will have an independent chair who will have a clear line of accountability directly to the Minister for HSSPS, and that there will be representation from key statutory and voluntary agencies, including senior officers from local government, the trusts, the PSNI, the Education and Library Boards and NSPCC.

It is proposed that there will also be a number of 'lay members' and additional members from the community and voluntary sector. These 'lay members' could include councillors.

The DHSSPSNI intends to support the Board and panels through the provision of one professional officer and one administrative officer, working to a Director of Safeguarding.

Key Issues

The need for legislation

NILGA has a number of concerns regarding this legislation. Although we are aware that the NI Children's Commissioner has called for a statutory board, we are not convinced that this legislation will address the problems with attendance etc being experienced with the existing system.

In addition, we are concerned that a dual system is being set up, with a statutory board for safeguarding the welfare of children and non-statutory partnership arrangements for safeguarding the welfare of vulnerable adults. Although we are aware that this work is at two different stages of development, NILGA believes it would be appropriate to have them on the same legal footing.

Clause 1 – Safeguarding Board for Northern Ireland

NILGA has concern with the wording of this clause. Although it is satisfactory for the formation of this board to be specified in primary legislation, we believe that it would be more appropriate for the composition and membership of this board to be specified in regulations and not included in this Bill. It is likely that specified bodies may be subject to reorganisation, changes of name, or dissolution over time, and NILGA would be of the view that should such changes occur, regulations would be much more convenient to amend.

It is therefore the view of NILGA that it would be more appropriate to focus on the relevant function and duties of the Board, rather than the composition, and that Clause 1(2), (3) and (4) should be included under what is now 1(5)

District Council Representation

NILGA notes that the Department is keen to ensure that the Board is successful, and experience in other areas would indicate that this would include limiting the Board to approx. 20 members, with a core membership that includes representation from district councils. There are two places allocated for local government, and the current departmental proposal is that 2 CEOs from

District Councils, given their operational role, would be the most appropriate representatives. NILGA notes that at least one member of the Health committee has expressed a view that elected representatives might also be appropriate as members of the SBNI. NILGA would support this view. The Department and NILGA have recently discussed use of NILGA as a conduit for selection of elected members, and we anticipate that this issue will be resolved fairly soon.

NILGA would propose that the local government representation be expanded to three (3), with two Chief Executives selected by SOLACE, and one elected member selected by NILGA using the d'Hondt system, which has been in successful operation within local government for 8 years, and is accepted by the parties as a fair method of selection. NILGA would also be keen to ensure that appropriate local elected member representation on the local panels is also ensured, and is keen to work with the Department to develop appropriate representation.

An alternative, should the department continue to offer two places only, would be for SOLACE and NILGA to provide one nominee each.

It must be noted that the role of the local government representatives will be to ensure that the Board is aware of local government views and to act as a conduit back to councils, through NILGA and SOLACE. Each council, as an independent organisation, will make its own decision regarding any commitments required by the Board.

Clause 2 – Objectives of the Safeguarding Board

NILGA would support the proposed objectives of the Safeguarding Board.

Clause 3 – Functions of the Safeguarding Board

NILGA would support the proposed functions of the Safeguarding Board, but would note that to comply with additional requirements imposed by the Board may impact on the resources of councils. NILGA would strongly recommend that the Board budget includes some revenue funding for research and operations within the member organisations to ensure effective response to the requirements of the Board.

Cause 4 – Directions to the Safeguarding Board

NILGA has no comment to make on clause 4

Clause 5 – Functions of Safeguarding Board – General

NILGA has no comment to make on clause 5, other than highlighting the need to consult, particularly with specified bodies on the content of any further regulations made.

Clause 6 – Annual report of Safeguarding Board

NILGA would support the need for the Board to make an Annual Report, but would recommend that the report is published and issued to all participating agencies and bodies, including all councils, NILGA and SOLACE.

Clause 7 - Committees and Subcommittees

NILGA is in full agreement that local arrangements are required and would encourage the Department to work closely with NILGA and local councils to develop suitable collaborative

working arrangements involving council officers and members, to eventually dovetail with community planning partnership arrangements. NILGA would highlight the need to consult, particularly with the bodies specified in clause 1, on the content of any further regulations made.

Clause 8 – Functions of Committees and Sub-committees

Clause 9 – Annual report of committees

NILGA has no comment to make on Clauses 8 and 9, other than to highlight that it would be advisable for the local panels to meet with the councils in their relevant area of Northern Ireland on a regular basis.

Clause 10 – Duty to co-operate

NILGA would highlight that councils take their role in the safeguarding of children very seriously and will continue to fulfil all relevant legal requirements regarding this issue.

Clause 11 – Supply of Information requested by Safeguarding Board

NILGA has no comment to make in regard to this clause

Clause 12 – Arrangements to safeguard and promote welfare of children

NILGA would highlight that all councils already comply with the legislation on child protection, and have ensured that their policies, procedures and service delivery are in line with legislation. It is also the case that when procuring relevant services from another provider, child protection requirements are written into tender documents and contracts prior to uptake of the service. Local government will continue to exercise their duties under relevant legislation and will have due regard to departmental guidance and best practice.

Clause 13 – Ancillary and Transitional provisions etc

NILGA has no comment to make in regard to this clause.

Clause 14 - Regulations

NILGA has no comment to make in regard to this clause

Clause 15 – Interpretation

Clause 16 - Commencement

Clause 17 – Short Title

NILGA has no comment to make in regard to these clauses

Department of the Environment

Thank you for your letter of 24 June 2010 regarding the Safeguarding Board Bill.

I note that the proposed legislation will require the Department of Health, Social Services and Public Safety (DHSSPS) to establish a Safeguarding Board for Northern Ireland and that the members of the Board will include, among others, such representative or representatives of councils as DHSSPS may prescribe in regulations. I also note that, in exercising their functions, councils will be required to have due regard to the need to safeguard and promote the welfare of children and to any DHSSPS guidance given to them in relation to that duty.

This Department is responsible for policies and legislation in relation to a miscellany of local government functions – but not all such functions, e.g. Local government child protection measures falls to DHSSPS. Therefore, while I welcome any proposal measures in the Safeguarding Board Bill to improve child protection in Northern Ireland, it would not be appropriate for me as Environment Minister to comment on the detail of the Bill.

Northern Ireland councils are autonomous bodies and as "creatures of statute" they can only do that which legislation enables or requires them to do. I note that your Committee has written to all councils and associated bodies, such as NILGA, seeking comment on the proposed Bill. I assume that councils may wish to comment generally on the Bill and, in particular, on their proposed duties as contained therein.

Department for Justice

Thank you for your letter of 24 June in which you ask for my comments on the Safeguarding Board Bill.

I welcome the Bill. It establishes clear arrangements between agencies for the protection of children and provides the appropriate focus on promoting and developing good practice in this key area. In replacing the existing non-statutory arrangements it is a reminder of the fact that we must work together across organisational boundaries to ensure the safety and wellbeing of one of the most vulnerable groups in our society.

I am content that the right criminal justice agencies (the PSNI, PBNi and the Youth Justice Agency) are named on the face of the Bill as members of the Board. These are the agencies within my area of responsibility that have the most contact with children and for whom child protection issues have the greatest relevance. However, it is my expectation that other agencies operating within the criminal justice field will take cognizance of the work of the Board as it affects them and will contribute as appropriate.

I regard the duty to co-operate (Clause 10) as fundamental to the operation of the Board and the better protection of children. In creating the necessary proactive environment, I am also content with the further statutory duty (Clause 12) relating to the safeguarding and promoting the welfare of children subject to it being made clear in guidance that this duty does not compromise any existing statutory duties. I have seen the guidance used in England and Wales and would be happy with that approach here. In any event, my officials have already had discussions with their DHSSPS counterparts on this point and will be fully involved in the drafting process. In general, I have no difficulty with the issuing of guidance or positive directives from the Department.

In practical terms, I would be keen to see the Board's functions delivered as efficiently as possible and without overlap with existing oversight arrangements delivered through, for example, the RQIA. We do not need, nor can we afford at this time, another standalone quango with all the costs that will involve. The strength of the Board is in its membership; its mandate is

in the statute; and its freedom to operate is secured in the appointment of an independent chair and members. I understand that it may reside within the Public Health Agency for administrative purposes. That would have my support.

Also in this regard, I note the powers in Clause 7 for the Safeguarding Board to establish committees and sub-committees. I accept that a structure is needed to ensure effective local coverage but we must guard against the unnecessary proliferation of committees and sub-committees where they add no value and absorb unproductively scarce staff resources. Again, I would expect the enabling provisions in the Bill to be circumscribed by appropriate regulations.

Finally, I know that you have invited the criminal justice agencies named in the Bill to give oral and written evidence to the Committee. You will find that they, too, support the introduction of this legislation although they may wish to raise some technical issues specific to their own areas of work.

I am sending a copy of this letter to the Justice Committee who also wanted briefing on the issues of relevance to the Department of Justice in the Bill.

NSPCC Northern Ireland

The National Society for the Prevention of Cruelty to Children (NSPCC) is grateful for the opportunity to provide formal evidence to the Assembly's Health and Social Services Committee on the Safeguarding Board Bill for Northern Ireland. NSPCC is represented

on all the Child Protection Panels, previously the four Area Child Protection Committees (ACPCs) and the regional Child Protection Committee. In England and Wales NSPCC is represented on more than half of Local Safeguarding Children's Boards (LSCBs)

In 2002 we worked closely with Patricia Lewsley, then MLA, in the development of a Private Members' Bill to regulate ACPCs - The Area Child Protection Committees Bill. Although this was unable to proceed due to an interruption to the operation of devolved government at that time, many of the concepts in that proposed legislation are to be found in the provisions of the current SBNI Bill and its subsequent regulations.

The NSPCC is very supportive of the intent to regularise this fundamental element of the child protection system, to improve interagency co-operation and to establish a number of new arrangements around reviewing child deaths and an improved system of reviewing serious cases. Implemented effectively, these arrangements will be a significant advance in our structures to protect children.

Part of the rationale of the SBNI is to ensure that we move from an agenda focused narrowly on child protection to one that embraces a wider safeguarding culture. The intention reflected in the Department's policy document is to move to a wider, more strategic focus on prevention. This will require a change of culture that previously has seen ACPCs dominated by a social services agenda, underfunded and not accorded strategic importance by some member agencies.

A number of factors will be essential in bringing about this cultural change including independent chairing and creation of a sense of shared identity by core agencies and membership which embraces all partners across the voluntary and community sectors with responsibility for safeguarding.

The NSPCC wishes to highlight a number of issues related to the expression of these concepts in the legislation particularly in relation to membership, independence of SBNI and the role of the

Department of Health and Social Services and Public Safety (DHSSPS/the Department). Where appropriate, we make proposals for suggested improvements to the Bill; some of these may be to the primary legislation or may, alternatively, be secured by administrative arrangements.

Membership Clause 1

The achievement of a balanced and manageable membership is essential for the success of SBNI. Research indicates and our experience of LSCBs in England and Wales has illustrated, that too large a body is unworkable. Arrangements here are a particular challenge given differences of structure and context in Northern Ireland and that SBNI will be a regional body.

Core membership of SBNI is focused on a range of operational service delivery bodies with statutory powers. However, a number of government departments play particularly important roles in the safeguarding of children, notably the Departments of Education, Justice and DHSSPS. It is NSPCC's considered position that membership of SBNI should include these bodies. There is precedent for involvement of government departments in the parallel public protection arrangements with a number of government departments named in the Criminal Justice (NI) Order 2008 in relation to the Strategic Management Board of Public Protection Arrangements (NI).

Through dialogue with DHSSPS officials about the engagement of government departments with SBNI, we have developed an understanding of their concerns that membership of SBNI could become unwieldy and their view that effective cooperation of all relevant agencies may be achieved by means other than direct membership of government departments within SBNI.

If not through membership of SBNI, the Committee may wish to seek clarification from DHSSPS on how relevant government departments could better

work together to safeguard children, the adequacy and sufficiency of these arrangements and in particular how the interface between government departments and SBNI will be made effective.

It has always been envisaged that SBNI would be developed in a way that was independent of the member agencies so that it will have a unique 'identity' of its own. The legal status of SBNI as an unincorporated body with NDPB type control mechanisms in place and overseen by DHSSPS is something we have raised in discussions with the Department as a concern. This also raises the issue of the role of the DHSSPS itself and in particular the tension between both overseeing governance arrangements and having a key role to play in them. The Committee may wish to further examine this matter and seek clarification of how the Department intends to exercise and balance its governance, and oversight role with involvement in SBNI.

NSPCC is also concerned that the process and system to select non-core voluntary and community sector members of SBNI is less than clear in the Bill. The Committee may wish to examine this matter in more detail. It is essential that no single agency or sector dominates the working of SBNI. It is also essential that the voluntary and community sectors are represented as full partners in arrangements.

Functions Clause 3

We see 3(3) as a particularly significant provision in the Bill, dealing as it does with mechanisms to hold members to account. NSPCC's LSCB advisor has advised on the development of voluntary portfolios for LSCB members in parts of England to evidence this requirement and it would be very helpful if the Department had a power to develop similar arrangements as statutory

guidance 3 (3) (a) The Department may set out guidance on the process by which members of the SBNI meet this requirement.

We have discussed this matter with officials from DHSSPS who feel that provisions as drafted are adequate to do this administratively. We feel however that this would establish a key principle on the face of the Bill underpinned by statutory guidance.

Following the existing wording of 3(4) we would suggest the words "or other reviews" are added to capture the fact that SBNI will carry out a range of reviews in addition to Case Management Reviews. This would facilitate flexibility around the types of reviews undertaken by SBNI, particularly given the suggestions in recent research published by Queens/NSPCC into a review of the current Case Management Review process and the possible development of alternatives. Case Management Reviews have proved unwieldy and there is an urgent need to look at a range and menu of possible reviews such as Root Cause Analysis, Single Agency Reviews, Affirmative Practice Reviews etc. It is essential to continue to promote a culture of learning and reflection in agencies when it comes to complex child protection cases and that the Bill facilitates future changes to practice.

We have some concerns regarding the necessity of Clause 3(9)(c) wherein the Department will approve the publication of SBNI material and have raised this in discussion with the DHSSPS. The Committee may wish to examine this matter further and seek clarification of the circumstances in which DHSSPS might seek to restrict the publication of SBNI material and further seek assurances that the provision will not be allowed to fetter the work and reporting of SBNI.

Directions to the Safeguarding Board Clause 4

NSPCC supports the implementation of robust governance arrangements for SBNI but would urge that the purpose of this clause is clearly explained at an early opportunity in the context of wider scrutiny by the Committee of the SBNI itself. Our view is that the clause is very far reaching in terms of the powers of direction made available to the Department and this is at odds with the establishment of a body whose operation is premised on co-operation. SBNI will be very different in make up and purpose to a NDPB and we have questioned the necessity for this clause to be included. We have discussed this provision at length with officials from the Department and have had some assurances about the intention of this provision and circumstances in which directions may be given. .

The Committee may wish to have established on Hansard the intent of this provision and exemplar circumstances when directions may be issued to members of SBNI. NSPCC's expectation is that powers of direction should be used only in exceptional circumstances. For purposes of public scrutiny we recommend that all Directions issued to SBNI by the Department should be reported in detail within the SBNI annual report.

Annual Report of SBNI Clause 6

The annual report of the SBNI will provide an important accountability mechanism by which members will be able to report on their safeguarding activities and as such is an essential element in ensuring accountability for the Board as a whole. Guidance produced by government in England "Working Together to Safeguard Children (2010)" has significantly strengthened the LSCBs' annual reports as key mechanisms for ensuring public accountability.

The annual report may also be used to advise NI government departments, voluntary agencies and other bodies on areas of safeguarding activity which require their attention. We suggest that the clause is strengthened as follows:

6. (1) At least once in every 12 month period, the Safeguarding Board must prepare and deliver to the Department a report about the exercise of its functions "as set out in section 3"

This would ensure SBNI reported on all its functions including 3(3) which we consider to be a important reporting function of SBNI. In addition this would enable SBNI reporting arrangements to achieve consistency with developments in the annual reports of LSCBs in England. Any new functions of SBNI added to this legislation should also be captured in the annual report.

Committees and Subcommittees Clause 7

Clause 7 deals with the establishment of the Case Management Review (CMR) Panel which will oversee the completion of CMRs in NI, the equivalent of the Serious Case Review in England and Wales. One of the criticisms following the Baby Peter case in England has been the compliance monitoring element of reviews both in terms of implementation of the action plan and in further follow up by various inspectorates.

NSPCC's view is that this aspect of the Bill could be strengthened by an amendment to the Bill adding the following to 7(4) regarding the Department's regulation making power:

7(4) (e) in respect to 7(1) (c) the development of action plans and compliance monitoring arrangements

delete final and at 7(4) (c) and add to 7(4) (d)

Alternatively guidance could be issued by the Department. The Committee may wish to seek clarification from DHSSPS on their intentions regarding inspection of SBNI. While the responsibility for inspection lies across a range of inspectorate bodies such as ROIA, ETI, CJI, HMIP etc it is important to establish who will lead on SBNI related inspection activity.

Arrangements to Safeguard and Promote the Welfare of Children Clause 12

NSPCC has had discussions with DHSSPS on this issue. We fully support this aspect of the Bill provided it does not interfere with NSPCC's Royal Charter and capacity to both act in the best interests of children and challenge government on key child protection issues.

It appears to NSPCC that Clause 12 is somewhat removed from the overarching concept of SBNI membership and as drafted, may be interpreted as a stand alone duty for the persons/bodies listed. We would suggest that the following is added to the Clause:

12-(2). Each person or body to whom this section applies "in relation to their membership of SBNI or its subgroups" must make arrangements for ensuring that-

The Committee may wish to explore whether Clause 12 will be extended to other non-core bodies when becoming members of SBNI. The Committee may also wish to satisfy itself on the use of the term 'due regard' within this clause rather than the term 'regard'. Additionally the Committee may wish to seek advice from DHPSS officials on the nature of guidance the Department may wish to issue and the circumstances in which such guidance may be issued.

Northern Ireland Association of Social Workers

NIASW are grateful to the Committee for providing this opportunity to provide formal evidence on the proposed Bill for the establishment of the Safeguarding Board for Northern Ireland (SBNI).

Overall the NIASW are supportive of the proposals which have been brought forward by the Department of Health, Social Services and Public Safety, and welcome the intent to strengthen the strategic leadership and inter-agency co-ordination that are at the heart of an effective system for promoting children's welfare and protecting them from all forms of abuse and neglect.

As such, NIASW welcome the proposal that the new SBNI will build upon the success of the Area Child Protection Committees (ACPCs) which it will replace in providing a forum for developing and implementing a strategic vision for safeguarding children on an interagency and multidisciplinary basis.

This will need to be underpinned by:

- individual agency representatives having a clear mandate for both contributing to the work of the SBNI, and in ensuring that their own organisation adopts the work of the SBNI into their own business planning cycle and priorities
- a clear role for the SBNI in holding member organisations of the Board to account for their actions
- a clear focus on the outcomes to be achieved for children and their families

The proposals to strengthen these areas in comparison to the ACPCs are welcomed. In our submission we intend to deal with a number of issues and to propose some aspects of the Bill that could be strengthened.

Clause 1 Membership of the Safeguarding Board

It is imperative that the Safeguarding Board has representation from the key organisations that work with children and families, and from organisations that work with adults who may pose a risk to children. This must be balanced with the need to ensure that the business of the SBNI is conducted efficiently, and therefore the size of the Board is important.

NIASW are supportive of the range of organisations that the Bill prescribes as being members of the new Board. However, one of the weaknesses of the Area Child Protection Committees which the SBNI is replacing is the seniority of representation. In order for the SBNI to provide the strategic leadership that will deliver the outcomes for children and families envisaged, it will be necessary for representatives from individual organisations to have sufficient seniority and experience to commit their own organisation to the work of the Board, and, in turn, to deliver any necessary change within their own organisation. Without this requirement it is likely that the intention of the new SBNI to provide a strategic and co-ordinated inter-agency response to the protection and safeguarding of children will not be realised.

It is therefore proposed that clause 1(5)(a) is amended to include:

Regulations may make provision as to:

The appointment, tenure, seniority and vacation of office of a Chair and members of the Safeguarding Board

Clause 3 Functions of the Safeguarding Board

The functions of the new Board as set out in the Bill, with one exception, appear to be appropriate. In relation to the functions of the Board NIASW would suggest that the following amendments are made.

It should be recognised that SBNI will not be in a position to develop the policies and procedures for all organisations relating to the safeguarding of children. Whilst the SBNI will be able to produce an over arching set of child protection procedures for Northern Ireland, individual agencies will need to use these to develop local and agency/discipline specific policies.

It is therefore proposed that clause 3(1) is amended to include:

The Safeguarding Board must develop or secure the development of policies and procedures for safeguarding and promoting the welfare of children

In relation to clause 3(3) the NIASW believe that this function of the Board is central to the spirit and operation of the SBNI. There must be a clear mechanism for the SBNI to hold member organisations to account for their actions in safeguarding and promoting the welfare of children. In turn the SBNI must be accountable for how this function is discharged. The NIASW therefore welcomes the requirement that the new Board will be required to submit a report at least annually on the exercise of its functions, and that this report will be laid before the Assembly.

In holding member organisations to account and in over-viewing the effective operation of the system for safeguarding children, the Safeguarding Board must be able to review particular incidents that are brought to the Boards attention. This should include case management reviews, but may also include other types of inquiries or reviews as recently recommended by the DHSSPS commissioned evaluation of the case management review system undertaken by Queen's University Belfast in conjunction with the NSPCC^[1].

It is therefore proposed that clause 3(4) is amended to include:

The Safeguarding Board must undertake such case management reviews or other reviews as may be prescribed in such circumstances as may be prescribed

NIASW have significant concerns that the independence of the new SBNI will be undermined if the Board does not have the capacity to publish any matter concerning the safety and welfare of children without the approval of the Department.

It is therefore proposed that clause 9(c) is removed.

Clause 4 Directions to the Safeguarding Board

It would be important that the Department clarifies what types of directions might be given to the Board from time to time. Given that the Board will consist of members of different public bodies responsible to different Government Departments, it is essential that in terms of good governance that no organisation is placed in the impossible position of being expected to comply with directions that may be contradictory or go outwith their statutory powers.

Clause 7 Committees and Sub-committees

The NIASW support the provision for a number of committees and sub-committees to facilitate the working of the SBNI.

Clause 10 Duty to Co-operate

This clause is central to the effective operation of the SBNI and the NIASW are fully supportive of its inclusion.

Clause 11 Supply of Information

The inclusion of this clause should support the SBNI to effectively discharge its functions

Clause 12 Arrangements to Safeguard and Promote Welfare of Children

It is appropriate that any organisation which is a member of the Safeguarding Board must undertake its functions in ways which promote the safeguarding and welfare of children, and lessen the risk that the Board is brought into disrepute as a consequence of failing to do this. However, it may be appropriate to amend the clause to include relevant persons and bodies having due regard to guidance from the SBNI.

It is therefore proposed that clause 12(3) is amended to include:

Each person and body to whom this section applies must, in exercising their duty under this section, have due regard to any guidance given to them for the purpose by the Safeguarding Board or the Department.

[1] Lazenbatt, A., Devaney, J. and Bunting, L. (2009) An evaluation of the Case Management Review process in Northern Ireland and a scoping exercise of adverse incident reporting and alternative investigative systems. Belfast, Department of Health, Social Services and Public Safety.

Department of Education

I welcome the decision to place the arrangements, for organisations to cooperate to safeguard children on a statutory basis. My expectation is that the creation of the Safeguarding Board will in due course result in more effective, efficient and responsive services. The Board will provide a valuable forum for discussion on issues of mutual concern and, more importantly, provide a vehicle for concerted action in tackling improvement in this area which is critical to our children's wellbeing.

The Department of Education (DE) has been involved from the outset, along with other key Departments with a strong safeguarding agenda, in a policy reference group led by DHSSPS. Through participation we have been kept briefed on the Bill while it was in preparation and have had an opportunity to contribute to the policy discussions.

As I understand it, the Bill, as drafted, provides the broad operating framework for the Safeguarding Board with operational detail following in the form of Regulations in due course. As

you have requested I have provided in the attachment to this letter DE's position in respect of each clause.

Clause	Comment
Clause 1	Proposal accepted
Clause 2	Proposal accepted
Clause 3	3 (1) amend to clarify that policy and procedures relate to operational services only. Suggest 'develop policy and procedures for operation of safeguarding services'. 3(3) amend to ensure that the cross agency/cooperative working aspect of service provision is also a focus for the Safeguarding Board 3(7) the Department welcomes the separate function to communicate with children and young persons. It is critical that children and young persons understand the work of the Board, how agencies work together to meet their needs and how services may be accessed. There will also be a need from time to time to highlight specific issues around keeping safe. This clause could be further clarified by amending the wording as follows: 'The Safeguarding Board must communicate effectively with children and young persons about its work and keeping safe'.
Clause 4	Proposal accepted
Clause 5	Proposal accepted
Clause 6	Proposal accepted
Clause 7	Proposal accepted
Clause 8	Proposal accepted
Clause 9	Proposal accepted
Clause 10	Proposal accepted
Clause 11	What action can the Board take when information is not provided following a request or deliberately misleading information is provided and does this need to be specified?
Clause 12	12(3) The nature and scope of the guidance from the Department (DHSSPS) in this sub-clause should be specified. This will clarify the focus as operational services and practice and that the lead responsibility on strategic policy for safeguarding remains with the Board's constituent members 'host department'.
Clause 13	Proposal accepted
Clause 14	Proposal accepted
Clause 15	Proposal Accepted

Voice of Young People in Care (VOYPIC)

Good afternoon and can I thank you for this opportunity to speak to you about the involvement of Children and Young People in the Safeguarding Board. From VOYPIC last presented to the Committee, we have undertaken specific work exploring models for engaging children and young people in safeguarding. We have researched and undertaken a study visit to meet directly with young people, the staff who support their involvement, senior managers and an Independent Chair of two Safeguarding Boards in England.

Thus we would like to discuss two issues relating to children and young people:

1. A proposed amendment to the Clause 3. (7)
2. A proposed model for N Ireland – The model we will present we believe is achievable, the expertise exists in Ni and it works in other places.

Clause 3 Functions of the Safeguarding Board

In relation to 3 (7) we welcome that communication between the SBNI and children and young people is recognised and included as a key 'function' for the SBNI. However, we do believe that this particular function does need to be considerably strengthened.

We would recommend an amended Clause 3 (7) The Safeguarding Board in exercising its functions must engage actively and directly with children and young people, listening directly to their views and giving these due weight in accordance with their age and maturity".

VOYPIC believes that a robust clause of this nature is absolutely necessary to ensure the effective engagement and involvement of children and young people. In reviewing practice in England, we recently visited two local Authorities and spoke to the Chair of 2 Safeguarding Boards. We found that engagement with children and young people is under-developed and patchy. Examples of good practice do exist and we targeted those agencies. Participation has ranged greatly. Children and young people were completely uninformed about the work of the Boards, and not being actively involved. Few local authorities had a young people's engagement strategy and a flow of data and information.

We heard about how the experiences within London Safeguarding Boards varied greatly from no consultation to Ad hoc arrangements where consultations were undertaken with specific groups. Oxfordshire Safeguarding Board has made seats available for children and parents, 4 in total. Others have a statutory requirement to have a Lay Person on the Board; this may be a young person or a parent. In both these examples they represent only their own individual views.

The most structured and innovative example was Barking and Dagenham. Here they facilitate a Young People's Safety Group which was constituted as a subcommittee of the LSCB having the following core functions:

- Provide a forum for raising issues and solving problems around safety and safeguarding including research and consultation.
- Increase good practice in safeguarding practices and approaches by sharing expertise, information and resources.
- Identify gaps and develop solutions around safety and safeguarding.

The Young People's Safety Group had been successful. It meets 4 times a year and has an attendance of 45 – 50 young people. They come from local secondary schools and projects. They appointed a young person to chair the Group. The Council's Engagement Team support and assist in the facilitation of the Young People's Safety Group and in particular supports the Young Chair. After each meeting an evaluation report, (an example is in your pack) is fed directly into strategic planning within both the Children's Trust and the Barking and Dagenham Safeguarding Children Board;

Through consultation, the Group developed an action plan of key issues young people wanted to discuss. Topics included knife crime, E Safety, the impact of Baby P and the background to child protection and safeguarding in Barking and Dagenham.

At the Safeguarding Board a seat has been designated for the Chair of the Young People's Safety Group. The present chair has chosen not to take up the opportunity and thus the Group Manager for the Engagement Team represents the Chair and feeds back to her the key issues to be addressed. The next Chair of the Young People's Safety Group may choose to take up the seat.

A key critical success factor for this process is the 2 Development Sessions held each year with the LSCB and the Young Peoples Safety Group. Through this the LSCB meets directly with the young people to discuss priority issues and plan future work.

N Ireland Model: Establish a young person's Shadow Board.

We started with the principle of connecting what already exists and building on existing infrastructure.

We think that the SBNI should look at the current groups and agencies supporting children and young people to assist in the establishment of a young person's Shadow Board.

It would be important to identify those who would have an interest in working with the safeguarding board. Through this process you could ensure co-ordination and connectedness, and a comprehensive cross-section of children and young people who are supported by skilled practitioners. There is a key role for practitioners in this process - the workers need to have certain skills and engage in reflective practice.

A youth based agency with a regional role would be commissioned to work on behalf of the SBNI to oversee and facilitate the Shadow Board.

In detail the Shadow Board

- Would develop an engagement strategy connecting a wide range of children and young people into a forum. This Shadow Board would have responsibility to represent their peers and be the link to them on behalf of the SBNI
- The Young people would be supported by a relevant agency, who is committed to supporting the SBNI
- You would develop clear criteria and expectations of support provided by agency
- A clear Feedback mechanism between the SBNI and Shadow Board would be developed e.g. Development Days, attendance at meetings, Progress Reports
- The Shadow Board would have representatives from specialist vulnerable groups and the generic population.
- 8 youth service / schools –

- 2 disability sector
- 2 Ethnic minorities
- 2 Justice interface
- 2 Looked After
- 2 Child protection
- Young People would be aged 11-18 years (initially)
- It would meet times per year

Schedule of Meetings

The model of engagement would provide for a cycle of meetings with young people that are wrapped around the SBNI schedule. To commence the Shadow Board would be set up, the SBNI and the outworkings explained. A process for consulting with young people designed and agreed by the group. The Shadow Board members would then return to their communities, agencies localities and facilitate that wider consultation with young people. The data would be collated and the findings reported to the next Shadow Board meeting. An overall report would be produced by the Shadow Board and this would be presented to the scheduled SBNI meeting.

In NI we have the agencies with the skills, contacts and structures that would facilitate the Shadow Board. This will not demand the need to set-up a new concept. It will build on what we have. Whilst this proposal avoids the expense of establishing a new organisation, it will require sufficient and sustained investment. This would be a matter to be addressed by the SBNI when set up.

With commitment and investment a shadow board is an achievable model.

Barnardo's

Barnardo's NI very much welcomes the establishment of the Safeguarding Board for NI and views it as a positive and welcome step forward in helping to protect the welfare of our children and young people.

We believe that it is vital to the protection and safeguarding of children and young people that the Board is and is seen to be independent. A strong independent and informed Safeguarding Board is crucial to ensuring maximum protection for those children most at risk. Past experience here and in Britain indicates that the lack of an independent voice to analyse and address weaknesses in the system has too often been a critical factor in cases where children have been harmed. Any system requires independent analysis but perhaps none more so than the child protection system.

We have focused our evidence on those Clauses that we believe need clarification or amendment and where we think there is a significant issue to raise.

Clause One

Barnardo's NI are of the view that establishing the right membership for the Board is key to the delivery of its overall aim and purpose. We believe that it is better that the full range of agencies required are represented on the Board and that it can then work on the basis of smaller sub-committees rather than omit key agencies who have a role in child welfare and protection. We

believe Clause One requires amendment to include the following range of agencies: Department of Education, Department of Justice, DHSSPS, and representation from the Family Court.

Barnardo's NI and NSPCC jointly produced a report entitled "Child Protection is No Accident". In this report we considered the crucial role of A and E medical staff in detecting and addressing child abuse. This continues to be a pertinent issue and therefore Barnardo's believe the membership of the Board should be amended to make it necessary for at least one of the HSC Trust representatives to be a senior Paediatric Practitioner in an A and E setting.

We are concerned at the minimal proposal for representatives from the voluntary sector. Barnardo's NI works with over 7,000 children and their families every year in NI. We are contracted by Health and Social Care Trusts to deliver both statutory child protection services and family support and intervention services. We provide over 30 services which include the only service specifically focused on children who run away or go missing from care and the only residential based service specifically for young mothers whose children are at risk. Barnardo's do not believe the upper number of agencies should be specified in this manner as it is unhelpful to ensuring the Board has the membership it requires to deliver most effectively to its remit. We are of the view that the upper limit should be removed.

We are further of the view that the Department should give a commitment to specifying in regulations the process by which it will nominate and select voluntary sector representatives.

Clause 1 (2) (a) Barnardo's recommend inserting 'An Independent' chair.

We also believe it would be helpful to address in regulations that the Chair should be someone with expertise, knowledge and experience in child safeguarding and welfare.

Barnardo's NI believe that the independence of the Safeguarding Board could be enhanced by the inclusion of elected representatives and would point to the positive and effective role that elected representatives play on the Policing Board. We would support the inclusion of political representatives drawn from District Councils and believe the legislation should be amended to reflect this.

Clause 2

While Barnardo's is in broad agreement with the overall objective of the Board as outlined in Clause 2 we do think it would be useful to clarify the relationship between the SBNI and the Health and Social Care Board, Health and Social Care Trusts and RQIA.

Clause 3 Functions of the Safeguarding Board

Barnardo's NI welcomes Clause 3.1 and the function of the Board to develop policies and procedures for safeguarding and promoting the welfare of children. We would emphasise the focus on the broader role of the welfare of children and think it would be helpful to clarify which policies currently developed at Departmental level are likely to fall within this remit.

It remains the case, despite additional funding in recent years, that family and children's social services are significantly underfunded compared to England, Scotland and Wales. This function would be strengthened if it were clarified that there is a specific role to review the level and nature of funding available for safeguarding and promoting the welfare of children in NI.

3.4 Undertaking effective case management reviews and ensuring that the lessons from them are effectively put into practice is a key aspect of ensuring continual improvement in

safeguarding. This Clause should be amended to clarify and specify the role of the Board in case management reviews, when they will be undertaken and that the lessons will be disseminated. It is currently too vague. Barnardo's NI also believes the amendment should make reference to "other reviews" as it may be the case that the Board will undertake other reviews as necessary.

Clause 3.6 This should be amended to include the Health and Social Care Trusts.

Clause 3.7 Barnardo's NI believes this Clause should be amended to strengthen its provision and therefore the word 'reasonable step' should be removed and it should read "The Safeguarding Board must promote communication and consultation with children and young people."

3.9 Barnardo's NI welcomes the broad intent of Clause 3.9. We believe that it is crucial that the Board can compile and analyse information concerning the safeguarding and welfare of children and too often we are missing the baseline data against which we can measure whether there are distinct and specific improvements for children.

However, Clause 3.9.c does give us cause for concern and we believe it has the potential to undermine the perceived independence of the Board. The Safeguarding Board if it is to work effectively and make a difference must be both independent and be seen to be independent. The Board should be free to publish any information, report or advice that it believes is critical to the safeguarding and welfare of children and it should not be subject to Departmental approval. We would therefore suggest deleting "subject to the approval of the Department" from this Clause.

Clause 4

Barnardo's NI would emphasise again that the independence of the Board and the perception of that independence is critical to its effective working. We would, of course, acknowledge the need for any publicly funded body to have appropriate oversight and accountability. Indeed clear lines of accountability on the day to day decisions and running of the Board are vital. However this Clause seems very far reaching in its intent and the manner in which it is written is unhelpful. We would encourage the further clarification and amendment of this Clause as it could be unhelpfully interpreted as impinging on the independent role of the Board.

Clause 5

This Clause again raises issues regarding the independence of the Board. It is unclear what is meant by "due regard to any guidance given to it for the purpose by the Department". It would be helpful to clarify the specifics of when the Department believes this would be required and to reword the Clause so that it is clear that such 'due regard' would not impinge on independence.

Clause 6

We welcome the Duty to produce an annual report and lay this before the Assembly. However we would suggest this Clause is amended to read: "The Department must lay a copy of the report before the Assembly within six weeks of receipt of such report."

Clause 8

Barnardo's NI believe that for the Committees and Sub-committees to have two lines of accountability and guidance from both SBNI and the Department is potentially unworkable. The line of accountability should be amended so there is a single line of accountability from the Department to the SBNI and from SBNI to its constituent committees.

Clause 9

The annual report of each Committee of the SBNI should form part of the overall annual report to the Department and the report that will be laid before the Assembly.

Clause 11

Barnardo's NI believe this is an important Clause in enabling the Safeguarding Board to effectively fulfil its purpose. We think there should be an identified timescale for the provision of such information.

Clause 12

Barnardo's NI have some concern regarding the reach of this Clause and whether or not it is a re-statement of Clause 4. There is a risk it could be interpreted as a stand alone duty and ultimately make a range of other agencies and organisations accountable too directly in other aspects of their work to the Safeguarding Board. We believe this Clause does need amended and would suggest that it makes clear that this duty applies in relation to the membership of SBNI and its sub-groups and is not stand alone.

Conclusion

Barnardo's NI welcomes the creation of the SBNI and the positive and effective role it can play in ensuring both the welfare and greater protection of children. In order for it to do so the independence of the Board is essential and needs to be fully reflected in the legislation.

Committee for Justice

At its meeting on 1 July 2010, the Committee for Justice considered correspondence from the Committee for Health, Social Services and Public Safety requesting the views of the Committee on the clauses in the Safeguarding Board Bill relevant to the Department of Justice. These were identified as clauses 1, 10 and 12. The Committee agreed to request a written briefing from the Department of Justice outlining any issues of relevance to the Department in relation to the Bill.

The Minister for Justice provided a written response on the Bill to the Committee for Health, Social Services and Public Safety on 14 August 2010.

The Committee for Justice has noted the contents of the Minister's letter and has no issues to raise in relation to the clauses relevant to the Department of Justice.

Christine Darrah
Clerk, Committee for Justice

Appendix 4

Other Evidence Considered by the Committee



Research and Library Service Briefing Paper

24th June 2010

Dr. Janice Thompson

Safeguarding Board Bill

NIAR 000-00

This Bill research paper sets out the historical background and context of the Safeguarding Board Bill, including current legislation, relevant statistics, recent work on child protection in Northern Ireland and the need for reform. The paper then introduces the Bill with some overarching issues that merit attention as a backdrop to the consideration of the Safeguarding Board for Northern Ireland. The main clauses of the Bill are outlined highlighting areas of concern and issues that have been raised during consultation on and consideration of the proposals to date.

Paper XX/XX xx xxxxxxxx 2010

Research and Library Service briefings are compiled for the benefit of MLA's and their support staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public. We do, however, welcome written evidence that relate to our papers and these should be sent to the Research & Library Service, Northern Ireland Assembly, Room 139, Parliament Buildings, Belfast BT4 3XX or e-mailed to RLS@niassembly.gov.uk

Executive Summary

This Bill provides the legislative framework for the creation of the new Regional Safeguarding Board for Northern Ireland (SBNI) to be sited within the Public Health Agency. The Bill also provides the legislative framework for the creation and structure of Safeguarding Panels (one in each HSC Trust area) to support the work of the SBNI. A series of statutory regulations and statutory guidance will underpin the arrangements. The Bill contains 17 Clauses. Sections 3 to 12 of this research paper provide detail on the main clauses of the Bill and highlight issues that have been raised to date during consultation on and consideration of the proposals.

The primary legislation governing the delivery of child protection services in Northern Ireland is The Children (Northern Ireland) Order 1995^[1], which places a statutory duty on the key agencies. The Health and Social Care (HSC) Trusts hold the primary statutory responsibility for safeguarding children and conducting any necessary investigations in this regard.

The major DHSSPS guidance document relating to child protection in Northern Ireland is Cooperating to Safeguard Children 2003.^[2] It provides guidance on the operation of the Area Child Protection Committees (ACPCs) and Child Protection Panels (CPPs), which were established under 1989 DHSS guidance. With the amalgamation of the four HSS Boards into one Regional HSC Board, the DHSSPS implemented one Regional ACPC (RCPC), which first met on 27th November 2009, pending the implementation of the Safeguarding Board for Northern Ireland.

Much work has been undertaken in this area in recent years by the OFMDFM and the DHSSPS. In recognition of the issue of safeguarding children as a priority for the Executive the OFMDFM published the policy statement Safeguarding Children in June 2009^[3]. This forms an important part of the OFMDFM's 10 Year Strategy, Our Children and Young People – Our Pledge which has the prime aim of ensuring that "all children fulfil their potential by 2016" and has six measurable outcomes^[4].

In addition to the proposed SBNI, Safeguarding Children highlights a number of key initiatives in the area of safeguarding children including, new Gateway teams established in each HSC Trust; new regional child protection standards; and the introduction of a regional assessment model Understanding the Needs of Children in Northern Ireland (UNOCINI).^[5]

- Despite efforts to improve child protection through the ACPCs, the structures have received considerable criticism over the years and their capacity to deliver effective co-ordination and co-operation was the focus of criticism in Lord Laming's report into the death of Victoria Climbié. While the ACPCs across Northern Ireland have undertaken some very good work, a number of specific criticisms and recommendations within the DHSSPS 'Overview' Report included that representation on ACPCs should be at a more senior level; inconsistent attendance by members was common, making it difficult to build an effective working forum; and ACPC and CPP activities focused on Board and Trust business with less focus on the inter-disciplinary and interagency responsibilities of child protection.^[6]

It was recognised in Northern Ireland that the ACPC and CPP structures required reform. The culmination of this process is the establishment of the proposed SBNI with reforms along similar lines as those in recent years in England and Wales with the introduction of the Local Safeguarding Children Boards (LSCBs) as established by the Children Act 2004.^[7] The main Clauses in the Bill are now outlined.

Clause 1 places a duty on the DHSSPS to establish the SBNI, that the SBNI must include a Chair appointed by the DHSSPS and representatives of the persons/bodies listed in 1(3). The bodies specifically named in this clause are the Regional HSC Board, Regional Agency for Public Health and Social Well-being, HSC Trusts, PSNI, Probation Board, Youth Justice Agency, Education and Library Boards, District Councils, and NSPCC. Regulations will make provision for the appointment of the Chair, members and staff of the SBNI; and the procedure of the SBNI. The intention is to have an Independent Chair and much of the debate around this Clause in the paper reflects the issue of independence of the Chair, the accountability of the post and the size and membership of the SBNI (including the seniority of member required).

The SBNI will be sited within the Public Health Agency (PHA) and will have its own annual budget of £750,000. The DHSSPS have highlighted that this compares favourably with the funding for the LSCBs in England and it is expected that 'support in kind' will be provided by member agencies.

Clause 3 describes the main duties and powers of the SBNI, which include undertaking Case Management Reviews and reviewing information of deaths of children in Northern Ireland as may be prescribed in regulations; taking reasonable steps to promote communication between

the SBNI and children and young people and making arrangements for consultation in relation to safeguarding children; compiling and analysing information; and publication of any matter concerning safeguarding subject to the approval of the DHSSPS.

Much of the debate around this Clause in the paper concerns establishing the core business with such a wide range of functions; how the voice of children and young people will be heard and acted upon; and concerns over the perception of lack of independence of the SBNI if it cannot publish material concerning safeguarding/promoting welfare of children without the approval of the DHSSPS

Clause 4 gives the DHSSPS the power to give directions of a general or specific nature to the SBNI as to the exercise of any of its functions. The DHSSPS maintain the aim is not to fetter the independence of the SBNI but to deal with exceptional situations.

Clause 6 places a duty on the SBNI to produce an annual report for the DHSSPS. The DHSSPS must lay a copy before the Northern Ireland Assembly. It is planned that the performance management framework for the SBNI "will be explicitly linked to the OFMDFM 'Our Children, Our Pledge 10 Year Strategy' (2006-2016)", with performance indicators for the safeguarding agenda predominately fitting under the heading 'Living in Safety with Stability'.^[8]

Clause 7 deals with the structure underpinning the SBNI and places a duty on the SBNI to establish certain committees – a prescribed number of 'Safeguarding Panels'; the 'Child Death Overview Panel'; and the 'Case Management Review Panel'. In addition to these, the SBNI also has the power to establish one or more other committees and one or more other subcommittees. With regard to the Safeguarding Panels, five are proposed (one within each HSC Trust area) and Statutory Regulations will define much of their function. Concern has been raised around the extensive sub-group support structure of the SBNI and the potential impact this may have on the organisations involved.

Clause 10 places a reciprocal duty to co-operate on the SBNI and its constituent bodies and any other bodies that may be included in the SBNI. To support this duty a 'specific partnership agreement' is planned which will be a contract setting out the expectations and obligations to participate in the co-operative working of the SBNI. There appears to be wide support for such a duty.

Clause 12 places a duty on the bodies to which this clause applies to make sure they have due regard to the need to safeguard and promote the welfare of children in exercising their functions and to have due regard to any guidance provided by the DHSSPS in the exercise of this duty.

Clause 14 notes that except for the regulations made under Clause 2(2), which will be made by affirmative resolution, all other regulations in this Bill are subject to negative resolution.

The paper finishes with Section 13 looking at several areas for further consideration with further discussion around the areas of Children's Services Planning, the involvement of children and young people with the SBNI and safeguarding across jurisdictions.

Contents

Executive Summary

Contents

1. Context and Background of the Bill

1.1 Current Legislation

1.2 Relevant Statistics

1.3 Recent Work in Northern Ireland

1.4 The Need for Reform

2. Introduction to the Bill

3 Clause 1 – Establishing the SBNI

3.1 Details of the Clause

3.2 Independent Chair

3.3 Membership of the SBNI

3.4 Funding

4. Clause 2 – Objective of the SBNI

5. Clause 3 – Functions of the SBNI

5.1 Details of the Clause

5.2 Overview of Functions

5.3 Case Management Reviews

5.4 Child Deaths

5.5 Communication

5.6 Compilation and Analysis of Information

5.7 Publication Issues

6. Clause 4 – Directions to the Safeguarding Board

7. Clause 6 – Annual Report

8. Clause 7 – Committees and Sub-committees

9. Clause 10 – Duty to co-operate

9.1 Detail of Clause

9.2 Policy Intention

9.3 Issues Around the Duty to Co-operate

10. Clause 11 – Supply of information requested by the SBNI

11. Clause 12 – Arrangements to safeguard and promote the welfare of children

12. Clause 14 - Regulations

13. Areas for Further Consideration

13.1 Children's Services Planning

13.2 Young Person's Reference Group

13.3 Safeguarding Across Jurisdictions

1. Context and Background of the Bill

The Safeguarding Board Bill provides the legislative framework for the creation of the new regional Safeguarding Board for Northern Ireland (SBNI) to be sited within the Public Health Agency. The Bill also provides the legislative framework for the creation and structure of Safeguarding Panels (one in each HSC Trust area) to support the work of the SBNI. A series of statutory regulations and statutory guidance will underpin the arrangements.

1.1 Current Legislation

The right to be protected as a child is enshrined in the UK government's commitment to the United Nations Convention on the Rights of the Child (UNCRC).^[9] The primary legislation governing the delivery of child protection services in Northern Ireland is The Children (Northern Ireland) Order 1995^[10], which places a statutory duty on the key agencies to deliver child protection services and impacts on all who work with and care for children.^[11] The Health and Social Care (HSC) Trusts hold the primary statutory responsibility for safeguarding children and conducting any necessary investigations in this regard. The Children Order also places duties on other bodies and authorities to assist the Trusts with their inquiries.^[12]

The Northern Ireland Commissioner for Children and Young People (NICCY) has stated that the guiding principles of the UNCRC should be more clearly reflected in the proposals for the SBNI, particularly the right of the child to have their views taken into account on all matters affecting them.^[13] The UNCRC acknowledges the unique relationship between parents and their children and the importance of this relationship was highlighted by the Western HSC Trust - "parents and families must be supported in their role of caring for children and where tensions arise between state intervention and family life, all actions should be taken in the best interest of the child".^[14]

The major guidance document relating to child protection in Northern Ireland is Cooperating to Safeguard Children 2003^[15] which sets out the role of the Boards (refers to the legacy Boards, now one Regional Board), Trusts and other agencies and how they should co-operate to promote children's welfare and to protect them from abuse or neglect. It also provides guidance on the operation of the Area Child Protection Committees (ACPCs) (one in each Health Board at

that time) and Child Protection Panels (CPPs), which had been established under DHSS guidance (1989).[16] Reflecting the amalgamation of the four HSS Boards into one Regional Health and Social Care Board, the DHSSPS implemented one Regional ACPC (RCPC), which first met on 27th November 2009, pending the implementation of the SBNI.

1.2 Relevant Statistics

During 2008/09 there were a total of 28,552 children in Northern Ireland referred to children's social services. Of this total, 3,825 were Child Protection referrals and as at 31st March 2009, there were 2,488 children on the Child Protection Register, an increase of 20% from 2008 (a total increase of 76% from 2004[17]). Neglect is the most common category of abuse with 50% being deemed at risk of neglect.[18]

From 2003/04 to 2008/09, the number of Child Protection Investigations has increased by 48% from 1,928 to 2,856 and over the same period Child Protection Registrations increased by 90% from 962 to 1,829. De-registrations from the register also rose over this period by 22% from 1,154 to 1,404.[19]

As Child Protection Registers primarily focus on abuse within a family context, it is informative to look at police statistics reports of abuse relating to children in a range of contexts to potentially gain a fuller picture of harm to children.[20] A total of 5,958 offences against the person and sexual offences against children and young people under the age of 18 were recorded by the PSNI in 2008/09, including 1084 recorded sexual offences against children and young people under 18 years old.[21]

All of the above statistics relate to those cases known to the authorities, however, research has shown that there is often under-reporting of child abuse and neglect.[22] Research evidence also suggests "child abuse and neglect occur as a result of complex interaction between different factors which impair parenting including domestic violence; low self-esteem; social isolation; mental health problems; and substance misuse...it is important to recognise that many families experience the same social or personal disadvantages and abuse does not occur. Abuse can also happen in families where none of these factors are present".[23]

1.3 Recent Work in Northern Ireland

The UK Inquiry led by Lord Laming into the death of Victoria Climbié in 2003 produced a report containing 108 recommendations, including that agencies conduct an audit of their child protection services against key themes and an audit of child protection services against the Laming recommendations was conducted by DHSSPS during 2004.

Much work has also been undertaken by the OFMDFM and the DHSSPS to further protect children and young people. In recognition of the issue as a priority for the Executive, the OFMDFM published Safeguarding Children – A cross-departmental statement on the protection of children and young people (June 2009).[24] This policy statement forms an important part of the OFMDFM's 10 Year Strategy, Our Children and Young People – Our Pledge which has the prime aim of ensuring that "all children fulfil their potential by 2016". The strategy has six measurable outcomes to ensure that children and young people in Northern Ireland are healthy; enjoying, learning and achieving; living in safety and with stability; experiencing economic and environmental well-being; contributing positively to community and society; and living in a society, which respects their rights.[25]

The OFMDFM policy statement Safeguarding Children is taking forward the outcome of 'living in safety and with stability' of the 10 Year Strategy. In addition to the proposed SBNI, Safeguarding

Children highlights a number of the key initiatives in the area of safeguarding children that have been established or reinforced over the last few years, for example[26]:

- New Gateway teams have been established in each Health and Social Care (HSC) Trust to act as a point of first contact for child referrals to social services and there are new Principal Practitioner posts to ensure expertise is retained in front line roles;
- The DHSSPS has published new regional child protection standards applicable to all public bodies, organisations and persons who provide statutory services to children and young people[27]; and
- The DHSSPS have developed a regional assessment model Understanding the Needs of Children in Northern Ireland (UNOCINI) to help professionals across a range of disciplines take a systematic approach to the assessment of children's needs against agreed areas and it provides a common format for referral to social services.

1.4 The Need for Reform

Despite efforts to improve child protection through the planning and co-ordination of interagency work by ACPCs, the structures have received considerable criticism over the years and in 2008, the Joint Chief Inspectors report was highly critical of ACPCs[28], "In the majority of areas the ACPC is a weak body that was not exercising effective leadership of the safeguarding agenda across agencies effectively".

The capacity of ACPCs to deliver effective co-ordination and co-operation between key agencies was the focus of criticism in Lord Laming's report into the death of Victoria Climbié, including that the ACPCs were weak, lacking authority and unable to intervene in failing situations.[29] While the ACPCs across Northern Ireland have undertaken some very good work since their inception, a number of specific criticisms and recommendations within the DHSSPS 'Overview' Report concerning the ACPCs included[30]:

- Representation on ACPCs should be at a more senior level;
- Inconsistent attendance by members was common making it difficult to build an effective working forum and to address issues of interagency significance;
- The agendas drifted with items of business never reaching a conclusion;
- ACPC annual reports were weak with little comment on how outcomes would be measured and who had lead responsibility for actions; and
- ACPC and CPP activities focused on Board and Trust business with less focus on the inter-disciplinary and interagency responsibilities of child protection.

The Government's response to Lord Laming's Inquiry into the death of Victoria Climbié was the introduction of the Green paper Every Child Matters and the Children Act 2004.[31] Sections 13-16 of the Children Act 2004 relate to the establishment of the LSCBs in England and Wales to replace the non-statutory ACPCs. In Northern Ireland 2002, Patricia Lewsley (then MLA, now the NI Commissioner for Children and Young People) proposed a Private Members Bill, designed to strengthen the functions of the ACPCs by placing them on a statutory footing. Suspension of the Assembly prevented this Bill from being taken forward. There was wide consultation at the time and "much of the debate at this time is reflected in the current deliberations".[32] A further consultation on the proposals for the SBNI took place in 2007 and 47 responses were received with the DHSSPS stating that "almost 80% of respondents indicating their support for the proposal".[33]

The DHSSPS recognised that the ACPC and CPP structures required reform. The culmination of this process is the establishment of the proposed SBNI. The proposed reforms are along similar lines as reforms in recent years in England and Wales with the introduction of the Local Safeguarding Children Boards (LSCBs) as established by the Children Act 2004.

Given the integration of health and social care in Northern Ireland and the different role of local government in England, the DHSSPS proposes that "it is not appropriate to replicate all the provisions of the Children Act 2004 in Northern Ireland...the arrangements which we are proposing... have been customized to take account of particular needs in Northern Ireland. This will place Northern Ireland in a unique position in that one regional body will be able to take a comprehensive, co-ordinating and strategic view of safeguarding practice here".^[34]

One of the main parallels between the LSCBs and the proposed SBNI is the key responsibility to widen the safeguarding agenda beyond traditional child protection duties (with emphasis on the family support model of work^[35]) once its core business of child protection responsibilities is strong.^[36] Once the Safeguarding Board in Northern Ireland becomes operational, Scotland will be the only part of the UK which has not replaced non-statutory Child Protection Committees (CPCs) with a statutory process.

2. Introduction to the Bill

This Bill provides the legislative framework for the creation of the new Regional Safeguarding Board for Northern Ireland (SBNI) to be sited within the Public Health Agency. The Bill also provides the legislative framework for the creation and structure of Safeguarding Panels (one in each HSC Trust area) to support the work of the SBNI. A series of statutory regulations and statutory guidance will underpin the arrangements.

As this paper moves to the consideration of the issues surrounding the Clauses of the Bill, there are some overarching matters that merit attention as a backdrop to the consideration of the establishment and operation of the SBNI. These are now briefly outlined.

The scope of the role of the SBNI is broader than the existing RCPC, however addressing child protection responsibilities will remain fundamental to its business. The scope includes four broad elements to safeguard and promote the welfare of children. These are^[37]:

- Protecting children who are suffering or at risk of suffering significant harm;
- Safeguarding and promoting the welfare of children who are potentially more vulnerable than the general population, for example, children who are detained and children from a minority or ethnic group;
- Activities that affect all children to safeguard them from maltreatment and or impairment of health and development; and
- Proactive work to target specific groups.

The DHSSPS has highlighted the importance of the SBNI establishing 'firm connections' with the Children's Services Planning process, which was legislatively introduced into Northern Ireland in 1998 with the establishment of four Children and Young People's Committees - "It will, therefore, be necessary and appropriate for the SBNI to participate directly in the children's planning process to ensure that the issue of safeguarding children and young people within Northern Ireland is highlighted and acted upon accordingly" (see section 13.1 for further discussion).^[38]

A key issue for consideration is to ensure that the final Bill means the SBNI has the "authority, autonomy and flexibility to conduct its business effectively".^[39] In connection with this, Children in Northern Ireland (CiNI) highlight the aim to develop a SBNI that "is unfettered in its independent scrutiny of the HSCB and the Trusts...and quite distinct from the current RQIA, the SBNI must not become an inspection body".^[40]

There appears to be some confusion over the degree to which the delegation of statutory functions will be affected by the proposals for the SBNI.^[41] The Regulation and Quality Improvement Authority (RQIA) have indicated an overarching concern that it is not clear from the proposals how the SBNI will impact on the Scheme.^[42] However, for example, the Southern HSC Trusts and the Belfast HSC Trust appear to be clear that the proposals do not affect their delegated statutory functions.^{[43],[44]}

Professor Jan Horwath, Professor of Child Welfare at Sheffield University, highlighted the issue of resources and that the creation of an effective safeguarding board was only "half the problem...unless the developments in what is perceived to be good quality practice go together with resources that enable that practice, there is a limit to what the safeguarding board can do".^[45] The RQIA and Northern HSC Trust highlighted similar concerns given "the acknowledged 30%+ underfunding of children's social services in Northern Ireland".^{[46],[47]}

The Bill contains 17 Clauses and the remainder of this paper goes into detail on the main clauses of the Bill and identifies and highlights areas of concern and issues that have been raised during consultation on and consideration of the proposals to date.

3 Clause 1 – Establishing the SBNI

3.1 Details of the Clause

Clause 1 provides for the establishment of a Safeguarding Board for Northern Ireland (SBNI) and places a duty on the DHSSPS to establish the SBNI. 1(2) provides that the SBNI must include a Chair appointed by the DHSSPS and representatives of the persons/bodies listed in 1(3) as may be prescribed by regulations. The bodies specifically named in this clause are the Regional HSC Board, Regional Agency for Public Health and Social Well-being, HSC Trusts, PSNI, Probation Board, Youth Justice Agency, Education and Library Boards, District Councils, and NSPCC. The expansion of this specified list appears to be covered in two ways:

- 1(3) j allows for expansion of this list by "such other relevant persons or bodies that may be prescribed in regulations"; and
- 1(4) allows for expansion of this list "subject to the approval of the Department" as the SBNI may also include representatives of relevant bodies/persons as the members of the Board consider should be on it.

Clause 1(5) notes further regulations to make provision for the appointment, tenure, vacation, remuneration and allowances of the Chair and members of the SBNI; the procedure of the SBNI; the staff, premises and expenses of the SBNI; and that proceedings of the SBNI will not be invalidated by any vacancy on the SBNI or any defect in a member's appointment or qualifications.

3.2 Independent Chair

Although there is no specific statutory requirement for independence of the Chair referred to in 1(2) it is the policy intention of the DHSSPS that the Chair of the SBNI will be independent of any of the agencies represented on the Board and appointed by the Public Appointments Process

to serve a maximum of two terms with each term lasting no more than four years. The caveat to the independence of the Chair is that the Department envisage that it must be someone with "sufficient knowledge and experience to discharge the responsibilities of the post to a high standard"[\[48\]](#) and that "the arrangements seek to ensure that the Chairperson of the SBNI is independent of the people who provide and commission the services that the SBNI will consider and review".[\[49\]](#)

The proposal for an independent Chair appears to be widely acceptable and is compatible with the thinking of Lord Laming who recognised in his 2009 review that having independent Chairs who are also sufficiently experienced in safeguarding and child protection services is critical.[\[50\]](#)

France et. al. (2010) carried out a study in England to determine whether the structures and processes of the LSCBs have overcome the identified weaknesses of ACPCs. With regard to the Chair of the LSCB, across the case study areas the Independent Chairs were seen as effective in leading the Boards but some problems were identified including difficulties that independent Chairs could have in becoming embedded in broader strategic networks and activities; under-resourcing of the post or insufficient administrative support leaving the Chair with insufficient time for wider strategic functions; and in terms of accountability, some problems existed over the separation of accountability from management.[\[51\]](#)

The Bill does not specifically refer to the independence of the Chair. The Committee may wish to consider if it should do so or seek assurance that the subsequent regulations will specify this?

The Committee may also wish to consider the problems that some Independent Chairs in England have faced, as outlined above, and investigate how these may be overcome for Northern Ireland.

3.3 Membership of the SBNI

The initial core membership is outlined as follows in 1(3) of the Bill[\[52\]](#):

- A Chief Executive (representing the HSC Trusts);
- The Director of Children's Services from each HSC Trust;
- Two District Council Members (employees of the Council);
- ACC – PSNI;
- Chief Executive PBNI;
- Chief Executive – Youth Justice;
- Education Representative (Education Skills Authority);
- Regional Director – NSPCC;
- Chief Executive from voluntary sector;
- Patients and Clients Council;
- Lay Members;
- Director of Social Work (HSC Board);
- Director of Nursing (Public Health Agency);
- Assistant Chief Social Services Officer (in attendance but not a voting member).

The DHSSPS have initially identified the ideal size of the SBNI to be about 20 members and the decision to include the NSPCC in this core membership ahead of other voluntary groups reflects "by provision of its royal charter, it has the authority to exercise a statutory function for protecting children".^[53] It is anticipated by the DHSSPS that the successful operation of the SBNI will depend on the participation of the voluntary sector at subcommittee level.^[54]

The policy intention is that Members will be of a senior level in the organisation with a strategic role in safeguarding and promoting the welfare within their organisation, as "Members must be able to represent their organisation and commit it to policy and procedural matters, and hold their organisation to account. Nominated officers may only delegate their responsibilities following agreement with the SBNI Chair...in exceptional circumstances".^[55]

The English LSCBs range in size from 12 members to more than 90, so care must be taken 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".^[56] The LSCBs appear to have taken one of two approaches to membership^[57]:

- Exclusive – limiting the number of people on the LSCB thus increasing the "chance of creating shared understanding and focused programme of work. However, communication with wider groups and links with operational practice may be weak"; or
- Inclusive – with broader membership and "able to draw upon the experience and expertise of people from a wider range of backgrounds, however, there is a risk of communication breakdown across the infrastructure of the Board and that a shared sense of vision and focus is lost".

Professor Jan Horwath noted that many of the English LSCBs have moved towards having professional representation at board level as observers and advisers, resulting in clearer decision-making.^[58]

There are proposals for a medical representative to be on the SBNI from, for example, from Belfast HSC Trust.^[59] The British Association for the Study and Prevention of Child Abuse and Neglect (BASPCAN) propose that a senior doctor is a core member of the SBNI "given the very valuable contribution that medical practitioners make to the identification and management of abuse and neglect".^[60] In a similar suggestion the Northern HSCT advocated the Designated Doctor role as a core member, but also noted that there was a need to clarify the roles and responsibilities of members of the SBNI in relation to nursing, particularly the role of the Designated Nurse for Safeguarding Children and the difference between the Director of Nursing PHA and the Designated Nurse roles.^[61]

The judiciary are not part of the core membership as the DHSSPS note that "the independence of the judiciary is fundamental to the welfare of children who come before the courts". It may be possible for the SBNI to be represented on the Children Order Advisory Committee (the mechanism by which those concerned with the well-being of children liaise with the judiciary to exchange views)^[62] as suggested by the British Association for the Study and Prevention of Child Abuse and Neglect (BASPCAN) who proposed that the Chair of the SBNI become a member of the Children Order Advisory Committee.^[63] CiNI recommend that a relationship be established between the SBNI and the Children Order Advisory Committee.^[64]

The Patient and Client Council particularly welcomed the involvement of lay members but noted "due care must be taken by the Chair and members that lay members are properly supported and given their voice"^[65].

The intention is that individual members of the SBNI will remain accountable to the organisations that are their employers and the organisations, as agencies, will be accountable to the SBNI Chair. The SBNI through the office of the Chairperson "will be accountable for delivery on key aspects...to the Minister of HSSPS, who will ultimately be responsible to the Northern Ireland Executive".^[66] It has been suggested that there are two possible interpretations of this accountability of the Chair to the Minister, "the SBNI chairperson will be accountable to the Minister, but will he or she be accountable on behalf of the Board or in his or her own right?"^[67] Further discussion on issues of accountability is found in Section 6.3 of this paper.

Regarding the proposed core membership of the SBNI – the Committee may wish to consider this membership further, for example:

- Whether it will deliver an independent SBNI as currently constituted in the Bill? The core membership appears to be focused on the statutory sector. The intent appears to be that the expertise of the voluntary sector will be utilised in the committee and sub-committee structure – is the Committee content that the voluntary sector are adequately represented in the core membership?
- The core membership does not include the DHSSPS, or any other Department. The Committee may wish to consider which, if any, Departments should be on the SBNI and debate what role the DHSSPS has on the SBNI?
- In the Bill certain duties, for example duty to co-operate, apply to the specified list of members of the SBNI, therefore there may be implications of not having certain Departments on the statutory list of members.
- Other gaps in membership are also highlighted above, including the judiciary and the medical profession - the Committee may wish to consider how such professions can be represented.

3.4 Funding

With reference to 1(5), The SBNI will be sited within the Public Health Agency (PHA) and will have access to its financial accounting system but will have its own annual budget of £750,000. The DHSSPS have highlighted that this compares very favourably with the funding for the LSCBs in England with average funding of around £150,000. It is expected that 'support in kind' will be provided by member agencies, although experience of 'support in kind' for the LSCBs has been mixed in this regard.^[68] The NSPCC and the Southern HSC Trust, for example, favour the establishment of a 'funding pool' to which all key agencies would contribute to ensure a more integrated approach.^{[69],[70]} Belfast HSC Trust advocate "full funding on a cross-agency basis of costs associated with additional requirements arising out of the operationalising of the Safeguarding Board and Local Panels".^[71]

BASPCAN highlighted some concerns around the funding, including lack of clarity as to how the Safeguarding Panels (see Clause 7) will be funded; particularly the fact that ACPCs historically provided an extensive training programme at no cost, underpinned by the social services training budget. They felt it unlikely that this could continue under the SBNI and that as the main costs would be core staff, media and public awareness campaigns there should be more detail on these issues to ensure these costs are covered.^[72] The Public Health Agency^[73], the South Eastern HSC Trust^[74] and the Northern HSC Trust also highlighted concerns over the funding of the Safeguarding Panels so that they will be able to fulfil their responsibilities in full.^[75]

The DHSSPS believe that "the aims of the SBNI sit well within the ethos of the PHA as the SBNI...will have a wider safeguarding agenda, with a significant function of focusing on prevention and promoting safe behaviour and practice".^[76] It is anticipated that the SBNI will

be managed by an Executive Officer to support the Chair. In addition, the Executive Officer will be supported by a number of professional advisors and further additional posts may be required for a number of core functions such as research, information and trends analysis, audit functions, training, policy and procedures; and case management reviews.^[77]

The Committee may wish to explore further the possibility of pooled funding as has been suggested – is there a requirement for this in the legislation? Will the £750,000 be sufficient to fully cover the work programme of the Safeguarding Panels in addition to the SBNI? Since, there appears to be an expectation that 'support in kind' will be provided by member agencies, the Committee may wish to investigate further if member agencies are willing or able to provide what will be required of them in this regard.

4. Clause 2 – Objective of the SBNI

The main objective of the SBNI is described as co-ordinating and ensuring effectiveness of what is done by each person or body represented on the SBNI and for the purposes of safeguarding and promoting the welfare of children. Regulations may amend this objective for the purposes of safeguarding and promoting the welfare of children.

In considering the overall objectives of the SBNI it may be useful to consider the five inter-locking objectives of effective child protection systems proposed by The British Association for the Study and Prevention of Child Abuse and Neglect (BASPCAN)^[78]:

- Reduce the prevalence and incidence of child abuse and neglect through preventative approaches;
- Reduce the child mortality rate (as a consequence of having an effective child protection system);
- Prevent children identified as being in need of protection from experiencing harm;
- Address the effects on development of children who have experienced harm (resulting in improved psychological and social functioning and educational attainment); and
- Address the needs of other family members so they are in a better position to provide the care and future protection of the child.
- The Committee may wish to consider if it is content with the main objective of the SBNI and if the detail in the Bill for the objective is sufficient?

5. Clause 3 – Functions of the SBNI

5.1 Details of the Clause

This clause describes the main duties and powers of the SBNI, as follows:

- (1) To develop policies and procedures around safeguarding and promoting the welfare of children;
- (2) To promote awareness of the need to safeguard and promote welfare of children;
- To review effectiveness of what is done by each person or body represented on the SBNI;
- To undertake Case Management Reviews as may be prescribed in regulations under the circumstances that may be prescribed in regulations;

- To review such information as may be prescribed in regulations of deaths of children in Northern Ireland in such circumstances as may be prescribed in regulations;
- To advise HSC Board and Local Commissioning Groups in relation to safeguarding and promoting the welfare of children, both after receiving a request for advice and in other cases as the SBNI thinks are appropriate;
- The SBNI must take reasonable steps to promote communication between SBNI and children and young people;
- The SBNI must make arrangements for consultation and discussion in relation to safeguarding and promoting the welfare of children;
- The SBNI may, in connection with safeguarding and promoting the welfare of children;
- Compile and analyse information
- Provide advice or information
- Publish any matter concerning safeguarding/promoting welfare of children subject to approval of the DHSSPS; and
- (10)The SBNI may take part in any other activity that facilitates or is conducive to the achievement of its objective.

5.2 Overview of Functions

France et. al. (2010) note that to be effective the LSCBs in England "need to set realistic plans and appropriate parameters around the activities they are undertaking". LSCBs have embraced the wider safeguarding agenda with mixed results, as some areas have not had the resources necessary to fulfil all functions. Those LSCBs that have been most successful in England have been those that have "concentrated on the 'core' business of child protection and then expanded into preventative activities as and when resources have permitted".^[79]

Concern has been expressed over the breadth of functions of the SBNI. The RQIA particularly note the "volume of work arising from case management reviews, near misses and the amount of monitoring required to ensure the implementation of resultant action plans by the various agencies".^[80] Professor Jan Horwath, noted that a crucial issue is what is meant by the 'core business' of the SBNI as "the most vulnerable children in society are those who are knocking on the door of the child protection system but not accessing it. The placing of strict controls on what constitutes core business could leave extremely vulnerable children at risk".^[81]

Issues the Committee may wish to consider in relation to the functions of the SBNI might be:

- Are the functions potentially too wide-ranging as has been suggested above?
- Are the resources sufficient for the SBNI to accomplish such a volume of work?
- Should the Bill be more specific over the definition of core business?

5.3 Case Management Reviews

3(4) With regard to Case Management Reviews (CMRs), the DHSSPS propose that the SBNI will assume lead responsibility for deciding if CMRs will be carried out. The Chair of the SBNI will be required to liaise with the current RCPC to review existing CMRs in the system.^[82] The DHSSPS 'Overview Report' (2006) found that ACPCs encountered problems in securing and resourcing independence and impartiality in the Chairmanship and composition of CMR Panels and in securing appropriate expertise in panel members. The CMR reports produced had varied

significantly and ACPCs were struggling with the volume of recommendations generated by CMRs and with their potential application across the region.^[83]

In June 2008, the DHSSPS commissioned Queens University Belfast and the NSPCC to undertake a review of the CMR process and the report published in January 2009 highlighted the issue of the responsibility for CMRs being split between the DHSSPS and the ACPCs. The ACPCs (now one RCPC) are responsible for commissioning and overseeing the conduct of a CMR and producing an action plan, meanwhile the DHSSPS is responsible to ensure lessons for policy and practice are acted upon. The majority of those interviewed for the evaluation felt that the move to the SBNI provided an opportunity for these split functions to be amalgamated.^[84]

5.4 Child Deaths

3(5) provides the framework for two interrelated statutory processes for reviewing child deaths.^[85] Firstly, an overview of all child deaths by a committee of the SBNI to be known as the Child Death Overview Panel (CDOP) and secondly, the Child Death Review Procedure, which will come into effect only when a sudden or unexpected death of a child has occurred. The intention is that a CDOP, Chaired by a Designated Paediatrician, will conduct a paper review of all child deaths, based on information available from those who were involved in the care of the child, before or immediately after the death occurred, and other sources, potentially including the Coroner. The purpose is to prevent such deaths in the future and identification of issues to report to the SBNI.^[86]

5.5 Communication

France et. al (2010) found that in England communication of the LSCBs to the wider public and to children and young people was underdeveloped, however a number of examples of good practice did exist and opportunities exist (for example, engaging with Youth Parliament) to develop ways of more actively engaging young people.^[87]

It is the policy intention of 3(7) that "the voice of the child and young person should be heard in all that the SBNI do in relation to safeguarding and promoting the well-being of children and young people within Northern Ireland"^[88] and it is envisaged that the SBNI will promote both formal and informal networks in engaging with children and young people (see section 13.2 for further discussion).

The Committee may wish to consider further 3(7) The Safeguarding Board must take reasonable steps to promote communication between the Board and children and young people. As discussed in section 13.2 of this paper a Young Persons Reference Group was proposed in the consultation document – is this still planned? Is the wording of the clause sufficient to ensure the voice of the child and young person will be heard in all that the SBNI do in relation to safeguarding and promoting the well-being of children and young people?

5.6 Compilation and Analysis of Information

The compilation and analysis of information is referred to in 3(9). The NSPCC^[89] and BASPCAN, for example, support the proposal to integrate the child protection registers of the five HSC Trusts but BASPCAN cautioned against "any move to introduce a version of the English integrated children's system into Northern Ireland, as its worth has not been proven, based on research conducted to date".^[90] The RQIA suggest that the integrated child protection register could be a function of the HSC Board, rather than the SBNI, given its remit for child protection under the scheme of delegation of statutory functions.^[91]

5.7 Publication Issues

In consideration of 3(9) where the publication of any matter by the SBNI concerning safeguarding/promoting welfare of children requires the approval of the DHSSPS, it may be useful to consider the DHSSPS understanding of this aspect of the Clause and whether or not this understanding is widely held. The DHSSPS hold the view that it is normal practice, for an arm's-length body, to share an annual report or any report for publication with the DHSSPS in advance of publication to ensure there is clarity of understanding and an opportunity to check for factual accuracy. According to the DHSSPS it is "not intended to be a veto or a censoring mechanism".^[92]

The Committee may wish to consider if this provision, 3(9), is suitable regarding the publication of any matter by the SBNI or if it gives the perception of compromising the independence of the SBNI, whether or not that is the intention?

6. Clause 4 – Directions to the Safeguarding Board

This clause gives the DHSSPS the power to give directions of a general or specific nature to the SBNI as to the exercise of any of its functions. The SBNI must comply with these directions and the directions can be revoked or varied by subsequent directions. There are some caveats in that the Department is required to consult the SBNI prior to giving the directions except in circumstances when the DHSSPS believes that the matter is of such urgency that it will not consult prior to giving the directions but will, "as soon as is reasonably practicable" give notice to the SBNI of why it took that action.

The DHSSPS highlight that "situations could arise that were not foreseen" and that the policy intention of this power to direct the SBNI is to cover exceptional circumstances when the DHSSPS directs the SBNI to do exceptional work that falls outside its programme of work. The DHSSPS believes that "this is not the same as directing it in its day to day work and fettering its independence".^[93]

It would appear that the intention for the SBNI is to work closely with the DHSSPS and be different in constitution and purpose from a usual Non-Departmental Public Body and it is possible that the inclusion of this clause may cause concern over the independence of the proposed SBNI. There appears to be no such equivalent provision in the Children Act 2004 for the LSCBs in England and Wales.

The Committee may wish to explore the implications of this clause further. Does the Committee accept the DHSSPS explanation of the rationale behind it or does the inclusion of the clause, or perhaps the wording of the clause, send out the wrong signal and potentially compromise the independence of the SBNI?

7. Clause 6 – Annual Report

This clause places a duty on the SBNI to produce an annual report for the DHSSPS and the DHSSPS must lay a copy before the Northern Ireland Assembly. It is envisaged that the SBNI's annual report will account for its activities throughout the year and link these activities to performance indicators. It is planned that the performance management framework for the SBNI "will be explicitly linked to the OFMDFM 'Our Children, Our Pledge 10 Year Strategy' (2006-2016)", with performance indicators for the safeguarding agenda predominately fitting under the heading 'Living in Safety with Stability' and likely indicators related to 'Being Healthy' and 'Enjoying Learning and Achieving'.^[94]

The British Association for the Study and Prevention of Child Abuse and Neglect (BASPCAN) suggest an enhanced level of accountability, by every agency represented on the SBNI having a legal duty to publish an annual statement detailing their contribution to the work of the SBNI and their actions in promoting the safeguarding of children within their work.^[95]

BASPCAN and the RQIA comment that accountability is a challenge when agencies on the SBNI will operate under their own separate legislative and policy priorities, however BASPCAN notes that the issue can be resolved by "ensuring that there are separation of functions and transparency in the operation of the Board... the chairing arrangements of the Board are key".^[96] The RQIA highlight "it is difficult to know how it will be able to discharge this function, other than by a process of mutual agreement".^[97] BASPCAN believe there is strength in the proposal that the Chair will be accountable to the Minister rather than officials within the Health and Social Care Board.^[98]

The RQIA is expecting to have an "oversight of the governance arrangements of the SBNI in accordance with The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003".^[99]

The annual report will provide an essential route for providing accountability – the Committee may wish to consider if this clause needs strengthened in any way, for example, more detail as to what the annual report should include?

8. Clause 7 – Committees and Sub-committees

This clause deals with the structure underpinning the SBNI and places a duty on the SBNI to establish certain committees – a prescribed number of 'Safeguarding Panels'; the 'Child Death Overview Panel; and the 'Case Management Review Panel'. In addition to these the SBNI also has the power to establish one or more other committees and one or more other subcommittees. As with Clause 1 regulations will make provision for the appointment, tenure, vacation, remuneration and allowances of the Chair and members of the committees and sub-committees; the procedure of the committees and sub-committees; their staff, premises and expenses; and proceedings of the SBNI will not be invalidated by any vacancy on a committee or sub-committee or any defect in a member of such a committee or sub-committee's appointment or qualifications. Members of these committees and sub-committees may be persons who are not members of the SBNI and, in the case of sub-committees, do not need to be members of the committee which established it.

With regard to the Safeguarding Panels, five are proposed (one within each HSC Trust area) and Statutory Regulations will define much of their function. Following implementation, it is intended that they will be more operationally inclined and feed into the strategic processes of the SBNI, including ensuring that the SBNI "fully embraces the transitional arrangements from child protection under the ACPC arrangements to the wider safeguarding agenda covering prevention and promotional activities".^[100] The Chair of each Safeguarding Panel will be accountable to the Chair of the SBNI. It is expected that each Safeguarding Panel will be required to develop the following standing sub-committees, in addition to 'as an when required sub-groups^[101]:

- Service developments and Interface;
- Communication and Training; and
- Business Planning and Governance.

Aside from those specifically mentioned under the duty in the Bill, other Committees envisaged are, for example, monitoring and evaluation, communication and raising awareness, policy and procedures, youth justice, and young people's group.^[102]

The Probation Board for Northern Ireland noted the extensive scope and outcomes envisaged for the SBNI and that this would require an extensive sub-group structure, such as appears to be outlined in the Clause, however this "will have an impact on agencies capacities...further exacerbated by the proposal that the Safeguarding Panels will also have a significant number of sub-groups".^[103]

The PSNI highlighted that "how we move from strategic intent to practitioner level through the mid-level manager" is important and that is where the sub-committees of the SBNI will become important as "it is a matter of how to build local relationships...although we create the right environment at strategic level, delivery is the important part".^[104]

OFMDFM has highlighted the important role that communities play in safeguarding children through preventative action, development of local resources, empowerment, and self-help measures; and propose that enabling communities to undertake this work should be an important part of the work of the Safeguarding Panels.^[105]

Both Professor Jan Horwath^[106] and the Northern HSC Trust^[107] propose that the Chairs of the Safeguarding Panels should be core members of the SBNI in order to ensure more effective lines of accountability between the Panels and the SBNI. CiNI propose that the chairperson of each Safeguarding Panel should be the corresponding HSC Trust Director of Children's Services and that these two statutory functions should not be separated, and that consideration be given to the appointment of 'Co-Chairs' from the voluntary or education sector.^[108]

As outlined for Clause 1, the core membership of the SBNI appears to be focused on the statutory sector. The intent appears to be that the expertise of the voluntary sector will be utilised in the committee and sub-committee structure – is the Committee content that this intention is made clear in the Bill?

The sub-group support structure of the SBNI is extensive – the Committee may wish to explore the impact this will have on the agencies involved.

There have been specific suggestions made above for the Chairing of the Safeguarding Panels – the Committee may wish to explore these further.

Sections 5.3 and 5.4 of this paper have outlined issues around the CMR Panel and Child Death Overview Panel in more detail – the Committee may wish to consider further these two Panels as described in the Bill. For example, will the CMR Panel overcome previous difficulties such as those ACPCs encountered in securing and resourcing independence and impartiality in the Chairmanship and composition of CMR Panels and in securing appropriate expertise in panel members.

9. Clause 10 – Duty to co-operate

9.1 Detail of Clause

This Clause places a reciprocal duty to co-operate on the SBNI and its constituent bodies and any other bodies that may be included in the SBNI as follows:

- SBNI must co-operate with the persons or bodies specified in section 1(3) and (4); and
- The persons/bodies in section 1(3) and (4) must co-operate with SBNI.

9.2 Policy Intention

The DHSSPS highlights that the duty to co-operate is "at the heart of the new arrangements", however it is not intended that sanctions will be imposed on people or organisations for not turning up at meetings. The DHSSPS believes that "failure to discharge a statutory function is a serious breach that cannot be casually disregarded".^[109] In addition a 'specific partnership agreement' is planned which will be a contract setting out the expectations and obligations to participate in the co-operative working of the SBNI, including requirements for attendance, arrangements for deputising, and will place on a statutory footing a requirement prescribing the level of attendance for member organisations. It is proposed that it will be a "function of the Chairperson to challenge member organisations if there is evidence of regular non-attendance or that an organisation is failing to discharge its statutory duty to co-operate".

9.3 Issues Around the Duty to Co-operate

There appears to be wide ranging support for the inclusion of a duty of co-operation, for example NICCY, Northern HSC Trust Western HSC Trust, Patient and Client Council, PBNI, PSNI, The Regional Child Protection Committee, CiNI and Professor Jan Haworth all indicated support for such a duty.

The NSPCC notes that the Children Act 2004 has served as a "loose model" for the SBNI and it contains two duties. Firstly a Section 10 duty to 'co-operate to improve well-being' which deals with the requirement on a range of agencies to make arrangements to improve the well-being of children (related to the five higher level outcomes in the 'Every Child Matters Strategy' in England). Secondly, a Section 11 duty imposed on a range of named agencies to make arrangements to safeguard and promote the welfare of children (Clause 12 appears to provide a similar duty for Northern Ireland). The NSPCC advocate that the legislation for Northern Ireland "should also deal with a well-being duty to place the high level outcomes of the Children's Strategy [for Northern Ireland] on to a statutory basis" (see section 13.1 on Children's Services Planning for further discussion).^[110]

Children in Northern Ireland (CiNI) believe that the duty should be "to co-operate to safeguard children" and that these should not be separate legal requirements. CiNI believe this is "the crucial ingredient needed to address previous shortcomings identified by Laming and others in relation to poor-coordination and failure to share information".^[111]

There is opinion, for example from Belfast HSC Trust that mandated co-operation will not in itself deliver improvement but that meaningful co-operation must be "earthed in organisational commitment to safeguarding".^[112] This appears to be the rationale behind Clause 12. The work of France et. al. (2010) indicates that progress is being made with the LSCBs in terms of co-operative interagency working, "professional cultures and practices are difficult to change but evidence suggests progress is being made". Ongoing challenges include information sharing (especially Adult Services) and engagement with GPs.^[113]

The Committee may wish to consider if the clause will deliver meaningful co-operation in practice, for example, the potential need for sanctions that might apply to bodies or organisations who do not co-operate. The Committee may also wish to seek further information around the planned 'specific partnership agreement' which the DHSSPS proposes will underpin this duty and will be a contract setting out the expectations and obligations to participate in the co-operative working of the SBNI.

10. Clause 11 – Supply of information requested by the SBNI

This Clause places a duty on bodies and persons to supply information requested by the SBNI but there are conditions to be met and the information must be supplied if the first and second conditions are met together with either the third or the fourth condition:

- The first condition is that "the request is made for the purpose of enabling or assisting the SBNI to exercise its functions";
- The second condition is that the request for information is made to a person or body whose functions or activities make it likely that they will have such information;
- The third condition is that the information relates to "the person or body to whom the request is made", "a function or activity of that person or body", "a person in respect of whom a function is exercisable, or an activity is engaged in by that person or body"; and
- The fourth condition is that the information is "requested by the SBNI from a person or body to whom information was supplied in compliance with another request under this section" and "is the same as, or is derived from, information so supplied".

The information covered in this clause may be used only for the purpose of "enabling or assisting the Board to exercise its functions".

The Committee may wish to investigate further this set of conditions to be fulfilled before bodies and persons are required to provide information requested by the SBNI. In practice, will any of these conditions hamper the SBNI from exercising its functions?

11. Clause 12 – Arrangements to safeguard and promote the welfare of children

A duty is placed on each person and body to whom this section applies (see Clause 1 for list) to make arrangements for ensuring that:

- (2a) their functions are exercised having due regard to the need to safeguard and promote welfare on children; and
- (2b) any services provided by another person pursuant to arrangements made by the person or body in exercise of their functions are provided having due regard to that need.

The clause also places a requirement on bodies to have due regard to any guidance provided by the DHSSPS in relation to the exercise of this duty.

The British Association for the Study and Prevention of Child Abuse and Neglect (BASPCAN) understand that "this does not alter their legislative requirements on their own agency, rather it requires them to carry these out in a way that safeguards and protects children".[\[114\]](#)

The current RCPC highlight that one of the most complex areas of work is engaging with the voluntary, community and statutory sectors on accountability and it believes "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 anyway".[\[115\]](#)

Evidence from the work of France et. al. (2010) suggests that LSCBs in England have improved the information available to both frontline and managerial staff to support their work. The LSCBs have reinforced the importance of procedures and one of the most positive developments was that interagency working and information sharing was improving.[\[116\]](#)

As mentioned in Section 9.3 of this paper, a similar duty to this exists in the Children Act 2004.

Clause 12(3) states that "each person and body to whom this section applies must, in exercising their duty under this section, have due regard to any guidance given to them for the purposes by the Department". The Committee may wish to question further the policy intent of this aspect of the Clause as it may be perceived as hampering the independence of the named bodies and organisations in their duty of safeguarding and promoting the welfare of children.

In addition, the Committee may wish to investigate further how agencies will demonstrate compliance with Clause 12.

12. Clause 14 - Regulations

Except for the regulations made under Clause 2(2), which will only be made once a draft of the regulations has been laid before and approved by resolution of the NI Assembly (affirmative resolution and the most stringent form of Assembly control for sub-ordinate legislation), all other regulations in this Bill (found in Clauses 1(5), 3(4), 3(5), 5(1), 7(1), 7(4) and 8(2)) are subject to negative resolution. These have the effect of law as soon as the 'comes into operation' date is reached. They can be annulled by the Assembly within the statutory period, 30 calendar days or 10 sitting days (whichever is longer). For it to be annulled a Member of a committee must table a motion known as a Prayer of Annulment in the Business Office for debate in the Assembly and the Assembly must vote in favour.^[117]

The Committee may wish to consider if it feels it is appropriate for so many of the regulations within the Bill to be made subject to negative resolution. Particularly in view of the fact that the Bill is very much a legislative framework with much of the detail to be worked out in the subsequent regulations.

13. Areas for Further Consideration

13.1 Children's Services Planning

As mentioned earlier, in sections 2 and 9.3, the importance of the SBNI establishing 'firm connections' with the Children's Services Planning process has been highlighted, "It will, therefore, be necessary and appropriate for the SBNI to participate directly in the children's planning process to ensure that the issue of safeguarding children and young people within Northern Ireland is highlighted and acted upon accordingly".^[118]

The NSPCC^[119] and the RQIA, for example, have suggested that the Bill should be more specific on this issue and include a duty related to that found in Section 10 of the Children Act 2004 which links the safeguarding agenda to the regional children's services planning framework and to the six high level outcomes of the OFMDFM Strategy for Children and Young People. In addition, the RQIA propose "it may be appropriate for the SBNI to work within a framework of enabling legislation that places the higher level outcomes of the children's strategy onto a statutory basis".^[120]

Given that the DHSSPS has noted the 'firm connections' required between the SBNI and the Children's Services Planning Process, it has been suggested by CiNI that there should be "one single legislative framework reinforcing this important relationship and recognising that safeguarding is an essential consideration in the planning of all services for children and young people" and advocate consideration of the scope for a "legislative duty to co-operate to plan and commission services for all children and young people, with a specific requirement on key agencies to co-operate to safeguard and promote the welfare of children".^[121]

The Committee may wish to consider further the connections with the Children's Planning Process. For example, it has been proposed that the Bill is not specific enough on the issue and that the high level outcomes of the children's strategy should be placed on to a statutory footing within this legislation.

13.2 Young Person's Reference Group

The Departmental consultation paper on the Safeguarding Board for Northern Ireland (January 2007), proposed that a Young Person's Reference Group would be established to support the work of the SBNI and that the group would be available to the SBNI through the Chair. Membership of the group was to be representative of the general population with particular emphasis on those groups of young people who are in need of or have received safeguarding services.^[122]

The Bill does not appear to specifically mention such a Young Person's Reference Group but does refer in Clause 3(7) to the fact that "The Safeguarding Board must take reasonable steps to promote communication between the Board and children and young persons". There is no specific mention of this process being conducted through a Reference Group.

CiNI welcomed the original DHSSPS proposal regarding the proposed function of considering "how best to engage with young people, which ensures that the young persons voice is heard in all that the SBNI do".^[123] It may be useful to consider Clause 3(7) in the light of the original proposal. NICCY have highlighted the importance of developing a range of ways to engage young people and recommended that a clearer structure and process for engagement was developed.^[124]

VOYPIC (Voice of Young People in Care) believes that the key to the success of children and young people's involvement in the SBNI is "that they have a supportive mechanism to address key issues that are relevant to them and an opportunity to have their views heard. To do this effectively, it is important that children and young people are supported by an agency that has the skills and experience in developing participative practice methods". VOYPIC have said they would welcome the opportunity to work alongside the SBNI to enable them to design and establish a specific model of children and young people's involvement.^[125]

The Committee may wish to consider the issues raised above to decide if the Bill, as currently drafted, is specific enough on the involvement of children and young people.

13.3 Safeguarding Across Jurisdictions

The OFMDFM has highlighted the importance of excellent co-ordination with neighbouring jurisdictions regarding effective safeguarding, "as those who pose a risk of harm may not be restricted by borders or national boundaries".^[126] A number of developments have been put in place including ensuring that safeguarding is a topic for consideration at the North South Ministerial Council and the British Irish Council. It was agreed at a meeting in February 2008 that DHSSPS and the Office for the Minister for Children in the Republic of Ireland will co-chair a cross-border group of officials to intensify co-operation on child protection and five work streams have been identified^[127]:

- Information Sharing;
- Media awareness;
- Internet safety;
- Vetting and barring;

- Research.

The DHSSPS envisage that the SBNI will be responsible for contributing to the North South Ministerial Council meetings and to the British Irish Council arrangements, although there is no specific reference to such contribution in the Bill.^[128]

There has been increasing collaboration and co-operation between government departments, police and probation services in the jurisdictions of Northern Ireland, the Republic and Great Britain. Children's charities and NGOs have also played an important role in helping the governments develop in this regard. An Assembly briefing note: Safeguarding children between the jurisdictions of Northern Ireland, Great Britain and the Republic of Ireland outlines some of the key work that has taken place over recent years to improve the safeguarding of children across the jurisdictions.^[129]

As stated above it is envisaged that the SBNI will be responsible for contributing to the North South Ministerial Council meetings and the British Irish Council arrangements. The Committee may wish to consider whether more specific reference should be made in the Bill to the area of safeguarding across jurisdictions.

[1] www.opsi.gov.uk/si/si1995/uksi_19950755_en_1

[2] Co-operating to safeguard children, DHSSPS, 2003
Guidance to assist Area Child Protection Committees develop strategies, policies and procedures to safeguard children who are assessed to be at risk of significant harm.

[3] Safeguarding Children – A cross-departmental statement on the protection of children and young people by the Northern Ireland Executive, 2009, OFMDFM

[4] Our Children and Young People – Our Pledge – A Ten Year Strategy for Children and Young People in Northern Ireland 2006-2016, 2006, OFMDFM page 7

[5] Information extracted from NI Assembly Research Paper entitled Developing New Child Protection Safeguarding Structures in Northern Ireland (February 2010), pages 5-6

[6] Information is extracted from DHSSPS (2006) Our Children and Young People – Our Shared Responsibility – Inspection of Child Protection in Northern Ireland (Overview Report), Social Services Inspectorate, Pages 56-58

[7] Children Act 2004, http://www.opsi.gov.uk/acts/acts2004/ukpga_20040031_en_1

[8] Safeguarding Board for Northern Ireland (SBNI), Detailed Policy Proposal, DHSSPS, August 2009 paragraph 17

[9] Safeguarding Children – A cross-departmental statement on the protection of children and young people by the Northern Ireland Executive, 2009, OFMDFM, page 6

[10] www.opsi.gov.uk/si/si1995/uksi_19950755_en_1

[11] NI Assembly Research Paper entitled Developing New Child Protection Safeguarding Structures in Northern Ireland (February 2010), page 8

[12] Our Children and Young People – Our Shared Responsibility, Overview Report, December 2006, SSI, DHSSPS, paragraph 1.6

[13] Submission by the Northern Ireland Commissioner for Children and Young People to the HSSPS Committee on the proposed Safeguarding Board for Northern Ireland, <http://archive.niassembly.gov.uk/health/2007mandate/Submissions/NICCY.pdf>

[14] Proposed Safeguarding Board, Western HSC Trust Submission to HSSPS Committee http://archive.niassembly.gov.uk/health/2007mandate/Submissions/Western_Trust.pdf

[15] Co-operating to safeguard children, DHSSPS, 2003
Guidance to assist Area Child Protection Committees develop strategies, policies and procedures to safeguard children who are assessed to be at risk of significant harm.

[16] DHSS (1989) Cooperating to Safeguard

[17] Children Order Statistical Trends for Northern Ireland 2003/04-2008/09, DHSSPS, NISRA, 16th April 2010

[18] Children Order Statistical Tables for Northern Ireland (2008/09), DHSSPS, NISRA, 16th April 2010

[19] Children Order Statistical Trends for Northern Ireland 2003/04-2008/09, DHSSPS, NISRA, 16th April 2010

[20] Safeguarding Children – A cross-departmental statement on the protection of children and young people by the Northern Ireland Executive, 2009, OFMDFM, page 10

[21] Key Child Protection Statistics in Northern Ireland, June 2009, NI Policy and Research Unit, NSPCC, page 23-24

[22] Safeguarding Children – A cross-departmental statement on the protection of children and young people by the Northern Ireland Executive, 2009, OFMDFM, page 11

[23] Safeguarding Children – A cross-departmental statement on the protection of children and young people by the Northern Ireland Executive, 2009, OFMDFM, page 11-12

[24] Safeguarding Children – A cross-departmental statement on the protection of children and young people by the Northern Ireland Executive, 2009, OFMDFM

[25] Our Children and Young People – Our Pledge – A Ten Year Strategy for Children and Young People in Northern Ireland 2006-2016, 2006, OFMDFM page 7

[26] Information extracted from NI Assembly Research Paper entitled Developing New Child Protection Safeguarding Structures in Northern Ireland (February 2010), pages 5-6

[27] Available at www.dhsspsni.gov.uk/standards_for_child_protection_services.pdf

[28] Department of Health (2002) Safeguarding Children – a joint chief inspectors report on arrangements to safeguard children, The Stationary Office, cited in Vincent, S. (2008) Inter-agency Guidance in Relation to Child Protection: A UK Comparison, Centre for UK-Learning in Child Protection

[29] NI Assembly Research Paper entitled Developing New Child Protection Safeguarding Structures in Northern Ireland (February 2010), page 9

[30] Information is extracted from DHSSPS (2006) Our Children and Young People – Our Shared Responsibility – Inspection of Child Protection in Northern Ireland (Overview Report), Social Services Inspectorate, Pages 56-58

[31] The Children Act 2004, http://www.opsi.gov.uk/acts/acts2004/ukpga_20040031_en_1

[32] Establishment of a Regional Statutory Safeguarding Board for Northern Ireland, Summary Policy Proposal, DHSSPS, August 2009, paragraph 4

[33] Establishment of a Regional Statutory Safeguarding Board for Northern Ireland, Summary Policy Proposal, DHSSPS, August 2009, paragraph 5

[34] Establishment of a Regional Statutory Safeguarding Board for Northern Ireland, Summary Policy Proposal, DHSSPS, August 2009, paragraph 9

[35] The family support model is based on the work of Pauline Hardiker and her colleagues (1991). The Hardiker model (four levels) is recognized throughout the UK and internationally as a robust flexible tool for planning services to meet children's needs. It is used to capture the services and supports provided by any sector including families, community, voluntary and statutory services both locally and regionally. Level 1 – services/supports for all children and young people; Level 2 – services/supports for children who are vulnerable, though an assessment of need; Level 3 – services/support to families and children where there are chronic or serious problems; and Level 4 – services/support to families and children where the family has broken down permanently or temporarily. (Safeguarding Board for Northern Ireland (SBNI), Detailed Policy Proposal, DHSSPS, August 2009, Appendix 1, Family Support Model)

[36] NI Assembly Research Paper entitled Developing New Child Protection Safeguarding Structures in Northern Ireland (February 2010), page 22-23

[37] Extract from: Safeguarding Board for Northern Ireland (SBNI), Detailed Policy Proposal, DHSSPS, August 2009 paragraph 5.1

[38] Safeguarding Board for Northern Ireland (SBNI), Detailed Policy Proposal, DHSSPS, August 2009 paragraph 12

[39] Submission by the Southern HSC Trust to the NI Assembly Committee for HSSPS on the SBNI, <http://archive.niassembly.gov.uk/health/2007mandate/Submissions/SouthernHealthSocialCareTrust.pdf>

[40] Evidence, Safeguarding Board for Northern Ireland, to Assembly Committee for HSSPS, CiNI, February 2010, <http://archive.niassembly.gov.uk/health/2007mandate/Submissions/cini.htm>

[41] Currently in Northern Ireland there is a statutory Scheme of Delegation between the DHSSPS, the HSC Board and the Five HSC Trusts, which deals with functions within the Children (NI) Order 1995, the Adoption (NI) Order, Mental Health Order (1986) and the Children (Leaving Care) Act 2002.

[42] Proposed Safeguarding Board for Northern Ireland, RQIA, <http://archive.niassembly.gov.uk/health/2007mandate/Submissions/RQIA.pdf>

[43] Submission by the Southern HSC Trust to the NI Assembly Committee for HSSPS on the SBNI, <http://archive.niassembly.gov.uk/health/2007mandate/Submissions/SouthernHealthSocialCareTrust.pdf>

[44] Briefing Paper for the Committee for HSSPS on the Proposed Safeguarding Board Northern Ireland (SBNI), paragraph 5.3, <http://archive.niassembly.gov.uk/health/2007mandate/Submissions/bhsct.htm>

[45] Evidence Session on Safeguarding Board for Northern Ireland with Professor Jan Horwath, 4 March 2010, Committee for HSSPS, Official Report (Hansard), page 14

[46] Proposed Safeguarding Board for Northern Ireland, Submission to HSSPS Committee, RQIA, <http://archive.niassembly.gov.uk/health/2007mandate/Submissions/RQIA.pdf>

[47] NHSCT, Proposed Safeguarding Board, Submission to HSSPS Committee http://archive.niassembly.gov.uk/health/2007mandate/Submissions/Northern_Trust.pdf

[48] Safeguarding Board for Northern Ireland (SBNI), Detailed Policy Proposal, DHSSPS, August 2009 paragraph 9.4

[49] Departmental Briefing to the Committee for HSSPS on the Safeguarding Board for Northern Ireland, 22 April 2010, Official Report (Hansard), page 4

[50] The Protection of Children in England: A Progress Report, The Lord Laming, March 2009, TSO, page 74

[51] France, A., Munro, E.R., and Waring, A. (2010) The Evaluation of Arrangements for Effective Operation of the New Local Safeguarding Children Boards in England, Department for Children, Schools and Families, March 2010

[52] Safeguarding Board for Northern Ireland (SBNI), Detailed Policy Proposal, DHSSPS, August 2009 paragraph 11.1

[53] Departmental Briefing to the Committee for HSSPS on the Safeguarding Board for Northern Ireland, 22 April 2010, Official Report (Hansard), page 10

[54] Departmental Briefing to the Committee for HSSPS on the Safeguarding Board for Northern Ireland, 22 April 2010, Official Report (Hansard), page 10

[55] Safeguarding Board for Northern Ireland (SBNI), Detailed Policy Proposal, DHSSPS, August 2009 paragraph 10.1

[56] Evidence Session on the Safeguarding Board for Northern Ireland with the RCPC, Committee for HSSPS, Official Report (Hansard), 25 February 2010, page 14

[57] France, A., Munro, E.R., and Waring, A. (2010) The Evaluation of Arrangements for Effective Operation of the New Local Safeguarding Children Boards in England, Department for Children, Schools and Families, March 2010

[58] Evidence Session on Safeguarding Board for Northern Ireland with Professor Jan Horwath, 4 March 2010, Committee for HSSPS, Official Report (Hansard), page 9

[59] Briefing Paper for the Committee for HSSPS on the Proposed Safeguarding Board Northern Ireland (SBNI), Belfast HSC Trust, paragraph 6.8,
<http://archive.niassembly.gov.uk/health/2007mandate/Submissions/bhsct.htm>

[60] Submission to the Assembly Health Committee Enquiry on the Safeguarding Board for Northern Ireland by the British Association for the Study and Prevention of Child Abuse and Neglect, BASPCAN, February 2010,
www.baspcan.org.uk/files/BASPCAN_Response_to_Assembly_Health_Committee_Feb_2010.pdf

[61] Submission to HSSPS Committee on Safeguarding Board, NHST,
http://archive.niassembly.gov.uk/health/2007mandate/Submissions/Northern_Trust.pdf

[62] Departmental Briefing to the Committee for HSSPS on the Safeguarding Board for Northern Ireland, 22 April 2010, Official Report (Hansard), pages 11-12

[63] Submission to the Assembly Health Committee Enquiry on the Safeguarding Board for Northern Ireland by the British Association for the Study and Prevention of Child Abuse and Neglect, BASPCAN, February 2010,
www.baspcan.org.uk/files/BASPCAN_Response_to_Assembly_Health_Committee_Feb_2010.pdf

[64] Evidence, Safeguarding Board for Northern Ireland, to Assembly Committee for HSSPS, CINI, February 2010,
<http://archive.niassembly.gov.uk/health/2007mandate/Submissions/cini.htm>

[65] Safeguarding Board, Response from Patient and Client Council,
http://archive.niassembly.gov.uk/health/2007mandate/Submissions/Patient_and_Client_Council.pdf

[66] Safeguarding Board for Northern Ireland (SBNI), Detailed Policy Proposal, DHSSPS, August 2009 paragraph 18.8

[67] Evidence Session on Safeguarding Board for Northern Ireland with Professor Jan Horwath, 4 March 2010, Committee for HSSPS, Official Report (Hansard), page 5

[68] Departmental Briefing to the Committee for HSSPS on the Safeguarding Board for Northern Ireland, 22 April 2010, Official Report (Hansard), page 5

[69] Submission by the NSPCC Northern Ireland to the Assembly Health Committee on the Safeguarding Board for Northern Ireland, February 2010, paragraph 19,
<http://archive.niassembly.gov.uk/health/2007mandate/Submissions/nspcc.htm>

[70] Submission by the Southern HSC Trust to the NI Assembly Committee for HSSPS on the SBNI,
<http://archive.niassembly.gov.uk/health/2007mandate/Submissions/SouthernHealthSocialCareTrust.pdf>

[71] Briefing Paper for the Committee for HSSPS on the Proposed Safeguarding Board Northern Ireland (SBNI), Belfast HSC Trust paragraph 13.2,
<http://archive.niassembly.gov.uk/health/2007mandate/Submissions/bhsct.htm>

[72] Submission to the Assembly Health Committee Enquiry on the Safeguarding Board for Northern Ireland by the British Association for the Study and Prevention of Child Abuse and

Neglect, BASPCAN, February 2010,
www.baspcan.org.uk/files/BASPCAN_Response_to_Assembly_Health_Committee_Feb_2010.pdf

[73] Submission to HSSPS Committee on Proposed Safeguarding Board
http://archive.niassembly.gov.uk/health/2007mandate/Submissions/Public_Health_Agency.pdf

[74] Safeguarding Board for Northern Ireland, SE HSC Trust, Submission to HSSPS Committee
http://archive.niassembly.gov.uk/health/2007mandate/Submissions/South_Eastern_Trust.pdf

[75] NHSCT, Proposed Safeguarding Board, Submission to HSSPS Committee
http://archive.niassembly.gov.uk/health/2007mandate/Submissions/Northern_Trust.pdf

[76] Safeguarding Board for Northern Ireland (SBNI), Detailed Policy Proposal, DHSSPS, August 2009 paragraph 1.10

[77] Safeguarding Board for Northern Ireland (SBNI), Detailed Policy Proposal, DHSSPS, August 2009 paragraph 16

[78] Submission to the Assembly Health Committee Enquiry on the Safeguarding Board for Northern Ireland by the British Association for the Study and Prevention of Child Abuse and Neglect, BASPCAN, February 2010, Introduction,
www.baspcan.org.uk/files/BASPCAN_Response_to_Assembly_Health_Committee_Feb_2010.pdf

[79] France, A., Munro, E.R., and Waring, A. (2010) The Evaluation of Arrangements for Effective Operation of the New Local Safeguarding Children Boards in England, Department for Children, Schools and Families, March 2010

[80] Proposed Safeguarding Board for Northern Ireland, RQIA,
<http://archive.niassembly.gov.uk/health/2007mandate/Submissions/RQIA.pdf>

[81] Evidence Session on Safeguarding Board for Northern Ireland with Professor Jan Horwath, 4 March 2010, Committee for HSSPS, Official Report (Hansard), page 3

[82] Safeguarding Board for Northern Ireland (SBNI), Detailed Policy Proposal, DHSSPS, August 2009 paragraph 13.14

[83] Our Children and Young People – Our Shared Responsibility – Inspection of Child Protection in Northern Ireland (Overview Report), Social Services Inspectorate, DHSSPS (2006) Pages 56-58

[84] Lazenbatt, A et. al. (2009) An Evaluation of the Case Management Review Process in Northern Ireland, QUB/NSPCC, January 2009: 42

[85] Approximately 207 deaths of children under 18 years are registered each year in Northern Ireland, Safeguarding Board for Northern Ireland (SBNI), Detailed Policy Proposal, DHSSPS, August 2009 paragraph 13.18

[86] Safeguarding Board for Northern Ireland (SBNI), Detailed Policy Proposal, DHSSPS, August 2009 paragraph 13.19

[87] France, A., Munro, E.R., and Waring, A. (2010) The Evaluation of Arrangements for Effective Operation of the New Local Safeguarding Children Boards in England, Department for Children, Schools and Families, March 2010

[88] Safeguarding Board for Northern Ireland (SBNI), Detailed Policy Proposal, DHSSPS, August 2009 paragraph 22.2

[89] Submission by the NSPCC Northern Ireland to the Assembly Health Committee on the Safeguarding Board for Northern Ireland, February 2010, paragraph 19,
<http://archive.niassembly.gov.uk/health/2007mandate/Submissions/nspcc.htm>

[90] Submission to the Assembly Health Committee Enquiry on the Safeguarding Board for Northern Ireland by the British Association for the Study and Prevention of Child Abuse and Neglect, BASPCAN, February 2010,
www.baspcan.org.uk/files/BASPCAN_Response_to_Assembly_Health_Committee_Feb_2010.pdf

[91] Proposed Safeguarding Board for Northern Ireland, RQIA,
<http://archive.niassembly.gov.uk/health/2007mandate/Submissions/RQIA.pdf>

[92] Departmental Briefing to the Committee for HSSPS on the Safeguarding Board for Northern Ireland, 22 April 2010, Official Report (Hansard), page 9

[93] Departmental Briefing to the Committee for HSSPS on the Safeguarding Board for Northern Ireland, 22 April 2010, Official Report (Hansard), page 5

[94] Safeguarding Board for Northern Ireland (SBNI), Detailed Policy Proposal, DHSSPS, August 2009 paragraph 17

[95] Submission to the Assembly Health Committee Enquiry on the Safeguarding Board for Northern Ireland by the British Association for the Study and Prevention of Child Abuse and Neglect, BASPCAN, February 2010,
www.baspcan.org.uk/files/BASPCAN_Response_to_Assembly_Health_Committee_Feb_2010.pdf

[96] Submission to the Assembly Health Committee Enquiry on the Safeguarding Board for Northern Ireland by the British Association for the Study and Prevention of Child Abuse and Neglect, BASPCAN, February 2010,
www.baspcan.org.uk/files/BASPCAN_Response_to_Assembly_Health_Committee_Feb_2010.pdf

[97] Proposed Safeguarding Board for Northern Ireland, RQIA,
<http://archive.niassembly.gov.uk/health/2007mandate/Submissions/RQIA.pdf>, section 3

[98] Submission to the Assembly Health Committee Enquiry on the Safeguarding Board for Northern Ireland by the British Association for the Study and Prevention of Child Abuse and Neglect, BASPCAN, February 2010,
www.baspcan.org.uk/files/BASPCAN_Response_to_Assembly_Health_Committee_Feb_2010.pdf

[99] Proposed Safeguarding Board for Northern Ireland, Submission to HSSPS Committee, RQIA,
<http://archive.niassembly.gov.uk/health/2007mandate/Submissions/RQIA.pdf>

[100] Safeguarding Board for Northern Ireland (SBNI), Detailed Policy Proposal, DHSSPS, August 2009 paragraph 4.5

[101] Safeguarding Board for Northern Ireland (SBNI), Detailed Policy Proposal, DHSSPS, August 2009 paragraph 9.11

[102] Safeguarding Board for Northern Ireland (SBNI), Detailed Policy Proposal, DHSSPS, August 2009 paragraph 9.6

[103] Submission to HSSPS Committee on Safeguarding Board, PBNI,
http://archive.niassembly.gov.uk/health/2007mandate/Submissions/Probation_Board_NI.pdf

[104] Evidence Session on the Safeguarding Board for Northern Ireland with the Police Service of Northern Ireland, Committee for HSSPS, Official Report (Hansard), page 17

[105] Safeguarding Children – A cross-departmental statement on the protection of children and young people by the Northern Ireland Executive, 2009, OFMDFM, paragraph 3.39

[106] Evidence Session on Safeguarding Board for Northern Ireland with Professor Jan Horwath, 4 March 2010, Committee for HSSPS, Official Report (Hansard), page 5

[107] Submission to HSSPS Committee on Safeguarding Board, NHSC,
http://archive.niassembly.gov.uk/health/2007mandate/Submissions/Northern_Trust.pdf

[108] Evidence, Safeguarding Board for Northern Ireland, to Assembly Committee for HSSPS, CiNI, February 2010,
<http://archive.niassembly.gov.uk/health/2007mandate/Submissions/cini.htm>

[109] Departmental Briefing to the Committee for HSSPS on the Safeguarding Board for Northern Ireland, 22 April 2010, Official Report (Hansard), pages 14-15

[110] Submission by the NSPCC Northern Ireland to the Assembly Health Committee on the Safeguarding Board for Northern Ireland, February 2010, paragraphs 10-12,
<http://archive.niassembly.gov.uk/health/2007mandate/Submissions/nspcc.htm>

[111] Evidence, Safeguarding Board for Northern Ireland, to Assembly Committee for HSSPS, CiNI, February 2010,
<http://archive.niassembly.gov.uk/health/2007mandate/Submissions/cini.htm>

[112] Briefing Paper for the Committee for HSSPS on the Proposed Safeguarding Board Northern Ireland (SBNI), Belfast HSC Trust, paragraph 9.4,
<http://archive.niassembly.gov.uk/health/2007mandate/Submissions/bhsct.htm>

[113] France, A., Munro, E.R., and Waring, A. (2010) The Evaluation of Arrangements for Effective Operation of the New Local Safeguarding Children Boards in England, Department for Children, Schools and Families, March 2010

[114] Submission to the Assembly Health Committee Enquiry on the Safeguarding Board for Northern Ireland by the British Association for the Study and Prevention of Child Abuse and Neglect, BASPCAN, February 2010,
www.baspcan.org.uk/files/BASPCAN_Response_to_Assembly_Health_Committee_Feb_2010.pdf

[115] Evidence Session on the Safeguarding Board for Northern Ireland with the RCPC, Committee for HSSPS, Official Report (Hansard), 25 February 2010, page 14

[116] France, A., Munro, E.R., and Waring, A. (2010) The Evaluation of Arrangements for Effective Operation of the New Local Safeguarding Children Boards in England, Department for Children, Schools and Families, March 2010

[117] From 'Guidance on Handling Subordinate Legislation (Statutory Rules) for Chairpersons and Members of Statutory Committees'. NI Assembly

[118] Safeguarding Board for Northern Ireland (SBNI), Detailed Policy Proposal, DHSSPS, August 2009 paragraph 12

[119] Submission by the NSPCC Northern Ireland to the Assembly Health Committee on the Safeguarding Board for Northern Ireland, February 2010, paragraphs 10-12, <http://archive.niassembly.gov.uk/health/2007mandate/Submissions/nspcc.htm>

[120] Proposed Safeguarding Board for Northern Ireland, Submission to HSSPS Committee, RQIA, <http://archive.niassembly.gov.uk/health/2007mandate/Submissions/RQIA.pdf>

[121] Evidence, Safeguarding Board for Northern Ireland, to Assembly Committee for HSSPS, CiNI, February 2010, <http://archive.niassembly.gov.uk/health/2007mandate/Submissions/cini.htm>

[122] Consultation Paper on the Safeguarding Board for Northern Ireland, DHSSPS, Section 7 (January 2007)

[123] Evidence, Safeguarding Board for Northern Ireland, to Assembly Committee for HSSPS, CiNI, February 2010, <http://archive.niassembly.gov.uk/health/2007mandate/Submissions/cini.htm>

[124] Evidence, Safeguarding Board for Northern Ireland, to Assembly Committee for HSSPS, CiNI, February 2010, <http://archive.niassembly.gov.uk/health/2007mandate/Submissions/cini.htm>

[125] Evidence, Safeguarding Board for Northern Ireland (SBNI), HSSPS Committee, 22 April 2010, <http://archive.niassembly.gov.uk/health/2007mandate/Submissions/voypic.htm>

[126] Safeguarding Children – A cross-departmental statement on the protection of children and young people by the Northern Ireland Executive, 2009, OFMDFM, paragraph 3.18

[127] Safeguarding Children – A cross-departmental statement on the protection of children and young people by the Northern Ireland Executive, 2009, OFMDFM, paragraph 3.19

[128] Safeguarding Board for Northern Ireland (SBNI), Detailed Policy Proposal, DHSSPS, August 2009 paragraph 13.17

[129] NI Assembly Research Paper entitled Safeguarding children between the jurisdictions of Northern Ireland, Great Britain and the Republic of Ireland, April 2010, <http://archive.niassembly.gov.uk/researchandlibrary/2010/7310.pdf>



Research and Library Service
Briefing Paper

August 2010

Dr. Janice Thompson

The Proposed SBNI
and links to the DHSSPS

NIAR 000-00

Reviewing how other established Public Bodies in Northern Ireland are linked
to the relevant Departments in legislation

Paper XX/XX xx xxxxxxxx 2010

Research and Library Service briefings are compiled for the benefit of MLA's and their support staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public. We do, however, welcome written evidence that relate to our papers and these should be sent to the Research & Library Service, Northern Ireland Assembly, Room 139, Parliament Buildings, Belfast BT4 3XX or e-mailed to RLS@niassembly.gov.uk

Contents

1 Background

2. Clauses of the SBNI Bill which establish links between the SBNI and DHSSPS

3. Other Public Bodies in Northern Ireland – how the relevant primary legislation establishes links with the related Department

3.1 Public Bodies in Northern Ireland

3.2 Health and Social Services Councils

3.3 The Patient and Client Council

3.4 The Regulation and Quality Improvement Authority (RQIA)

3.5 Northern Ireland Social Care Council (NISCC)

3.6 Northern Ireland Guardian ad Litem Agency (NIGALA)

3.7 The Office of Commissioner for Children and Young People (NICCY)

3.8 General Consumer Council for Northern Ireland

4. Concluding Summary of Comparisons

Appendix 1

Appendix 2

The Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990

1. Background

With regard to the proposed Safeguarding Board for Northern Ireland (SBNI), The Committee for Health, Social Services and Public Safety wished to consider further the potential independence of the SBNI and how the Clauses of the Bill currently describe the influence or potential control the DHSSPS will have over the SBNI. Issues around the matter of independence were included in the published Bill Research Paper prepared by Assembly Research Services. However, this research briefing focuses more specifically on the matter of independence from the Department and highlights the various sections of the SBNI Bill where particular links are made between the SBNI and the DHSSPS which may indicate a perceived or real lack of independence from the DHSSPS. Although the functions of the SBNI will be prescribed in the primary legislation, how much independence the SBNI will have from the Department in carrying out these functions is the issue under consideration.

To take the issue further, this briefing also looks at other Public Bodies in Northern Ireland highlighting examples of how such links with the Department were made in the applicable legislation. It may be useful to read this briefing alongside sections of the Assembly Bill Research Paper (HSSPS Committee version provided in Committee packs for the meeting of 1st July, 2010) as they are referenced.

2. Clauses of the SBNI Bill which establish links between the SBNI and DHSSPS.

All Clause references refer to the Safeguarding Board Bill [As Introduced].

Clause 1 – Safeguarding Board for Northern Ireland

Clause 1(2) specifies that the SBNI must include a Chair appointed by the Department and Clause 1(4) specifies that in addition to the list of bodies in 1(3), the SBNI may include representatives of other persons or bodies as the Board thinks should be represented on it "Subject to the approval of the Department".

Regulations made by the Department may make provision as to "the appointment, tenure and vacation of office of a Chair and members of the Safeguarding Board"; "the procedure of the Safeguarding Board"; and "the staff, premises and expenses of the Safeguarding Board" (Clause 1(5)).

Clause 1(6) states that the Department may pay the Chair and members of the SBNI such remuneration and allowances as it determines, with the approval of the Department of Finance and Personnel (DFP).

Paragraph 3.2 of the Assembly Bill Research Paper explored the issues around the independence of the Chair in further detail, including experience of the Independent Chairs of the Local Safeguarding Children Boards in England. The paper noted that there is no specific statutory requirement for the independence of the Chair in the Bill but that it is the policy intention of the Department that the Chair of the SBNI will be independent of any of the agencies represented on the SBNI and will be appointed by the Public Appointments Process to serve a maximum of two terms (each term lasting four years).

Section 3.3 of the Assembly Bill Research paper discussed the proposed initial core membership of the SBNI, identifying potential gaps in the membership, issues of accountability and suggesting that the Committee may wish to consider the membership further in terms of delivery of an independent SBNI.

Clause 3 – Functions of the Safeguarding Board

Clause 3(9) stipulates that the SBNI may publish any matter concerning safeguarding and promoting the welfare of children "subject to the approval of the Department".

Section 5.7 of the Assembly Bill Research Paper highlighted the Department's interpretation of this Clause as not intending to be a censoring mechanism and suggested that the Committee may wish to consider this provision further in terms of the intention of the Clause and the possible perception of undermining of independence of the SBNI.

Clause 4 – Directions to the Safeguarding Board

Clause 4(1) specifies that the Department may give directions to the SBNI as to the exercise "of any of its functions" and that the SBNI must comply with these directions (Clause 4(4)). Before giving these directions "the Department must consult the Board" (Clause 4(2)); except if the urgency of the matter means the Department is of the opinion that it is necessary to give the directions "without consulting the Safeguarding Board" (Clause 4(3)). In these urgent cases the Department "must as soon as is reasonably practicable give notice to the Board of the grounds on which the Department formed that opinion" (Clause 4(3)).

Section 6 of the Assembly Bill Research Paper, highlighted the Department's policy intention behind this Clause as covering exceptional circumstances rather than directing day to day work of the SBNI. However, the research paper suggested that the Committee may wish to consider this Clause further in connection with the independence of the SBNI.

Clause 5 – Functions of the Safeguarding Board – general

5(1) states that regulations, made by the Department, may "make provision as to the manner in which the Safeguarding Board is to exercise its functions" and in exercising these functions the SBNI must have "due regard to any guidance given to it for the purpose by the Department" (Clause 5(2)).

Clause 6 – Annual Report of the Safeguarding Board

The Bill stipulates in Clause 6(1) that at least once in every 12 month period the SBNI must "prepare and send a report about the exercise of its functions to the Department" and the Department must then lay a copy of this report before the Assembly (Clause 6(2)).

Clause 7 – Committees and sub-committees

With regard to the committees and subcommittees of the SBNI, Clause 7(5) states that the Department "may pay the Chairs of Committees and sub-committees such remuneration and allowances as the Department may, with the approval of the Department of Finance and Personnel, determine".

Clause 8 – Functions of committees and sub-committees

Clause 8(3) states that each committee and sub-committee must have "due regard to any guidance given to it for the purpose by the Department or the Safeguarding Board".

Clause 12 – Arrangements to safeguard and promote the welfare of children

Clause 12 places a duty on the persons and bodies listed in Clause 1(3), as the proposed core membership of the SBNI, to exercise their functions having "due regard to the need to safeguard and promote the welfare of children". Clause 12(3) specifies that these persons and bodies, in exercising this duty must have "due regard to any guidance given to them for the purpose by the Department".

Section 11 of the Assembly Bill Research Paper suggested that the Committee may wish to investigate further the policy intention of this Clause in connection with the independence of the named persons and bodies in conducting their existing duties and in their duty of safeguarding and promoting the welfare of children.

Clause 14 – Regulations

Clause 14 explains that except for the regulations made under Clause 2(2), which will be made by affirmative resolution, all other regulations in this Bill are subject to negative resolution^[1]. These regulations are made by the Department and as stated in Clause 14(3) "may contain such incidental, consequential, supplementary, transitional or saving provisions as appear to the Department to be necessary or expedient".

Paragraph 12 of the Assembly Bill Research Paper highlighted the possibility that the Committee may wish to further consider if it seems appropriate that so many of the regulations within the Bill are to be subject to negative resolution, given that the Bill is very much a legislative framework with much of the detail to be worked out in the subsequent regulations.

3. Other Public Bodies in Northern Ireland – how the relevant primary legislation establishes links with the related Department

3.1 Public Bodies in Northern Ireland

A public body carries out its function to a greater or lesser extent at arm's length from central government. Departments are responsible for funding and ensuring good governance of their public bodies. The term 'public bodies' covers Non-departmental public bodies (NDPBs); Public Corporations and Health and Personal Social Services Bodies. There are three types of NDPB in operation in Northern Ireland^[2]:

- Executive NDPBs – established in statute and carrying out administrative, regulatory and commercial functions. They employ their own staff and are allocated their own budgets;
- Advisory NDPBs – provide independent and expert advice to Ministers. They do not usually have staff but are generally supported by staff from their sponsoring department and costs are covered by departmental expenditure; and
- Tribunal NDPBs – have jurisdiction in a specialised field of law and are usually supported by staff from their sponsoring department and do not have their own budgets.

However, due to the small size of the proposed SBNI, the Department plans to establish it, not as an NDPB but, as a Statutory Unincorporated Public Body housed within the Public Health Agency. Such a body is established by law and its members are supported by another body, in

this case the Public Health Agency. The closest example for comparison purposes is the establishment in 1991 of the former Health and Social Care Councils (HSSCs). These were replaced by the Patient and Client Council on 1st April 2009 by The Health and Personal Social Services (Northern Ireland) Order.^[3]

For the purposes of this paper in terms of potential Departmental influence on the proposed SBNI, and in addition to considering the closest comparison, the HSSCs, there is merit in reviewing a selection of NDPBs and how links with the relevant Department are established in the appropriate primary legislation. The following executive NDPBs are included:

The Patient and Client Council – established by the Health and Social Care Reform Act (Northern Ireland) 2009

The Regulation and Quality Improvement Authority (RQIA) – established by the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003

Northern Ireland Social Care Council (NISCC) – the regulatory body for the social care workforce in NI, established in 2001 by the Health and Personal Social Services Act (NI) 2001

Northern Ireland Guardian ad Litem Agency (NIGALA) – established by the Northern Ireland Guardian ad Litem (Establishment and Constitution) Order (NI) 1995

The Office of Commissioner for Children and Young People (NICCY) – was established by The Commissioner for Children and Young People (Northern Ireland) Order 2003

General Consumer Council for Northern Ireland – established by The General Consumer Council (Northern Ireland) Order 1984

3.2 Health and Social Services Councils

Health and Social Services Councils were established by the Department in the Health and Personal Social Services (Northern Ireland) Order 1991. Schedule 1(2) specified that all the detail concerning the membership and operation of the councils would be prescribed in regulations, including "such other matters in Council proceedings as the Department thinks fit".

The subsequent Regulations, made by the Department, The Health and Social Services Councils Regulations (Northern Ireland) 1991^[4] covered in detail the membership, constitution and proceedings, and performance and functions of the Councils. On a positive note, it can immediately be seen that although much of the detail of the operation of the SBNI remains to be detailed in Regulations, there does appear to be substantially more detail available in the primary legislation for the SBNI Bill than there was for the Health and Social Care Councils, i.e. details of Chair, membership, functions, committees etc. The following examples from the HSSC Regulations highlight the influence of the Department over the Councils:

PART II of the regulations detailed:

- Size and composition of Councils; 2(1) states that the "Department may vary the total membership and composition of a Council"
- Term of office of members;
- Appointment of District Council representatives; Part II (4(1)) states that district council members will be selected by the Department from nominations from the District Councils "after such consultation as the Department may consider appropriate";

- Appointment of members representative of voluntary organisations; Part II (5) states that these members will be appointed by the Department from nominations from interested voluntary organisations in the Council area "after such consultation as the Department may consider appropriate";
- Eligibility of members for re-appointment;
- Disqualification for membership; and
- Termination of membership.
- PART III of the regulations detailed:
 - Election of Chairman; Part III (9) states that the Chairman was to be elected by the members of the Council from one of their number (i.e. not an external public appointment as is proposed for the SBNI);
 - Appointment of committees and joint committees;
 - Meetings and proceedings;
 - Officers;
 - Premises and other facilities; and
 - Expenses.
- PART IV of the regulations detailed:
 - Advising on operation of the Health and Personal Social Services;
 - Reports; Part IV (16) the Council was to make an annual report to the Department and provide copies to the relevant Board;
 - Consultation of Councils by relevant Board; Part IV (17) notes that it was the duty of each relevant Board to consult its Council on any proposals which the Board may have under consideration for any substantial development or variation of the Health and Personal Social Services in the Council's area. If the Council was not satisfied that consultation was adequate, the Department had the power to require that the Board carried out further consultation with the Council as the Department considered appropriate.
 - Information to be furnished by relevant Board;
 - Inspection of premises by Councils; Part IV (19) provided that a Council had the right to enter and inspect premises controlled by its relevant Board or HSS Trust with agreement of the Board or Trust or "in default of such agreement, as may be determined by the Department"; and
 - Meeting between Council and Relevant Board.

3.3 The Patient and Client Council

The Patient and Client Council was established by the Health and Social Care Reform Act (Northern Ireland) 2009^[5], as part of the reform of health and social care, and replaced the Health and Social Service Councils. Its overarching objective is to provide a "powerful, independent voice for patients, clients, carers and communities on health and social care issues".^[6]

With regard to links to the Department, in exercising its functions under Article 17, the Patient and Client Council must consult the public to gain views about matters relating to health and social care (17(2)(a)) and report these views to the Department where it appears to the Council

appropriate to do so (17 (2)(b)). Any report by the Council under 17 (2)(b) must be published "in such a manner as the Department may direct" (17 (6)).

In terms of the independence of the body, the legislation contains a duty to co-operate with the Patient and Client Care Council and the bodies to which this duty applies must co-operate with the Patient and Client Council in the exercise of its functions (18 (1)). Regulations made by the Department authorise members of the Council to enter premises controlled by a body to which the section applies for the purposes of its functions. Under this duty, Section 6 specifies that a "body to which this section applies shall have due regard to any views expressed by the Patient and Client Council regarding health and social care for which that body is responsible."

3.4 The Regulation and Quality Improvement Authority (RQIA)

The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003^[7], created the enabling legal framework for raising the quality of health and social care services in Northern Ireland, and extended regulation and quality improvement to a wider range of services. In April 2005, the Regulation and Quality Improvement Authority (RQIA) was established as a NDPB of the DHSSPS.^[8]

The RQIA has the general duty of keeping the Department informed about the "provision of services and in particular about their availability and their quality" (Part II, Article 4(2)(a)) and "encouraging improvement in the quality of services" (4(2)(b)). A fuller list of its functions is attached at Appendix 1.

With regard to links with the Department in the area of advice and information about services, the RQIA "when asked to do so by the Department...shall give the Department advice, reports and information on such matters relating to the provision of services or the exercise of its functions as may be specified in the Department's request" (Part II, 5(1). However, 5(2) specifies that the RQIA "may at any time give advice to the Department" on (a) any changes which the RQIA thinks should be made to the standards "set out in statements under Article 38" and (b) "any other matter connected with the provision of services".

With regard to direct Departmental influence as to how the RQIA operates in exercising its functions, the primary legislation clearly sets out in Part II Article 6 (1) (a-g) that "the Department may by regulations make provision":

- "(a) as to the times at which, the cases in which, the manner in which, the persons in relation to whom or the matters with respect to which, any functions of the Regulation and Improvement Authority are to be exercised;
- (b) as to the matters to be considered or taken into account in connection with the exercise of any functions of the Regulation and Improvement Authority;
- (c) as to the persons to whom any advice, information or reports are to be given or made;
- (d) as to the publication of reports and summaries of reports;
- (e) as to the recovery from prescribed persons of amounts in respect of the expenditure incurred by the Regulation and Improvement Authority in the exercise of its functions;
- (f) for or in connection with the exercise of functions of the Regulation and Improvement Authority in conjunction with the exercise of functions of other persons; and

(g) conferring additional functions on the Regulation and Improvement Authority".

- In addition, Part II Article 6 (2) specifies that "the Department may give directions to the Regulation and Improvement Authority with respect to the exercise of its functions and the Regulation and Improvement Authority must comply with them".

3.5 Northern Ireland Social Care Council (NISCC)

The Northern Ireland Social Care Council (NISCC) is the regulatory body for the social care workforce in Northern Ireland and it was legally established on 1st October, 2001 by the Health and Personal Social Services Act (Northern Ireland) 2001.^[9] Article 1 clearly sets out the influence of the Department as 1(3) specifies that the Council, in the exercise of its functions, shall act "in accordance with any directions given to it by the Department"; and "under the general guidance of the Department".

Schedule 1 specifies further detail about the NISCC with clear indication as to the role of the Department, for example:

- General powers – 2(1) "subject to any directions given by the Department, the Council may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions";
- Membership – 2(5) Regulations made by the Department provide for the appointment and tenure of the Chairman and other members of the council, the appointment of and exercise of functions of committees and sub-committees;
- 2(6) specifies such remuneration and allowances for the Chair, members and committee members may be paid by the Council "as the Department may determine" and subject to the approval of DFP;
- The first chief officer of the council was appointed by the Department (2(7)) with any subsequent one appointed by the Council but "requires the approval of the Department";
- 2(8) specifies that the Council may appoint other such staff as it considers appropriate, subject to directions given to it by the Department (2(8)(3)); and
- 2(11) states that "the Department may make payments to the Council of such amounts, at such times and on such conditions (if any) as it considers appropriate";

3.6 Northern Ireland Guardian ad Litem Agency (NIGALA)

Article 60 of the Children (Northern Ireland) Order 1995 provides that in any case involving specified proceedings the Court shall appoint a Guardian Ad Litem (GAL) for the child concerned unless satisfied that that it is not necessary to do so in order to safeguard his or her interest.^{[10],[11]} GALS are qualified social workers with considerable experience of child care matters and an understanding of family law and their role is to represent the child before the Court on his or her best interests and to ensure the child's feelings are made clear.^[12]

NIGALA was established by The Northern Ireland Guardian Ad Litem Agency (Establishment and Constitution) Order (Northern Ireland) 1995. This Order provided for the establishment and constitution of NIGALA as a 'special health and social services agency' "for the purposes of carrying out such functions as the Department of Health and Social Services may direct in accordance with Article 4(1) of the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990". Appendix 2 outlines the directions that the Department may give to a 'special agency'.

The 1995 Order established the NIGALA and specified that it consists of a number of members as determined by the Department, all appointed by the Department for a four year tenure^[13] and of whom one is appointed Chairman. A member may resign in writing to the Department and where the Department "is satisfied that it is not in the interests of the Agency of the Health and Personal Social Services that a person ... should continue to hold that office, it may forthwith terminate that member's tenure of office" (Article 5(2)).

The main detail of the establishment of NIGALA is found in The Guardians Ad Litem (Panel) Regulations (Northern Ireland) 1996 made by the Department. The Regulations appear to indicate that the NIGALA has considerable independence without Departmental influence, for example:

- To establish the panel, deciding whether the qualifications and experience of any person are suitable for the purposes of appointment as a Guardian Ad Litem (Article 4(2); and having regard to the number of children who may become the subject of proceedings when determining the size of the panel (Article 4(6));
- Article 5 states that the Agency may, with certain stipulations, terminate a person's membership of the Panel at any time ""where it considers that he is unable or unfit to carry out the functions of a guardian ad litem";
- Establish and operate a procedure for investigating complaints about the operation of or any member of the panel (Article 6);
- Article 7 permits the Agency to appoint a person "as it considers appropriate" to assist with administering the panel; and
- Article 10 sets out how the Agency will monitor the work of the Guardians Ad Litem on the panel.

3.7 The Office of Commissioner for Children and Young People (NICCY)

The Office of the Commissioner for Children and Young People (NICCY) was created in accordance with The Commissioner and Young People (Northern Ireland) Order 2003.^[14] The principle aim of the Commissioner, Article 6(1), "in exercising his functions under this Order is to safeguard and promote the rights and best interests of children and young persons", with 6(2)(a) stating the Commissioner's paramount consideration being the rights of the child or young person.

The Commissioner is appointed by the First Minister and Deputy First Minister (Article 5(2)) and shall advise "the Secretary for State, the Executive Committee of the Assembly and a relevant authority on matters concerning the rights or best interests of children and young persons – (a) as soon as reasonably practicable after receipt of a request for advice; and (b) on such other occasions as the Commissioner thinks appropriate" Article 7(4).

The independence of the Commissioner from the OFMDFM is outlined through examples of the powers of the Commissioner in the following sample extracts from the legislation:

General Powers of the Commissioner

8. - (1) The Commissioner may undertake, commission or provide financial or other assistance for research or educational activities concerning the rights or best interests of children and young persons or the exercise of his functions.

(2) The Commissioner may, after consultation with such bodies or persons as he thinks appropriate, issue guidance on best practice in relation to any matter concerning the rights or best interests of children and young persons.

(3) The Commissioner may, for the purposes of any of his functions, conduct such investigations as he considers necessary or expedient.

(5) The Commissioner may -

- (a) compile information concerning the rights or best interests of children and young persons;
- (b) provide advice or information on any matter concerning the rights or best interests of children and young persons;
- (c) publish any matter concerning the rights or best interests of children and young persons

(6) The Commissioner may make representations or recommendations to any body or person about any matter concerning the rights or best interests of children and young persons.

General review of advocacy, complaint, inspection and whistle-blowing arrangements of relevant authorities

9. - (2) Subject to paragraphs (3) and (4), the Commissioner may review the operation of any arrangements to which this Article applies for the purpose of ascertaining whether, and to what extent, the arrangements are effective in safeguarding and promoting the rights and best interests of children and young persons.

Investigation of complaints against relevant authorities

12. - (1) Subject to paragraph (2) and Article 13, the Commissioner may conduct an investigation into a complaint made by a child or young person -

- (a) that his rights have been infringed by any action taken by a relevant authority; or
- (b) that his interests have been adversely affected by any such action.

Power to bring, intervene in or assist in legal proceedings

14. - (1) Subject to the following provisions of this Article, the Commissioner may in any court or tribunal -

- (a) bring proceedings (other than criminal proceedings) involving law or practice concerning the rights or welfare of children or young persons;
- (b) intervene in any proceedings involving law or practice concerning the rights or welfare of children or young persons;
- (c) act as amicus curiae in any such proceedings.

(2) An intervention under paragraph (1)(b) shall not be made except -

- (a) with the leave of the court or tribunal; and
- (b) in accordance with any such provision as may be made by the rules regulating the practice and procedure of the court or tribunal.

Formal investigations

16. - (1) Subject to Article 17, the Commissioner may determine to conduct an investigation under this Article ("a formal investigation")

Report on formal investigation

18. - (1) Where the Commissioner conducts a formal investigation for the purposes of his functions under Article 9 or 10, he shall prepare a report on the outcome of that investigation and send it to -

- (a) the relevant authority concerned and, where the report contains recommendations as to action to be taken by any other relevant authority, that relevant authority; and
- (b) such other bodies or persons as the Commissioner thinks appropriate.

Powers of entry and inspection for purposes of formal investigation

21. - (1) Where the Commissioner considers it necessary to do so for the proper conduct of a formal investigation, he may, at any reasonable time, enter any premises managed by a relevant authority in which -

- (a) a child or young person is living or being looked after;
- (b) a child or young person is being detained under any statutory provision; or
- (c) education, health, welfare or other services are provided for children or young persons.

SCHEDULE 2

General powers

2. - (1) The Commissioner may do anything, apart from borrowing money, which he considers is -

- (a) appropriate for facilitating, or
- (b) incidental or conducive to, the exercise of his functions.

(2) That includes in particular -

- (a) co-operating with other bodies exercising functions relating to children and young persons or their rights (whether in the United Kingdom or elsewhere);
- (b) acquiring, holding and disposing of real or personal property;
- (c) entering into contracts.

Staff

5. - (1) The Commissioner may appoint such number of officers as he may determine.

(2) The remuneration and other conditions of service of the officers appointed under this paragraph shall be determined by the Commissioner.

(5) A determination of the Commissioner under this paragraph requires the approval of the Office and the Department of Finance and Personnel.

3.8 General Consumer Council for Northern Ireland

The Consumer Council for Northern Ireland was established by The General Consumer Council (Northern Ireland) Order 1984^[15] and is funded by the Department of Enterprise, Trade and Investment (DETI). Its job is to "speak up for consumers and give them a voice...by running information and education campaigns, influencing the public and private sectors, undertaking research and producing publications". They also help individual consumers with complaints about travel, energy and water supplies.^[16]

The general functions of the Council are outlined in Article 4 and include promoting and safeguarding the interests of consumers in Northern Ireland; considering complaints made to it and if appropriate investigate such complaints; and report to a Northern Ireland department on any matter relating to consumer affairs which is referred to the Council by that department.

Schedule 1 deals with the detail of the establishment and operation of the Council and how this is determined by the Department^[17] as follows:

- Incorporation and status: "1.—(1) The Council shall be a body corporate with perpetual succession to which, subject to the provisions of this Schedule, section 19 of the M1 Interpretation Act (Northern Ireland) 1954 shall apply";
- Appointment and tenure of office of members – Schedule 1, Article 2 specifies that the Department appoints the Council consisting of Chair, Deputy Chair and not more than 16 other members. And to do so the Department shall consult with other bodies as it considers appropriate;
- Article 2(3) specifies that the Department may by order subject to negative resolution amend the order to alter the number of Council members;
- A member of the Council holds and vacates office in accordance with the terms of his appointment and may resign by giving the Department a signed notice in writing and the Department "may by notice in writing remove a member from office" (Article 3(3));
- Article 4 allows the Department to appoint a person in relation to the Council and any group established by the Council and such a person is entitled to receive notice of, and to attend and speak at, meetings of the Council and of such groups, but is not entitled to vote;
- The Council may pay the chairman and deputy chairman remuneration, allowances and expenses; and to the other members of the Council and the members of groups appointed under paragraph 10(4) allowances and expenses, such as determined by the Department with the consent of DFP (Article 5);
- The Council may employ staff on terms and conditions as the Council may, with the approval of the Department and the Department of Finance and Personnel, determine (Article 7); and
- The Council, under Article 10, is able to establish groups in connection specifically with the exercise of its functions on transport, food and energy and other groups as "appear to it to be appropriate". Article 10(8) states that "The Department may, after consultation with the Council, by order subject to negative resolution amend or repeal any of the foregoing provisions of this paragraph to such extent as appears to the Department to be necessary or desirable so as to reduce the number of groups which the Council is required to establish".

4. Concluding Summary of Comparisons

Comparing the legislative provisions in the SBNI Bill with those for other public bodies is, with respect to the oversight role that the Department will have, unfortunately, not a straight comparison of like with like. The comparator bodies covered in this briefing are all public bodies but they are not all the same. For example, The Northern Ireland Guardian Ad Litem Agency is a 'special agency' of the DHSSPS; the proposed SBNI (as were the former Health and Social Services Councils) is proposed as a Statutory Unincorporated Public Body; and the General Consumer Council is an Executive NDPB.

Despite this caveat, it would seem that there is merit in some comparison as there are examples of similarities in the extent of oversight in relation to the SBNI but also examples of an

apparently 'lighter touch' in other bodies in with regard to Departmental control in relation to certain aspects. The SBNI will be accountable to the DHSSPS through its Chair and although the functions of the SBNI will be prescribed in the legislation, how much independence the SBNI will have from the Department in carrying out these functions is the issue under consideration.

The extent of oversight of the Department is covered throughout the briefing for each of the bodies reviewed, whether or not that oversight role is detailed in the primary legislation or subsequent Regulations, and the main points of comparison with the bodies reviewed are drawn together here.

It is apparent that, although much of the detail of the operation of the SBNI remains to be detailed in Regulations, there does appear to be substantially more detail available in the primary legislation (i.e. details of Chair, membership, functions, committees etc.) than for some other public bodies. For example, for the Health and Social Care Councils (HSSCs), the subsequent Regulations, rather than the primary legislation, covered the membership, constitution and proceedings, and performance and functions of the Councils. This is also the case for the NI Guardian Ad Litem Agency (NIGALA) where the main detail for its operation was covered in Regulations.

The bodies and persons making up the core membership of the SBNI are included in the Bill, with the Chair being appointed by the Department via the Public Appointments Process. It is proposed that Departmental Regulations will provide for the appointment, tenure and vacation of office of a Chair and members of the SBNI (Clause 1(5)).

Similarly with the appointment of the members of the Board for the HSSCs the Department could vary the size and composition of a Council; for the NI Social Care Council (NISCC) the Departmental Regulations provide for the appointment of members; and with the General Consumer Council, the Department appoints the Council, consulting with other bodies. With regard to NIGALA, the primary legislation established that it consists of a number of members appointed by the Department for a four-year tenure.

Reasons for dismissal of the Chair/members of the SBNI will presumably be covered in the above mentioned Regulations and could have an impact on the independence of the Board, depending on what reasons the Department prescribes for dismissal. The Committee may wish to clarify the dismissal process with the Department.

In terms of overall independence in carrying out prescribed functions it is proposed that the Department may give directions to the SBNI as to the exercising of any of its functions, with or without consulting first with the Board, depending on the urgency of the matter (Clause 4). Similarly, with the RQIA, the Department, via Regulations, sets out how the RQIA operates and also may give directions which the RQIA must comply with in respect to the exercise of its functions. The Department may also give directions to the NISCC in the exercise of its functions.

The Office of the Commissioner for Children and Young People (NICCY) appears to have considerable independence, with regard to safeguarding the rights and best interests of children. This independence is detailed more fully in the body of the briefing, through its general powers; investigation of complaints; the power to bring, intervene or assist in legal proceedings; carry out formal investigations; and with powers of entry and inspection relating to its investigations, all, it seems, without further direction or intervention from the OFMDFM.

With regard to freedom to publish, the Bill specifies that the SBNI may only publish matters regarding safeguarding and the welfare of children, subject to the approval of the Department. Similarly the Patient and Client Council must publish any report "in such a manner as the Department may direct" (Article 17(2)) and the Departmental Regulations governing the

operation of the RQIA covers the publication of reports (Article 6(1)(d)). NICCY, however, in its General Powers, has the independence to publish any matter concerning the rights or best interests of children and young people.

Remuneration for the Chair and members of the SBNI is proposed to be covered in Departmental Regulations and will be as the Department determines, with approval of DFP (Clause 1(6)). Similar Departmental control over remuneration exists, for example, for the NISCC (Article 2(6) and the General Consumer Council (Schedule1).

Independence in the employment of staff seems to vary considerably between the bodies reviewed. For the SBNI, it will be the subsequent Regulations that detail the "staff, premises and expenses" (Clause 1(5)) and similarly for the staff of the HSSCs (Part III of the regulations). The NIGALA, once established by the Department, appears to have considerable independence to establish the panel of Guardian ad Litem, without further Departmental influence and this is detailed in the body of the briefing, for example, to establish the panel, its size and the suitability for appointment of individuals. NICCY appears to have independence from the OFMDFM to appoint the number of officers as it requires, their remuneration and conditions of service, with the approval of DFP.

Appendix 1 – Functions of the RQIA

The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 outlines the functions of the RQIA in Part IV, Article 35 as follows:

"35. - (1) The Regulation and Improvement Authority shall have the following functions -

(a) the function of conducting reviews of, and making reports on, arrangements by statutory bodies for the purpose of monitoring and improving the quality of the health and personal social services for which they have responsibility;

(b) the function of carrying out investigations into, and making reports on, the management, provision or quality of the health and personal social services for which statutory bodies have responsibility;

(c) the function of conducting reviews of, and making reports on, the management, provision or quality of, or access to or availability of, particular types of health and personal social services for which statutory bodies or service providers have responsibility;

(d) the function of carrying out inspections of statutory bodies and service providers, and persons who provide or are to provide services for which such bodies or providers have responsibility, and making reports on the inspections; and

(e) such functions as may be prescribed relating to the management, provision or quality of, or access to or availability of, services for which prescribed statutory bodies or prescribed service providers have responsibility.

(2) The inspections referred to in paragraph (1)(d) are to be carried out only in connection with the function referred to in paragraph (1)(c)".

Appendix 2 – The Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990

If the DHSSPS considers that a special body should be established for the purpose of performing any functions which the Department may under Article 4(1) of the Order direct the body to perform on behalf of the Department, the Department may establish a body for that purpose under the Order (Article 3(1)). The body is called a special health and social services agency (Article 3(3)) and the Department may, "subject to the provisions of the Schedule, by order make such further provision relating to that body as it thinks fit" (Article 3(2)).

Article 3 (5) states "Before the Department makes an order under this Article, it shall consult with respect to the order such bodies as it may recognise as representing officers who in its opinion are likely to be transferred or affected by transfers in pursuance of the order".

Article 4 outlines the directions that the Department may give to a 'special agency'. It may direct (in writing) a special agency to exercise functions on its behalf with respect to the administration of certain health and personal social services and may give directions to a special agency with respect to the exercise of these functions. It is the duty of a special agency to comply with any directions given to it under this Article.

[1] Found in Clauses 1(5), 3(4), 3(5), 5(1), 7(1), 7(4) and 8(2)

[2] Northern Ireland Public Bodies 2009, Reform Delivery Unit, Dept. of Finance and Personnel, page 5

[3] Personal Communication with DHSSPS SBNI Bill Team, 12/08/2010

[4] http://www.opsi.gov.uk/si/si1991/uksi_19910194_en_1

[5] http://www.opsi.gov.uk/legislation/northernireland/acts/acts2009/pdf/nia_20090001_en.pdf

[6] The Patient and Client Council, Who We Are and What we Do, www.patientclientcouncil.hscni.net/about-us/who-we-are-what-we-do

[7] <http://www.opsi.gov.uk/si/si2003/20030431.htm#6>

[8] RQIA, Why was the RQIA established? www.rqia.org.uk/about_us/who_we_are/why_was_rqia_set_up_.cfm

[9] http://www.opsi.gov.uk/legislation/northernireland/acts/acts2001/nia_20010003_en_1

[10] NIGALA, About Us, General Background, www.nigala.hscni.net/about/general_background.htm

[11] Similar provisions in relation to adoption cases are contained in Article 66 of the Adoption (Northern Ireland) Order 1987

[12] NIGALA, About Us, Role and Functions of GAL, www.nigala.hscni.net/about/role_of_gal.htm

[13] Or other such tenure as determined by the Department

[14] <http://www.opsi.gov.uk/si/si2003/20030439.htm>

[15] http://www.opsi.gov.uk/RevisedStatutes/Acts/nisi/1984/cnisi_19841822_en_1

[16] The Consumer Council for Northern Ireland, Who We Are, www.consumercouncil.org.uk/what-we-do/

[17] At the time of publication of the Order in 1984, the relevant Department was the Department of Economic Development. The relevant Department is now Department of Enterprise, Trade and Investment

National Deaf Childrens Society

THE EVALUATION OF ARRANGEMENTS FOR EFFECTIVE OPERATION OF THE NEW LOCAL SAFEGUARDING CHILDREN BOARDS IN ENGLAND

Alan Franco*, Emily R Munro** and Amanda Waring*

* Centre for Research in Social Policy (CRSP) and ** Centre for Child and Family Research (CCFR), Loughborough University

Introduction and Background

Both the statutory inquiry into the tragic death of Victoria Climbié (2003) and the first joint Chief Inspectors' Report on Safeguarding (Chief Inspector of Social Services et al., 2002) emphasise the importance of effective joint working between agencies and professionals to safeguard children from harm and to promote their welfare. Subsequent policy developments, underpinned by the Children Act 2004, are intended to ensure an integrated approach to service provision and that children achieve their potential in terms of being healthy, staying safe, enjoying and achieving, making a positive contribution and achieving economic well-being (HM Government, 2004). *Working Together to Safeguard Children* (HM Government, 2006: p.10) identifies one of the most important developments in this context as the establishment of Local Safeguarding Children Boards (LSCBs). The Boards put former Area Child Protection Committees (ACPCs) on a statutory footing. Research had found that ACPCs' lack of statutory power had limited their effectiveness (Chief Inspector of Social Services et al., 2002). A series of other weaknesses were also identified including: variations in levels of representation and membership, structure and practice, poor leadership and insufficient resources (Chief Inspector of Social Services et al., 2002; Horwath and Glennie, 1999; Narducci, 2003; Ward et al., 2004).

Aims of the Study

The overall goal of the study was to examine whether the new structures and processes established by LSCBs have overcome identified weaknesses of ACPCs and promoted inter-agency co-operation. The aims and objectives were to examine and assess:

- if LSCBs are fulfilling their core functions to safeguard and promote the welfare of children;
- the working practices put in place and their effectiveness in securing effective operation of the LSCB functions and ensuring that all member organisations are effectively engaged;
- how LSCBs manage and evaluate their role in safeguarding and promoting the welfare of children and the effectiveness of lines of accountability;
- how LSCB partners transfer knowledge and information between member organisations;
- how LSCBs work alongside other local strategic bodies and partnerships;
- if the new systems and arrangements are 'fit for purpose' and whether they safeguard and promote the welfare of children in the local area;
- how far the new LSCB arrangements are influencing and improving frontline practice; and
- the estimated costs of the new LSCB arrangements.



Key Findings

- LSCBs have addressed a number of weaknesses of ACPCs. Across a range of conditions of effectiveness to operate measures LSCBs in Case Study areas were performing at 65 per cent effectiveness.
- LSCBs that have been able to determine their main priorities have been realistic about what is feasible, have maintained focus and have been more effective than those that have been overly ambitious and opted for a very broad remit (in the context of the resources available to them).
- Professionals at the strategic and operational levels are embracing the notion that safeguarding children is a shared responsibility, rather than one confined to Children's Social Care. However, there were differences of opinion as to whether LSCBs should be embracing the wider safeguarding agenda or concentrating their efforts more narrowly on protecting children from harm.
- Local Authorities have struggled to establish accountability mechanisms, especially for Chairs. Governance arrangements in general remain weak.
- LSCB Chairs have provided strong leadership and broad membership and agency representation on Boards has been secured. Independent Chairs have struggled to be active in the wide strategic framework within local areas.
- Demarcation of roles and responsibilities between the Board and Children's Trust have not always been as clear as they should be.
- Representatives on LSCB Boards are largely of sufficient seniority to speak for their organisation with authority, commit their organisation on policy and practice matters and hold their organisation to account, although in some areas securing the right levels of seniority still needs to be addressed.
- Securing appropriate levels of participation by Board Members in LSCB meetings remains a challenge. Changes in agency representation on the Board and the lack of continuity of Board membership can make it difficult to maintain a shared vision and to sustain progress and development. It can also limit the establishment of relationships and trust, effective networking and operation.
- The size of the LSCB and the time and resources available to support the work of LSCBs are influential; small Boards lack enough members to be able to invest enough time to meet the LSCB role and remit, while large Boards become unwieldy and impersonal. The most effective size would seem to be between 20 and 25 members.
- LSCBs have struggled to fulfil all their functions. The time and resources required to undertake Serious Case Reviews, in particular, has inhibited capacity to move forward and fulfil other responsibilities.
- Effective communication channels between the LSCB and partner agencies are essential. Findings reveal, however, that generally these links and mechanisms, to ensure the effective dissemination of information to inform operational practice, were relatively weak.
- LSCBs are helping progress inter-agency work but developments in this respect have also been influenced by wider changes, such as the establishment of Children's Trusts and implementation of the Common Assessment Framework.
- Progress has been made in relation to inter-agency communication and the development of a shared language across agencies although a number of challenges remain.
- Substantial variations existed in terms of the resources that LSCBs receive from partner agencies. The Local Authority is the main provider with health (and to a lesser extent, the Police) making a substantial contribution. Other agencies contributed finances and/or in kind but the level of these contributions was small in comparison to the main agencies.
- For LSCBs to function effectively they need agencies to contribute resources to pay for support staff and training (among other things). They also rely on in-kind contributions and the release of staff to attend meetings and to engage in the activities of the LSCB. The combined cost of these contributions are not insubstantial, ranging from £136,494 to

£472,658. This does not include costs associated with Serious Case Reviews or Child Death Processes.

- Annual estimated costs associated with attendance at subgroups (excluding Serious Case Review and Child Death Processes) ranged from £20,272 to £135,776.
- In the absence of a funding formula Boards spent considerable time negotiating and securing contributions towards the operation of LSCBs and there were considerable variations in the resources each had available.
- Findings suggest that work to address public understanding of the work of LSCBs is weak and has been inhibited by lack of resources.
- Engagement and consultation with children and young people is underdeveloped; although they may be informed about the work of the Boards it is unusual for them to be actively involved or for their views and opinions to influence LSCB business and priorities.

Methodology

A mixed method approach was adopted, including a national survey and mapping exercise of all LSCBs in England and in-depth case study work in six areas, including:

- face-to-face interviews with six LSCB Chairs and Business Managers and five¹ interviews with the Directors of Children's Services in each area;
- 49 telephone interviews with Board Members, these included partners from Health, Social Work, Education, Youth Justice, Police, Early Years and the Voluntary Sector;
- 132 telephone interviews with frontline professionals (holding both managerial and non-managerial responsibilities) with similar professional backgrounds as the Board Members;
- content and thematic analysis of the minutes of Board meetings;
- Social Network Analysis (SNA) was piloted in two case study areas, providing detailed micro information on practice and effectiveness. SNA facilitated examination of the relationships between individuals and groups within the LSCB structure in order to gain an insight into how the LSCBs were functioning; and
- a detailed analysis of costing of LSCB meetings was conducted in two of the case study areas.

Measuring Effectiveness

The strategy adopted to evaluate the effectiveness of LSCBs for the current study was to draw upon existing evidence about what makes strategic partnerships effective (Ward et al., 2004; Percy-Smith 2006, Horwath and Morrison, 2007, Warmington et al., 2004). In the context of LSCBs there are two major sources of evidence:

- 1 Assessing LSCBs in comparison to the body of literature on the effectiveness of ACPCs. The weaknesses of ACPCs are well documented and evidenced – do the new arrangements address them?
- 2 Assessing LSCBs' operation against a broader literature on strategic partnerships' working and the delivery of Children's Services.

Thirteen key factors were identified that need to be present for the effective operation of LSCBs. These are outlined in Table 1, below. The conceptual framework and factors used to assess conditions needed for the effective operation of LSCBs are underpinned by findings from a range of studies including *Safeguarding Children: A Scoping Study of Research in Three Areas* (Ward et al., 2004). The latter was commissioned by the Department of Health to provide a summary of the current knowledge base on safeguarding children, including examination of the literature on inter-agency working. While factors 1-12 in Table 1 are all informed by a body of literature, judgments concerning the final factor (13, professional practice) are based upon the

¹ In one area the Chair is the Director of Children's Services

research team's assessment of frontline professionals' knowledge of their roles and responsibilities in relation to safeguarding children.

Effectiveness across the Case Studies

Similarities and differences in the effectiveness of each of the case study LSCBs against key indicators of conditions needed for effectiveness are explored further below. As a way of capturing these issues we have produced a table with each area being assessed against the 13 indicators. A three point scoring system was adopted:

- 1 = clear evidence of challenges in operating effectively.
- 2 = evidence of adequate operation.
- 3 = clear evidence of effective operation.

Table 1 Conditions for Effective Operation table including scores of six LSCBs

Effectiveness Factor	Effectiveness Indicator	Area One	Area Two	Area Three	Area Four	Area Five	Area Six	Total (18)	
1	Clarity of governance arrangements.	Clear lines of accountability for the Chair and Board.	2	1	2	2	1	2	10
2	Clarity of governance arrangements – management.	Clear management structures for the Chair and the Board.	2	1	2	2	1	2	10
3	Strong leadership.	Skilled Chair with authority who is able to keep partnership focused on core tasks.	3	2	3	3	2	3	16
4	Clear priorities and focus of the work.	LSCB have clearly defined aims and objectives that are strategic in their focus on safeguarding.	3	2	2	2	1	2	12
5	Clear planning and reviewing of work.	There is good planning and reviewing of progress.	3	2	2	2	2	3	14
6	Maintaining clarity of purpose, values and vision.	There is a clear vision amongst Board members about purpose of the LSCB.	2	2	2	2	2	2	12
7	Adequately resourced infrastructure.	The LSCB is supported by a Business Manager and appropriate level of staff and resource to help it function effectively.	2	1	3	2	2	3	13
8	Importance of having the appropriate levels of seniority.	The Board has a good level of seniority amongst its membership – the right people are present who can act on the behalf of their agency.	2	1	3	2	2	2	12
9	Stability of Board membership.	Attendance and participation in the Board and subgroups are stable and active.	2	1	2	1	1	2	9
10	Strong links exist between the LSCB and operation.	Clear conduits exist between the LSCB and professional practice.	1	1	2	2	1	2	9
11	Understanding of roles and responsibilities by Board members.	Members of the Board understand their roles and responsibilities in the LSCB and act upon them.	2	2	2	2	2	2	12
12	Need for open communication and shared language between professionals.	Open communication both between and within agencies that facilitates co-ordinated response.	2	2	2	2	2	2	12
13	Professional Practice Frontline professionals fully understand their roles in safeguarding.	Frontline professionals have a clear understanding of roles and responsibilities in terms of safeguarding.	2	2	2	2	2	2	12
		Total	26 (39)	20 (39)	29 (39)	26 (39)	21 (39)	29 (39)	153 (234)

The judgements and subsequent scores attributed for each LSCB against each effectiveness measure were determined by the research team based upon analysis of all the data collected on each area. The total 'effectiveness score' across the six case study areas was 153 (see Table 1, above). Had every Board demonstrated clear evidence of effectiveness against all the measures a score of 234 would have been attained. Using this rationale, seen together, the LSCBs were performing at 65 per cent effectiveness. Across the case study areas scores on four effectiveness factors were low: stability of Board membership (9); strong links exist between the LSCB and operation (9); clarity of governance arrangements (10) and clarity of management structures (10). These areas need more attention if Boards are to become more effective.

There were no criteria against which every Board performed well or badly, as such the difficulties each area encountered varied between areas. Four LSCBs scored a '1' in at least one aspect of their work (i.e. there was evidence that they were experiencing particular challenges in operating effectively). Issues concerning links between the LSCB and operational practice were identified in Area One. In Area Four the continuity of Board membership posed a challenge. Areas Two and Five were facing a larger number of issues identified as influencing the effectiveness of their operation. Both these Areas were deemed to have struggled to establish clear governance arrangements and secure stability of membership. In Area Two interviewees also raised concerns about the size of the LSCB (small and 'inclusive') and the seniority of representatives. Positively, each area had secured effective leadership via the Chair (16). This also seems to facilitate the identification of clear priorities and focused activity (14). Area Three was found to be effective in this respect and all the other areas, with the exception of Area Five, were rated as adequate. Effective (two areas) or adequate (four areas) systems were also in place to plan and review work. LSCBs were also developing a clear sense of purpose and shared vision. There were four measures of effectiveness that every Board was rated as adequate against (indicators 6, 11, 12 and 13). These were areas in which there was scope for further development.

Chairing, Leadership and Accountability

Across the case study areas all of the LSCB Chairs were seen as being effective, having both the skills and the knowledge to take on a central role in leadership of the Boards. The core weakness related to the difficulties that Independent Chairs could have in becoming embedded and active in broader strategic networks and activities, which could have an impact on effectiveness. Under resourcing of the Independent Chair post, or lack of administrative support, could also pose difficulties and could leave Chairs with insufficient time to undertake wider strategic functions. In terms of accountability problems exist over separating out the functions of accountability from management. Evidence suggests that locating this with the DCS or the Children's Trust was not very effective. 'Mutual accountability' (being both accountable and 'scrutinised' by the Trust) is problematic, particularly in areas where many members of the LSCB also sit on the Trust. Confusion concerning the roles of Ofsted and GO in the Regions was also apparent. The duality of roles (governance and support) makes the proposed task of 'helping development' more difficult to achieve. Evidence from the research suggests that dialogue and positive responses to requests are critical if the relationships are to be improved.

Board Membership

Overall 68 Boards (55 per cent) have representation from all the statutory agencies outlined under section 3.58 of Working Together. Of the 56 Boards which have agencies missing, 45 were found to be missing only one statutory partner (France et al., 2009). In terms of membership of the main LSCB, evidence suggested that the larger the group the more difficult it was to manage the meeting and to ensure that business was being addressed. Making decisions, creating an inclusive meeting structure and networking opportunities are difficult in large groups. A small Board poses different difficulties, in terms of meeting statutory requirements on membership and

having a sufficient number of people to enable the Board to fulfil its roles and responsibilities.

It was identified that LSCBs could take one of two broad approaches to membership. One approach was to be exclusive and limit the number of people involved in the work of the LSCB and the other was to adopt a more inclusive approach and involve a larger number of people in the Board and subgroups. Both models have strengths and weaknesses. Exclusive models increase the chance of creating a shared understanding and focused programme of work, however, communication with wider groups and links with operational practice may be weak. Inclusive approaches with broader membership can draw upon the experience and expertise of people from a wider range of backgrounds, however, there is a risk of communication breakdown across the infrastructure of the Board and that a shared sense of vision and focus is lost.

Participation

It is important to consider not only LSCB membership, but also levels of active participation in meetings and work to support the LSCB. The way different agencies are organised can influence their participation and influence the effectiveness of LSCBs and the pace of developments. Firstly, sending substitute staff to meetings if a Board Member cannot attend can lead to delays in the decision-making process and undermine the collective identity of the Board and impact upon progress with work programmes. The practice of substitution was common in health and the police. Continuity of members is critical if the Boards are to be effective. Secondly, securing the appropriate involvement of agencies within large structures such as health and Children's Services poses an ongoing challenge to Boards.

While GPs and Head Teachers do not necessarily need to sit on the LSCB, mechanisms do need to be in place to obtain their views and to ensure that they are fulfilling their safeguarding responsibilities. The 'quasi autonomous' status of these professionals can raise challenges. Although representation of the Third Sector by national charities is good, challenges remain in terms of developing and maintaining links with smaller local organisations.

Establishing Effective Inter-agency Working Relationships

Professional cultures and practices are difficult to change but evidence suggests progress is being made and that LSCBs are making a contribution to improvements in inter-agency working. Trusting relationships support effective operation and are to be welcomed, however, it is also important that complacency does not set in and that agencies are sufficiently challenging of one another. Inter-agency training was considered in annual plans and is a core area of activity for LSCBs. The availability of training was limited by resources, although some areas were being innovative and creative in finding ways of funding inter-agency training. While frontline staff from across agencies were positive about its impact, concerns were raised that not enough single agency training was being undertaken and that for some agencies this was important as staff needed to know specific details about how to deal with concerns within their own agency. Gaps in training or neglect were also identified. Ongoing challenges concerning inter-agency working include: information sharing (especially Adult Services) and engagement with GPs.

Focus of LSCB Work

To be effective Boards need to set realistic plans and appropriate parameters around the activities they are undertaking. The role of the Chair as strategic leader is critical in helping the Board to determine the focus of the LSCB and maintain this as targeted work programmes are initiated. Board Members also need to be involved in developments and need to own the plans. LSCBs have been embracing the wider safeguarding agenda but a number of areas struggled because they have not had the capacity or resources to fulfil all of the LSCB functions. Those

areas that have been more successful are those that have concentrated on the 'core' business of child protection and then expanded into preventative activities as and when resources have permitted. The Baby Peter case has also served to influence the focus and balance of activity, with renewed emphasis being placed upon LSCBs' child protection functions. Serious Case Reviews (SCRs) can disrupt strategic planning and distance travelled as they are demanding in terms of time and resources.

Communication

Effective communication is critical if LSCBs are to be effective. This is reliant on good communication conduits and agreement about who is responsible for ensuring that messages reach the appropriate professionals. There is an expectation that Board Members will take a central role in communicating critical messages from the LSCB to their own agencies. However, some Board Members thought it was 'the Board' as a collective that should be responsible for this, rather than them as individuals. Others expressed uncertainty about how messages reached the appropriate professional groups within larger services. Communication to the wider public and to children and young people themselves was found to be underdeveloped. Although such activity may have many benefits (e.g. improving the image of social work) it was not a priority area, or one that Boards had invested substantial resource in. In a number of case study areas consultation had taken place but there was little evidence that it had shaped or greatly informed the work of the LSCB. This is illustrated by the fact that most Board Members were unaware of any such work. That said, a number of examples of good practice did exist and opportunities exist (for example, through closer engagement with Youth Parliament) to develop ways of more actively engaging young people in planning and monitoring LSCBs.

LSCB and the Impact on Professional Practice

Frontline professionals recognised the broad safeguarding agenda but identified that much of their work focused upon 'staying safe' and child protection rather than preventative work. Managers played an important role in keeping practitioners informed of developments and they also had a better understanding of the activities of the LSCBs. Frontline workers had a tendency to see the board as 'up in the ether' and detached from practice largely because the strategies developed at Board level in response to government legislation were considered to be beyond the realm of their practical engagement. Staff were better informed in areas that had developed practitioner groups. Evidence suggests that LSCBs have improved the information available to both frontline and managerial staff to support their work. However, there was a widespread view that the work itself has not changed but methods and processes had. LSCB had reinforced the importance of procedures, although staff tended to access information on a 'need to know' basis. One of the most positive developments seemed to have been that inter-agency working was becoming more embedded and information sharing had improved (although challenges still remain). LSCBs were contributing to developments, but changes were also seen to relate to wider policy and practice developments, including the implementation of the Common Assessment Framework.

Messages for Policy and Practice

Role and remit

- The most effective LSCB case studies had been realistic about what they were able to achieve and had focused upon the core business of ensuring that work to protect children was properly co-ordinated and effective before seeking to develop their preventative work.
- Without adequate resources it is not viable for Boards to effectively fulfil all their functions. The balance that LSCBs strike in this respect should inform decisions concerning membership and agency representation on the Boards.

Independent Chairs, leadership and accountability

- The Chief Executive's Office and Lead Members, through scrutiny committees, should be more central to the governance process to ensure that the Chair and the Board are held to account.
- LSCBs need to clarify governance arrangements and separate out accountability from management.
- Consideration needs to be given to mechanisms to ensure that Independent Chairs are linked into local networks and structures.
- The authority of the Chair and the LSCB need to be acknowledged and respected by agencies.
- The implications of non-compliance with Board recommendations should be clarified and systems should be put in place to support the resolution of differences of opinion.

Size and membership of the LSCB

- In determining the appropriate membership of the LSCB it is worthwhile considering both seniority and the specialist knowledge and expertise that individuals may bring.
- Continuity of Board membership needs to be addressed.
- It is important to clarify Board Members' roles and responsibilities and the distinction between 'representing the agency' versus 'representing the Board'. How this is achieved needs to be considered.
- Regular and consistent attendance at meetings is necessary to take forward the LSCB agenda. Increased active participation by Board Members and those on subgroups is required.

Communication between the LSCB and agencies

- Arrangements in respect of communication between LSCBs and agencies need to be clarified and strengthened.
- Information exchange in large organisations is challenging. There was limited knowledge about the extent to which information reached the appropriate personnel to influence policy and practice and effect change. This needs attention.
- Forums to engage with operational staff and ensure that their experiences inform strategic priorities and that the work of the Board influences practice are critical. Communication with GPs, schools and the third sector are a challenge and strategies to strengthen links with these groups are needed.

Communication to the general public and children and young people

- This area of work in LSCBs is currently underdeveloped. Work to improve public understandings of the work of LSCBs is weak and under resourced.
- LSCBs need to develop opportunities for children and young people to be more involved in the work of LSCBs.
- There is scope for the LSCB to undertake activities aimed at counteracting the negative portrayal of the social work profession and raising public awareness of the role and contribution that Children's Social Care and other agencies play in improving outcomes for children and families.

Training and support

- LSCB Independent Chairs and Business Managers would benefit from improved access to training and support to fulfil their responsibilities.
- Training for Board Members of their roles and responsibilities, and the operation of the LSCB, both at induction stage and on an ongoing basis would be valuable.

- It would be valuable to consider professional development opportunities and career pathways for LSCB Business Managers.
- Frontline staff identify that inter-agency training should not be at the expense of single-agency training, which is also important.
- The role of Government Offices of the Regions needs further clarification.
- LSCBs would benefit from advice and guidance about how to judge the impact that they are having upon the effectiveness of their work.

Resources

- Without adequate funding and the release of staff to attend meetings and undertake activities to take forward work, LSCBs are unable to operate effectively.
- Chairs, Business Managers and Board Members indicated that a funding formula would assist them. LSCBs are vulnerable to funding cuts which would limit their capacity to fulfil their responsibilities.

References

Chief Inspector of Social Services, Director for Health Improvement, Commission for Health Improvement, HM Chief Inspector of Constabulary (2002) *Safeguarding children: a joint Chief Inspectors' report on arrangements to safeguard children*. London: Department of Health.

Children Act (2004) *Children Act*. Norwich: HMSO.

France, A., Munro, E. R., Meredith, J., Manful, E. and Beckhelling, J. (2009) *Effectiveness of the new Local Safeguarding Children Boards in England: Interim report*. CRSP and CCFR: Loughborough University. DCSF Research Report 126.

HM Government (2004) *Every Child Matters: Change for Children*. London: The Stationery Office.

HM Government (2006) *Working Together to Safeguard Children. A guide to inter-agency working to safeguard and promote the welfare of children*. London: The Stationery Office.

Horwath, J. and Glennie, S. (1999) 'Inter-agency child protection training: gathering impressions', *Child Abuse Review*, 8, (3), pp.200-206.

Horwath, J. and Morrison, T. (2007) Collaboration, integration and change in children's services: Critical issues and key ingredients, *Child Abuse & Neglect*, 31, pp.55-69.

Narducci, T. (2003) *Increasing the effectiveness of the ACPC*. London: NSPCC.

Percy-Smith, J. (2006) 'What works in strategic partnerships for children: a research review' *Children & Society*, 20, (4) pp.313-323.

Ward, H., Holmes, L., Moyers, S., Munro, E. R. and Poursanidou, D. (2004) *Safeguarding Children: a scoping study of research in three areas. Final report to the Department for Education and Skills*. Loughborough: Centre for Children and Family Research.

Warmington, P., Daniels, H., Edwards, A., Brown, S., Leadbetter, J., Martin, D. and Middleton, D. (2004). *Interagency Collaboration: a review of the literature*. Bath: Learning in and for Interagency Working Project. Teaching and Learning Research Council.

Additional Information

Further information about this research can be obtained from Isabella Craig, Analysis and Research Division, 4FL-ARD, DCSF, Sanctuary Buildings, Great Smith Street, London SW1P 3BT
Email: Isabella.craig@dcf.gov.uk

The views expressed are the authors' and do not necessarily reflect those of the Department for Children, Schools and Families.

Information about other studies which are part of the Safeguarding Children Research Initiative can be found at <http://tcru.ioe.ac.uk/scri/>

Bradford Safeguarding Submission

Bradford Safeguarding Children Board (BSCB) Briefing to the NI Assembly Health Services & Public Safety Committee on the subject: "Safeguarding Board for Northern Ireland" (date: 30th September 2010).

Bradford District Demographic Information:

Bradford has the fastest growing major urban population in the UK, and a higher than national birth rate accounts for most of the District's population growth. The population is 501,700 (2010 mid year estimate Office of National Statistics) with a rich cultural mix. 78.3% of the population are white and 22% of the population are from ethnic minority backgrounds.

Nine wards in the District are amongst the most deprived in England. Average life expectations are lower than the national average with significant variation across the District. Female life expectancy and infant mortality levels are a particular issue. 6.1% of the population is permanently sick or disabled (5.5% nationally). 20% of nursery and primary school children and 24% of secondary school pupils are in receipt of free schools meals. (Source: State of the District, BDMC, September 2010).

Policy Context:

It should be noted the Secretary of State for Education has commissioned Professor Eileen Munro to undertake a review of Child Protection arrangements, building on the earlier reviews conducted by Lord Laming. Professor Munro's initial report is scheduled to be published in September 2010, with a final report in April 2011. At this stage it is unclear what implications Professor Munro's report may have for the future development of Local Safeguarding Children Boards in England.

The Establishment of Bradford Safeguarding Children Board:

- Bradford Safeguarding Children Board (BSCB) had its first meeting on 14th March 2006, and held a public launch event on 15th May 2006. Local Safeguarding Children Boards (LSCB) in England are on a statutory footing and replaced the previous non-statutory Area Child Protection Committees (ACPC). The legislative requirements for LSCB were set out in Sections 13 – 16 of the Children Act 2004 (with subsequent amendment in the Apprenticeship, Skills, Children and Learning Act 2009). The Local Safeguarding Children Boards Regulations (2006) set out arrangements for representation, appointment of chair, and functions. Further statutory guidance regarding roles, functions, governance and operation of LSCBs is set out in Chapter 3 of "Working Together to Safeguard Children (2010)".
- The Bradford Area Child Protection Committee oversaw the process of planning and implementation for the new Bradford Safeguarding Children Board. The implementation phases were:
 - Consultation events for staff from the District's children's workforce to identify local priorities and mechanisms for engagement with BSCB;
 - Work with focus groups of young people to develop a "Statement of Intent" setting out in plain English how BSCB would work to safeguard and promote the welfare of the District's Children;
 - Development of a constitution, including a "job description" for BSCB members;
 - Agreement between partners regarding staffing arrangements and financial contributions.

Structure, Governance and Finance of BSCB:

- From establishment until February 2010, BSCB was chaired by Kath Tunstall, Director of Children's Services for City of Bradford MDC. Ms Tunstall had previously chaired the Bradford Area Child Protection Committee. This arrangement was reviewed on an annual basis by BSCB. During the period that BSCB was becoming established, this arrangement

provided a number of strengths: continuity with the previous inter-agency working arrangements for child protection, clear local leadership from a key partner agency, and confidence in the Chair's professional expertise in child protection and safeguarding arrangements.

- In February 2010, Professor Nick Frost was appointed Independent Chair of BSCB. This followed a review of chairing arrangements by BSCB members, and complied with the requirements for chairing LSCB as set out by the then Secretary of State for Children Schools and Families in December 2009.
- Membership of BSCB is drawn from agencies working with children and families across the District. Membership, by agency, is: City of Bradford MDC Children's Services (Children's Social Care, Education, Locality Services); Bradford MDC Adult Social Care Services; Bradford District Youth Offending Team; Bradford and Airedale NHS Trusts (Primary Care Trust, two Hospital Trusts, and the District Care Trust); West Yorkshire Police; West Yorkshire Probation Board; NSPCC; Bradford District Council for Voluntary Services; and CAF/CASS.
- Each full member of BSCB must be able to:
- Speak for their organisation with authority;
- Commit their organisation on policy and practice matters;
- Hold their organisation to account.
- City of Bradford MDC Lead Member for Children's Services is invited to attend BSCB Board meetings as a "participating observer". In addition, BSCB has advisory members who provide professional expertise to assist the Board. These are: BSCB Manager, the Legal Advisor, The Designated Nurse and a Designated Doctor from each of the District's hospital trusts.
- BSCB holds a scheduled Board meeting every two months. Extra-ordinary meetings are arranged if urgent business, such as consideration of a completed Serious Case Review, must be concluded without the usual meeting cycle.
- Since establishment, BSCB has been served by a sub group structure which has developed to meet identified priorities. Each sub group meets at least every two months, in line with Board meetings. Sub groups are chaired by full members of the Board, who are responsible for reporting to BSCB about the activity of the sub group. The current sub groups of BSCB are: Business Planning Group; Performance Management, Audit and Development Sub Group; Serious Case Review Sub Group; Child Death Overview Panel; Professional Practice Sub Group; Training Sub Group; Safeguarding Disabled Children Sub Group; Childhood Injury Prevention Sub Group; Hidden Harm Sub Group; Anti-Bullying Sub Group; Child Sexual Exploitation Sub Group.
- These sub groups work to the priorities set by the Board which are informed by statutory obligations and the local "Safeguarding Children Needs Analysis". Membership consists of managers and practitioners from local statutory and voluntary agencies.
- The staffing arrangements to support BSCB activity reflect both strategic and operational functions. Staffing consists of a Board Manager, Board Administrator, Inter-Agency Training Co-ordinator, Training Administrator, Performance and Information Officer, Child Death Review Administrator, Childhood Accident Prevention Co-ordinator, and an additional administrative officer.
- The Local Authority functions for reviewing the plans for looked after children and children subject to child protection plans, and for overseeing enquiries into allegations that a professional or volunteer has harmed a child, are also managed by the Board Manager. This arrangement reflects the view that these activities require a high degree

of independence and provide operational information which is vital to BSCB's quality assurance of inter-agency safeguarding arrangements within the District.

- The funding arrangements for LSCBs are set out in Working Together to Safeguard Children. As stipulated in this statutory guidance, BSCB is funded from a pooled budget, to which agencies have committed in advance. In common with other LSCBs, BSCB's core contributors are the Local Authority, the Primary Care Trust and West Yorkshire Police. The current pooled budget for BSCB is £236,800. When established, BSCB adopted a formula for contributions which still applies. Under this, the budgetary requirements of BSCB are agreed, and current percentage contributions are as follows:
 - Primary Care Trust: 47%
 - Local Authority: 44%
 - Police: 7.75%
 - Probation: 1.0%
 - CAFCASS: 0.25%
- In addition to the pooled budget, BSCB activity has been supported by access to specific funding for identified activity. Area Based Grant from the Department of Education to fund Child Death Review activities has been made available in full to BSCB since 2009/10. The local Road Safety Partnership has made additional funding available to BSCB to support inter-agency working to reduce child casualties on the District's roads. The future of this additional funding will be clarified following the forth-coming public spending review.
- All organisations also make significant "in kind" contributions to enable BSCB to function. Organisations contribute staff time for example in the delivery of inter-agency training or service on sub groups. Other examples of "in kind" support include cost-free provision of training and meeting facilities.

Developing Remit of BSCB:

- In common with other LSCBs, Bradford Safeguarding Children's Board has first sought to ensure that inter-agency arrangements to minimise abuse and neglect within the District are effective. Inter-agency safeguarding procedures are in place and are reviewed and revised on a six monthly cycle. This activity is coordinated by the Professional Practice Sub Group, which also monitors the effectiveness of individual agencies' internal safeguarding procedures. The effective implementation of safeguarding arrangements is supported by a comprehensive inter-agency training programme with 35 face-to face training courses and 6 e-learning modules, each addressing specific aspects of safeguarding work.
- From April 2008, all LSCB in England were required to have established a Child Death Overview Panel. This is a multi-agency sub group of BSCB which collates and reviews available information held by agencies following the deaths of all children residing in the District. This panel produces an annual report for BSCB providing anonymised data regarding causes of death, identified trends, and identifying lessons for professionals and any public health or public safety messages that have emerged from the review processes.
- BSCB has undertaken a number of Serious Case Reviews as required under Part 8 of Working Together. These have followed the death or serious injury of a child when it is recognised that there are lessons to be learned about how agencies work together to safeguard children.

- BSCB has worked with children & young people and partners to develop inter-agency strategies for work in the District to reduce accidental injuries to children and to tackle bullying. BSCB chose to focus on these wider aspects of safeguarding as a result of local public health data and surveys of the District's school children. The rate of hospitalisation or death of children as a result of an accident is higher in Bradford than the national average for England and Wales and the strategy sets targets and agrees joint working arrangements to achieve these targets. Bullying and fear of bullying has been identified by children and young people as their main safeguarding concern.
- These strategies can be accessed via the BSCB Website:
- "Getting Serious About Safety": http://www.bradford-scb.org.uk/PDF/aps_bscb_2008_final.pdf
- "Anti-Bullying Strategy 2008-2011": http://www.bradford-scb.org.uk/PDF/anti_bullying_strategy_2008.pdf

Holding Agencies to Account:

- Bradford Safeguarding Children Board gathers data regarding the effectiveness of inter-agency safeguarding arrangements. This data includes performance indicators. Additionally, qualitative data is gathered from:
 - agency audits of activity to promote & safeguard the welfare of children under S11 of the Children Act 2004 ("S11 Audit");
 - audits of inter-agency work on specific cases;
 - "Challenge Panels" where staff are brought together from different agencies for a facilitated discussion of how they worked together on particular cases;
 - Serious Case Reviews which identify learning and produce auditable action plans for agencies and the Board to improve specific aspects of safeguarding arrangements.
- The sub group which receives much of this data and reports back to BSCB is the Performance Management, Audit and Development Sub Group.

Developing the Effectiveness of the Board and its member agencies:

- BSCB is committed to supporting the professional development of those who serve on the Board, and to providing opportunity for critical reflection on the effectiveness of the Board. There is an annual development day for BSCB representatives, which is facilitated by an independent expert in the field of safeguarding children.
- In December 2008, BSCB commissioned an independent academic review of its arrangements, which was undertaken by Professor Brid Featherstone.
- BSCB has participated in local, regional and national research into aspects of safeguarding, for example:
 - Research conducted in 2008 into the experiences of parents whose children had been subject to child protection plans (Bradford was one of three participating West Yorkshire LSCB);
 - Regional research (on-going) into child protection referral patterns and subsequent service paths of cases.

The Voice of the Child:

- It is recognised that listening to children's own views about their safety and welfare and their experiences of services that are intended to keep them safe provides valuable information that can demonstrate how services can be improved. This is a challenging area for LSCBs and single agencies.
- BSCB has involved children and young people in a number of consultations and participative events, including:
 - Drafting the "Statement of Intent" which sets out what BSCB does to improve safeguarding arrangements in the District;
 - Drafting the Accident Prevention Strategy with focus groups of primary school and secondary school students;
 - Drafting the Anti-Bullying Strategy with groups of young people from the youth service projects and primary and secondary schools;
- Ensuring that the distinctive voice of children and young people is heard at all BSCB public events, and promoting the voice of young people through themed poetry, music and art competitions.

Links to Practitioners:

- Front line practitioners working with children and families are most likely to come into contact with BSCB through using the inter-agency procedures, accessing the BSCB website for information, or attendance at training courses and briefings.
- BSCB sub groups provide opportunities for practitioners from all member agencies to contribute to the improvement of safeguarding arrangements, to develop their own knowledge and experience of safeguarding issues, and to work collaboratively with colleagues from other disciplines.

Further information about Bradford Safeguarding Children Board is available from the website: <http://www.bradford-scb.org.uk/>

Paul Hill
 Manager of Bradford Safeguarding Children Board
 24th September 2010

Jan Horwath

Jan Horwath
 Professor of Child Welfare
 Department of Sociological Studies
 The University of Sheffield
 Elmfield
 Northumberland Rd
 Sheffield
 S10 2TU

Telephone: +44 (0) 114 222 26442
 Fax: +44 (0) 114 276 8125
 Email: j.horwath@sheffield.ac.uk

Introduction

This evidence is based on over fifteen years research and development work with strategic collaborative partnerships, including Area Child Protection Committees and Local Safeguarding Children Boards (LSCBs) established in England, Wales, Northern Ireland and New South Wales, Australia. This work has included:

- the development of a self-assessment and improvement tool commissioned by the Care and Social Services Inspectorate in Wales for LSCBs;
- contributing to the preparation of the English guidance for LSCBs – Working Together to Safeguard Children - in 1999, 2006 and 2010;
- research undertaken for the English Department of Children, Schools and Families, together with P. Sidebotham, J. Fox and C. Powell, on the implementation of child death overview panels and the development of training materials for these panels;
- publications in this field;
- ongoing development work with LSCBs in England and Wales.

General comment

The proposals outlined in the Bill regarding the establishment of the Safeguarding Board for Northern Ireland (SBNI) provide a sound framework to safeguard and promote the welfare of children in Northern Ireland. However, drawing on my experiences of work with collaborative strategic partnerships, such as LSCBs in England and Wales, I believe, in order to maximise the potential effectiveness of the SBNI, there are aspects of the Bill that need to be considered further in relation to the Bill itself, Directions, Regulations and Additional Guidance.

Independence

The Committee may wish to clarify the extent to which the SBNI acts as a body independent of the Department. For example, the Department may give directions to the SBNI as to the exercise of its functions (Clause 4.1) and the manner in which it exercises its function (Clause 5.1) and as outlined in Clause 12.3 members must exercise their duty having 'regard to any guidance given to them for purpose by the Department'. These Clauses give the impression that the SBNI is not expected to operate independently of the Department rather, it is an arm of the Department. I am not sure that this is the intention. In order to avoid confusion it would be helpful if the relationship between the Department and the SBNI is clarified and described in more detail.

Accountability

Chair

Whilst the Chair, is ultimately accountable to the Minister, it is not clear whether he or she is being held to account as an individual for the operation of the SBNI or whether the Board is jointly accountable for its operation and effectiveness and the Chair is in effect reporting on behalf of the Board. If the latter, this is more likely, in my experience, to promote the active engagement of Board members in the business of the SBNI most particularly in relation to the statutory duty to co-operate.

SBNI members

The Committee may wish to consider a further issue regarding accountability and the implications for the effective operation of the SBNI. As the represented agencies listed in Clause

1.3 hold lines of accountability to different Departments and Ministers the Chair and indeed members of the Board, appear to have limited powers over these representatives or bodies, moreover the SBNI has no control over the internal operation of the individual agencies. This would seem to indicate that the SBNI is expected to act as a critical friend. If this is the case it is important that this is taken into account in relation to the SBNI and the way it is able to discharge its functions.

Governance

Members

It is not clear in the Bill what is expected of members of the SBNI and whether representation with regard to the bodies listed in Clause 1.3 will be based on position within those organisations. What has proved to be important in England and Wales with regard to active engagement of members is:

- That members of the LSCBs are at the most senior management level within their agencies with authority to make strategic decisions;
- These managers have access to professional advice related to their particular agency as they may well have limited experience of safeguarding children;
- All Board and Committee members complete comprehensive induction and ongoing training programmes;
- All Board and Committee members and their representing agencies sign agreements. These agreements should make explicit;

a. The roles and responsibilities and expectations of members and their agencies. This

b. The role in relation to the represented body;

c. Member's responsibility in relation to providing collaborative leadership for safeguarding and promoting the welfare of children in Northern Ireland;

d. Time required to ensure meaningful membership of the SBNI.

These factors could be considered in any Directions or further guidance regarding membership.

Chair

The Committee may wish to consider whether systems should be in place to address the unlikely but possible occurrence of lack of confidence in the Chair.

Committees

The functions of the SBNI will be operationalised through the Committees and Sub-Committees of the SBNI. If this is to be effective it is important that these Committees do not operate in a vacuum. This requires effective, routine systems for communication between members of the SBNI and members of the Committees, over and above preparation of annual reports. One way of achieving this is for Chairs of these Committees to meet regularly with the Chair of the SBNI.

Consideration should also be given to the governance arrangements for Committees ensuring clarity with regard to the accountability and responsibilities of members in relation to achieving

SBNI objectives and functions and Departmental expectations. The Independent Chairs of these Committees have a major role to play and consideration should be given to making specific their roles and responsibilities, most particularly with regard to holding members of the Committees and their agencies to account for their contribution. In addition consideration should be given as to how they in turn will be held to account for their work.

As with the Independent Chair of the SBNI it is important that these Chairs not only have the knowledge and skills to provide collaborative leadership of these Committees but also have a sound understanding of safeguarding, recognise local issues and challenges and remain independent of contributing agencies.

The interface with children's service planning

Safeguarding and promoting the welfare of children is fundamental if children are to achieve better outcomes as is evident in the six outcomes set out in Our Children and Young People - Our Pledge - a ten year strategy for children and young people in Northern Ireland 2006-2016 (The Office of the First Minister and Deputy First Minister). Therefore, it is important that the work of the SBNI and others engaged in planning and developing services for children through, for example the Northern Ireland Children's Plan, compliments each other, duplication is avoided and there are no gaps in meeting the needs of particular groups of children. It is important therefore, that formal systems are in place to ensure effective communication between the SBNI and those responsible for children's planning and delivering for the ten year strategy.

A particular issue that has arisen in England in this regard is that often members of LSCBs also sit on Children's Trusts (responsible for children's service planning in England) this has resulted in confusion as to their roles and responsibilities: for example when sitting on the LSCB are they also representing the Children's Trust?

The Objectives

Safeguarding

Whilst the broader focus on safeguarding, as opposed to child protection, is welcomed (Clause 2.1), the Committee may wish to consider whether further direction and guidance should be provided regarding priorities. For example, in the English and Welsh guidance for LSCBs, a definition of what is meant by the term 'safeguarding' is included in guidance and members of LSCBs are advised that they ensure work to protect children is properly co-ordinated and effective before moving on to the wider safeguarding remit. Indeed, the France et al., (2009) study of LSCBs indicated the most effective Boards were those that were realistic about what they could achieve and prioritised safeguarding activities, having regard for available resources, as opposed to those who attempted to embrace the wider safeguarding agenda without the available resources.

Ensuring effectiveness

One of the major challenges for the SBNI will be finding ways to demonstrate effectiveness (Clause 2.1). Whilst clearly the measure of effectiveness is in relation to improved outcomes for children this is notoriously difficult to measure and in the past ACPCs and LSCBs have tended to focus on output measures rather than outcomes for children. The SBNI is in a better place than the LSCBs in England and Wales however, as lessons can be learnt and applied from the successful outcomes approach that has been taken to children's planning in Northern Ireland. Establishing systems for measuring outcomes will take time and in the meantime the SBNI needs to be able to demonstrate that it is being effective. One way in which it can do this is by drawing

on work on this topic from Wales. The Care and Social Services Inspectorate in Wales commissioned the late Tony Morrison and myself to develop a self-assessment and improvement tool for LSCBs. This tool enables members of the LSCBs to chart their progress in relation to meeting benchmark criteria which have been found through research to be essential to creating conditions necessary to safeguard children.

The functions

The functions outlined in the Bill as outlined in Clause 3 should enable the SBNI to achieve its objectives. However the Committee may wish to consider expanding these functions.

Case management reviews

Whilst it is important that Case Management Review processes are in place to identify the lessons learnt from child deaths and serious injuries in relation to maltreatment there is an increasing recognition in other nation states that these cases, whilst tragic, make up a very small percentage of cases and that significant lessons can also be learnt from cases where the needs of the child are met through sound collaborative practice. With this in mind, the Committee may wish to consider the potential of expanding the role of the Case Management Review Committee to also consider examples of good practice that contribute to safeguarding and promoting the welfare of children.

Training

Inter-agency training has for over thirty years been considered an effective vehicle for promoting inter-agency practice to safeguard children (Charles and Horwath, 2009). A recent study by Carpenter et al., (2009) has for the first time provided evidence that this is the case. With this in mind consideration should be given to adding a further function with regard to identifying the training that should be provided to staff both intra and inter-agency in order to ensure they have the necessary knowledge and skills and understanding of roles and responsibilities to safeguard and promote the welfare of children; ensuring the training is being delivered and monitoring the quality of this training.

Inter-agency training whilst essential for frontline staff is as important for middle and senior managers, including those sitting on the SBNI and its Committees.

Engaging children and young people

The recognition of the significant role that children and young people can play in terms of informing the SBNI as outlined in Clause 3.7, is welcomed. Consideration has, however, to be given to ways in which this can be achieved meaningful and in ways that are not abusive to the children and young people. I am currently completing a European study that is looking specifically at ways in which to engage young people who have experienced abuse and violence in decision-making bodies, such as LSCBs. Drawing on the experiences of young people in four countries a number of key messages are emerging that could inform the process for engagement of young people in the SBNI.

- When recruiting young people the expectations that will be placed on them must be made clear not only in writing but also through discussions in an environment where they feel able safe to ask any questions related to their particular needs and make meaningful decisions regarding participation;

- Young people must be provided with intensive and extensive training that prepares them for their role;
- Support systems should be in place enabling the young people to discuss concerns and any issues arising from participation;
- The process of engagement and the establishment of any forum should be led by a facilitator that has significant experience of participatory work with vulnerable young people. The young people must be able to trust this person and be confident that their needs will be acknowledged and met.

Lay members

As indicated in Clause 1.2c, the Department will appoint between two and four persons to sit on the SBNI who are not representatives of specified bodies. It would be helpful if the Directions and Regulations made clear the roles and responsibilities of these members and their particular contribution to the SBNI. Experience from England has indicated that finding people who have the right knowledge and skills to make a meaningful rather than tokenistic or pseudo-professional contribution has proven to be very challenging. As with children and young people these members will need to be very clear as to what is expected of them and the support that will be provided to enable them to make a meaningful contribution and will also require a very comprehensive induction programme.

References

Carpenter, J, Szilassy, E, Patsios, D & Hackett, S.. The organisation, outcomes and costs of interagency training to safeguard and promote the welfare of children, for A Report to the Department for Children, Schools and Families and the Department of Health, 2009.

Charles, C. and Horwath, J. (2009) 'An act of faith or an act of reason? Inter-agency training to safeguard children'. Commissioned for special edition of *Children & Society*. 23, (5) 364–376.

France, A., Munro, E. R., Meredith, J., Manful, E., and Beckhelling, J. (2009). Effectiveness of the New Local Safeguarding Children Boards in England (DCSF-(RR126). London: Department for children, schools and families.

HM Government. (2006). Working together to safeguard children. A guide to inter-agency working to safeguard and promote the welfare of children. London: HM Government.

HM Government. (2010). Working Together to Safeguard Children. A guide to inter-agency working to safeguard and promote the welfare of children. London: TSO.

PSNI

Written Brief

I would like to thank the Committee for Health, Social Services and Public Safety for inviting the Police Service of Northern Ireland to give evidence in relation to the Safeguarding Board legislation.

One cannot underestimate how necessary it is to have a strategic and proactive multi-agency approach to meeting the needs of children in Northern Ireland. It is the way in which the Police Service protects and responds to the most vulnerable in society that we and the other agencies are to be judged. Children are people who have the same rights as adults to protection, and to achieve this priority and fulfil this obligation it is essential work in partnership with both criminal justice agencies and other statutory and voluntary sector services.

While the PSNI has for some time had good working relationships and excellent levels of co-operation between ourselves and various other agencies concerned with child protection work I, on behalf of my own organisation, welcome this Bill which will on a strategic level bring together the right people to adopt not only a proactive multi-agency approach to preventing and reducing child abuse and neglect but also now tackle those wider safeguarding issues that impact on the lives of children, for example road safety, internet safety, safety in the home, issues relating to school etc.

What is equally exciting is that this is not just another Local Safeguarding Children's Board, as can be found in council areas in England and Wales, but rather a National Safeguarding Board for the whole of Northern Ireland which can do no other but improve and strengthen child protection services.

As with any body such as this, robust governance arrangements, or accountability measures, need to be in place. I note from the Bill that the Department of Health may issue where necessary, and I presume only in exceptional circumstances, a 'direction'. Likewise, it is proposed the Department endorse any publication/report compiled by the SBNI. I have no issue with either of these proposals as in the first instance there is a rein kept on the SBNI in ensuring adherence to the arrangements as outlined on the Bill and in the second instance this is a further check given that SBNI itself, as a body, cannot be held accountable for the contents of any report it publishes. However, I must highlight that neither of these provisions can, or should in any way dilute the ultimate accountability of the PSNI to the Policing Board for Northern Ireland, arrangements set out in statute under the Police (NI) Act 2000. Good governance arrangements will also be reflected in the appointment of an Independent Chair, independent from all of the organisations represented.

Other matters of a minor nature, mostly to do with wording in the Bill, have previously been highlighted by my organisation.

Finally, may I once again take this opportunity to emphasise the Police Service of Northern Ireland's support of Safeguarding Board Bill that I believe

Written Brief

will help deliver significant improvements in outcomes for all our children and young people.

Letter from the Lord Chief Justice



NORTHERN IRELAND

COURT SERVICE

Lauring McAlpine
Director of Court Service

5, Queen's Quay, Belfast, Northern Ireland, BT1 3AQ
Tel: 028 2624 2111
Fax: 028 2624 2112
Email: lauring.mcalpine@courtservice.gov.uk

Ms Stella McArdle
Clerk, Committee for Health, Social
Services and Public Safety
Room 416 Parliament Buildings
Stormont
BELFAST
BT4 3XX

26 March 2010

Dear Ms McArdle,

PROPOSED SAFEGUARDING BOARD

Thank you for your letter of 5th March. I apologise for the delay in replying.

We have been considering the issue which the Committee has raised in consultation with the Office of the Lord Chief Justice. We are grateful to the Committee for considering our potential interest in this area and for giving us the opportunity to comment.

While the Lord Chief Justice does not consider there a case has been made for the judiciary to be represented on the proposed Safeguarding Board he is content that the Board should approach his office if it considers there are particular matters on which a judicial input would be useful. It is, I think, difficult to speak on what those issues might be at this stage but no doubt the Board will reach its own view and can approach the office of the Lord Chief Justice as the need arises.

In relation to the Northern Ireland Court Service, our primary role is to provide administrative support to the courts and to a number of tribunals. We also however have a role in relation to the implementation of a number of International Conventions in respect of child protection. Principally this involves acting as the first or central point of contact for those seeking the return of a child brought to or removed from Northern Ireland (usually by one parent). We would therefore expect to interact with the Safeguarding Board in that regard. We also welcome the

MS S&SPS COMMITTEE

29 MAR 2010

NI ASSEMBLY



INTEGRITY IN PEOPLE

The Northern Ireland Court Service is a Department of Justice Agency

proposed role of the Safeguarding Board in promoting inter Agency co-operation on child protection issues.

I should also indicate that on 12 April the Northern Ireland Court Service will transfer to the new Department of Justice where we will continue to carry out most of our existing functions (including those mentioned above) as an Agency of the Department.

I hope this is helpful. If you require any more detailed information please let me know.

yours sincerely

Laurene McAlpine

LAURENE McALPINE

SBNI Chair response Jan Horwath



The
University
Of
Sheffield.

Jan Horwath
Professor of Child Welfare

Department of Sociological Studies
The University of Sheffield
Elmfield
Northumberland Rd
Sheffield

S10 2TU

Telephone: +44 (0) 114 222 26442
Fax: +44 (0) 114 276 8125
Email: j.horwath@sheffield.ac.uk

15th October 2010

To the Committee for Health, Social Services and Public Safety

Re: Chairing and Administrative Support for the SBNI

Thank you for inviting me to comment on the above. However, as I have been invited by the Department to participate in the selection process for the Chair of the SBNI I feel at this stage of the process it would be inappropriate for me to comment further on the chairing arrangements. I would however refer you to the evidence I have already provided to the Committee on this matter.

I trust you appreciate my position

Yours sincerely



Jan Horwath

Professor of Child Welfare

SBNI Chair response response Kath Tunstall



Children's Safeguarding & Reviewing Unit
Second Floor
Olicana House
Chapel Street
Bradford

BD1 5RE

telephone – 01274 434343
fax – 01274 434345
web – www.bradford-scb.org.uk

Dr Kathryn Bell
Clerk to the Committee for Health,
Social Services & Public Safety
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BD4 3XX 20 October 2010

Dear Dr Bell

I write in response to your letter of 8 October 2010 in which you seek my views regarding the proposals by the Department for Health, Social Services and Public Safety for the appointment and subsequent remit for the Chairperson of the Safeguarding Children Board for Northern Ireland. I recall some discussion taking place about this matter when I attended to give evidence to the Committee on 30 September 2010. In my evidence I offered some insights and opinions regarding the recruitment, appointment and remit of an Independent Safeguarding Board Chair based on my experiences in Bradford.

The further information that you provide in your letter, together with the copy of the advertisement that has already been published, raises the issue of remuneration. When considering remuneration it is important to bear in mind the qualities that are looked for in an Independent Chair of a Safeguarding Children Board. The six essential criteria set out in the advertisement are clear, and in my view, appropriate. The question is whether a candidate with sufficient experience of consistently demonstrating these essential criteria could be attracted at the level of remuneration stated in the advertisement.

In my evidence to the Committee, I stated that it cost between £500 and £800 a day for an Independent Chairperson for a local Safeguarding Children Board. I am able to confirm that to the best of my knowledge most LSCB's offer their Independent Chair remuneration within this range. A simple calculation shows that the proposed rate of remuneration for the Northern Ireland Safeguarding Board falls significantly short of even the lower end of the cost range to which I referred.

Furthermore, it should be noted that many Independent Chairs of Board paid within this range are expected to be available for two to three days each month. If, as stated in the advertisement, the requirement for the Northern Ireland Safeguarding Board Chair is to be available for two to three days each week, the annual costs of payment at the lower range of this band would be significantly higher per annum than the amount quoted in the advertisement.

(2)

20 October 2010

The Department for Education has recently published a useful research reported entitled "The Evaluation of Arrangements for Effective Operation of the New Local Safeguarding children Boards in England. The chapters regarding chairing, leadership and governance, and resources and the costs of operating LSCBs may be particularly helpful in providing a perspective informed by the experiences of the LSCBs surveyed for this report. This report can be accessed from the Department for Education website.

In terms of the management and accountability arrangements for the Northern Ireland Safeguarding Board Chair described in your letter, two issues are raised. Firstly, if the Independent Chair is to be of sufficient authority and experience to manage the Director and Assistance Director, as proposed, it is unlikely that the annual salary offered would attract suitable candidates. Secondly, careful consideration needs to be given as to whether it is reasonable to expect an Independent Chair to undertake such management and supervisory responsibilities. Our experience of the Bradford Safeguarding Children Board is that the Independent Chair has mechanisms for monitoring the activity of the Board Business Manager, and being satisfied that the Manager is working to the priorities of the Board. Day to day supervision of the Business Manager, addressing performance, professional development, and other regular aspects of management is provided by the Assistant Director for Children's Social Care.

I hope that this response is helpful to the Committee. If you require further information please do not hesitate to contact me.

Yours sincerely



Kath Tunstall

Director of Children's Services

SBNI Chair response Sue Woolmore



National Society for the Prevention of Cruelty to Children
Weston House
42 Curtain Road

London EC2A 3NH

Telephone: 020 7825 2500
Fax: 020 7825 2525

Dr Kathryn Bell
Clerk to Committee for Health Social Services and Public Safety
Room 412
Parliament Buildings
Stormont
Belfast
BT4 3XX

15 October 2010

Dear Kathryn,

Thank you for your correspondence of 8 October 2010, which I have read with interest, along with the job advertisement for the role of Chair of the Safeguarding Board for Northern Ireland (SBNI).

I acknowledge that I was surprised at the decision to advertise this crucial and high profile role at the rate of £17, 060 per annum for 2-3 days commitment each week. This level of remuneration is significantly different from that offered to Independent LSCB Chairs in England, which ranges from £400 - £800 a day for 2-6 days per month.

As I explained when I gave evidence to the Committee on 16 September 2010, the pool from which to draw a competent and high calibre Chair for the SBNI is small. The rate of remuneration on offer in this advertisement will reduce that pool and potentially deplete it to a level of little worth. I suggest that any candidate for this role will need either to be in receipt of a generous pension from earlier employment or have alternative financial means which will allow them to treat this role as a form of voluntary service.

Perhaps of greater concern to me is the message which this profile for the SBNI Chair communicates to the external world and the child protection network in particular. By attracting such a nominal salary, the value of this role, and thereby the SBNI as a whole, is potentially compromised.

Whilst I understand that the Chair will be supported by well paid officers, this does not compensate for the suggested tokenism of the Chair's role, whose remuneration will be closer to that of an administrative worker, rather than the senior managers under the line management of the Chair. Without doubt, the low financial recognition for this role will diminish the status of the Chair in comparison with the highly paid SBNI members who must nonetheless be held to account by this post holder.

The structure of five panels in the health trust areas reporting to the SBNI will, in my view, increase rather than reduce the responsibility of the Chair in his/her role of scrutiny and challenge. Whilst this is a helpful model for Northern Ireland, it will expand the need for the Chair to forge meaningful relationships with a wider network of professionals than a single Board structure.

In applying for the role of Chair of the SBNI, any candidate will be well aware of the personal reputational risk they take by placing their competence into such a public arena as child protection. As an Independent Chair of an English LSCB (and in close contact with many of my peers in this role), I'm acutely aware of the courage and stamina which this role requires. The advertisement for the SBNI Chair suggests to me that this may have been overlooked.

If the rationale for this level of remuneration for the SBNI Chair has been driven by budgetary constraints, I would like to suggest that it is preferable to employ the Chair for fewer days at a realistic rate, rather than the current proposal. The demands on the time commitment given by the Chair would, of course, need to be amended to fit with reduced days.

As you may recall, I facilitate the national Forum for Independent LSCB Chairs in England. The SBNI Independent Chair will be welcome to join this group which has significant collective experience and 'intelligence' to share. I hope that this person will feel able to join the Forum on an equal footing, secure in the knowledge that his/her role is given appropriate recognition and respect by the SBNI.

If I can be of further assistance to the Committee, please don't hesitate to make further contact.

Yours sincerely,

Sh - .

Sue Woolmore

LSCB adviser



Chairman: Sir Christopher Kelly Chief Executive: Andrew Flanagan.

Founded in 1884. Incorporated by Royal Charter. ChildLine is a service provided by the National Society for the Prevention of Cruelty to Children (NSPCC).

Registered charity numbers 216401 and SC037717. NS/1152



Chairman: Sir Christopher Kelly Chief Executive: Andrew Flanagan.

Founded in 1884. Incorporated by Royal Charter. ChildLine is a service provided by the National Society for the Prevention of Cruelty to Children (NSPCC).

Registered charity numbers 216401 and SC037717. NS/1152

Letter from Minister re Amendments

FROM THE MINISTER FOR HEALTH,
SOCIAL SERVICES AND PUBLIC SAFETY
Michael McGimpsey MLA



Department of
**Health, Social Services
and Public Safety**

www.dhsspsni.gov.uk

DE ROINN

Sláinte, Seirbhísí Sóisialta
agus Sábháilteachta Poiblí


MINISTRE O


Fóiste, Resyðenter Heilín
an Fowk Siccar

Mr Jim Wells MLA
Chairperson
Committee for Health, Social Services and Public Safety
Room 416
Parliament Buildings
BELFAST
BT4 3XX

Castle Buildings
Stormont Estate
BELFAST BT4 3SQ
Tel: 028 90 520642
Fax: 028 90 520557
Email: private.office@dhsspsni.gov.uk

Our Ref: SUB/1107/2010

 November 2010

Dear 

SAFEGUARDING BOARD BILL: WORDING OF PROPOSED AMENDMENTS

Thank you for your email to the Departmental Liaison Officer of 22 October 2010 wherein you requested receipt of any amendments the Department is intending to table relating to clause 1(3), parts of clause 10 and clause 11(6) by close of play 1 November 2010. The Health Committee also requested that the Department look again at the wording of clause 3(9)(c) giving specific consideration to whether the word 'consult' could be used instead of the word 'approve' as currently drafted.

I have given the matter consideration and wish to outline my proposals regarding these amendments. These are attached at Annex B.

Clause 1(3) – I am still negotiating with the Department of Social Development regarding the possibility of the Northern Ireland Housing Executive being named on the face of the Bill at clause 1(3). I am not yet in a position to propose an amendment to this clause but hope to be in a position to do so after the 5 November 2010.

Clause 3(9)(c) – I am proposing to amend this clause to remove reference to 'approval' and replace it with the word 'consult'.

Clause 10(2); 10(2)(a); 10(3) - In order to provide clarity on the issue as to who is to cooperate with the persons or bodies specified in Clauses 1(3) and 1(4) I am proposing to insert the words 'committees or sub-committees' each time the word 'Board' is used in this clause.

Working for a Healthier People



Clause 11(2); 11(3) and (11(6) – My officials have liaised with the Office of Legislative Council regarding potential amendments to clause 11 to allow committees and sub committees of the SBNI to use information supplied to the Board for the purposes of enabling or assisting the Boards, Committees and sub committees to exercise their functions. It is proposed to insert the words 'committees or sub committees' after the word 'Board' in 11(2), 11(3) as well as 11(6).

In the process of considering the Health Committee's request for further information on proposed amendments I have been advised by my officials that further amendments are required as follows:

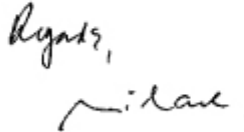
Clause 7(4)(a) – I am proposing to amend Clause 7(4)(a) so that the regulations can also prescribe for the circumstances in which the Chair or members of committees and sub-committees cease to hold office or may be removed or suspended from office

Clause 7(4)(d) – I am proposing to amend Clause 7(4)(d) so that the regulations can also prescribe for the provision as to which person or body provides the staff, premises or expenses.

Clause 8(2) – An amendment is proposed to Clause 8(2) to mirror the amendment in Clause 5(1) enabling the safeguarding committees and sub-committees Regulations to address the manner and procedure in which the committees and sub-committees are to exercise their functions.

Clause 9 - At Clause 9 it is proposed to mirror the amendment made at 6(1) regarding the annual report. This amendment will allow for the form of the report of committees of the SBNI and the information contained in the report to be prescribed.

I would like to take this opportunity to thank the Health Committee for the interest taken in relation to the Safeguarding Board for Northern Ireland.



Michael McGimpsey MLA
Minister for Health Social Services and Public Safety

Working for a Healthier People

Letter of Direction to NISCC

Department of Health, Social Services & Public Safety
An Roinn Sláinte, Seirbhíes Sóisialaí agus Sábaitheachtá Poiblí

From: The Chief Executive,
NISCC

Crif: Paul Martin
Upper Mersey Road
B20 9JH

Telephone: 011 90 221161
Fax: 011 90 221174

e-Mail: paul.martin@dhssps.gov.uk
Website: www.dhssps.gov.uk/dss/ni/Chief.html

Dr J Hutchison
Chair
NISCC
7th Floor
Millennium House
61 Victoria Street
BELFAST BT2 7AQ

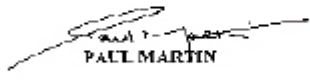
27th November 2001

Dear ~~Paul~~ 

LETTER OF DIRECTION

Please find attached copy of Letter of Direction to the Northern Ireland Social Care Council in respect of delegation of functions by the DHSSPS to NISCC. These functions relate to section 14 (1), (2) and (3) of the Health and Personal Social Services Act (NI) 2001.

Yours sincerely


PAUL MARTIN

ENC



CREATING A BETTER NI

THE HEALTH AND PERSONAL SOCIAL SERVICES ACT (NORTHERN IRELAND) 2001

**THE FUNCTIONS OF THE NORTHERN IRELAND SOCIAL CARE COUNCIL
DIRECTION (NORTHERN IRELAND) 2001**

The Department of Health, Social Services and Public Safety, in exercise of the powers conferred on it by section 14(5)(a) of the Health and Personal Social Services Act (Northern Ireland) 2001 (a) hereby directs as follows:

Commencement

1. This direction shall come into operation on 27 November 2001

Interpretation

2. In this direction -

“the Council” means the Northern Ireland Social Care Council established under the Act;

“the Act” means the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3);

and other expressions have the same meaning as in the Act.

Functions exercisable by the Council

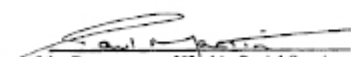
3. The Council shall, subject to this direction and any other direction which may be given or any regulations made by the Department, exercise on behalf of the Department the functions cited in section 14(1), (2) and (3) of the Act.

Proof of due exercise of functions by the Council

4. The Department may at any time require the Council to satisfy the Department that it is adequately exercising all or any of the functions conferred on it by this direction, and it shall be the duty of the Council to comply with such requisition.

Exercise of functions by the Department

5. Nothing in this direction shall preclude the Department from exercising any function to which the direction relates.


Senior Officer of the Department of Health, Social Services and Public Safety

27 November 2001 [date]

PART I

- (c) for the payment by the Council of fees, allowances and expenses to persons appointed as visitors;
 - (d) for such persons to be treated, for the purposes of Schedule 1, as members of the Council's staff.
- (3) In subsection (1) "relevant course" means—
- (a) any course for which approval by the Council has been given, or is being sought, under section 10; or
 - (b) any training which a person registered as a social worker may be required to undergo after registration.

Functions of the Department

14(1), (2) & (3)
Delegated
by Director to
MSCC on
27.11.01

- 14—^X(1) The Department has the function of—
- (a) ascertaining what training is required by persons who are or wish to become social care workers;
 - (b) ascertaining what financial and other assistance is required for promoting such training;
 - (c) encouraging the provision of such assistance;
 - (d) drawing up occupational standards for social care workers.
- X (2) The Department shall encourage persons to take part in courses approved by the Council under section 10 and other courses relevant to the training of persons who are or wish to become social care workers.
- X (3) If it appears to the Department that adequate provision is not being made for training persons who are or wish to become social care workers, the Department may provide, or secure the provision of, courses for that purpose.
- (4) The Department may, upon such terms and subject to such conditions as it considers appropriate—
- (a) make grants, and pay travelling and other allowances, to persons resident in Northern Ireland in order to secure their training in the work of social care workers;
 - (b) make grants to organisations providing training in the work of social care workers.
- (5) Any functions of the Department under this section—
- (a) may be delegated by it to the Council; or
 - (b) may be exercised by any person, or by employees of any person, authorised to do so by the Department.
- (6) Articles 13 to 15 of the Deregulation and Contracting Out (Northern Ireland) Order 1996 (NI 11) apply in relation to an authorisation given under subsection (5)(b) as they apply in relation to an authorisation given under Part III of that Order; and in subsection (5)(b) "employee" has the same meaning as in that Order.



THE REGULATION AND IMPROVEMENT AUTHORITY (ANNUAL ACCOUNTS) DETERMINATION (NI) 2006

THE DEPARTMENT OF HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY IN EXERCISE OF THE POWERS CONFERRED BY PARAGRAPH 12 OF SCHEDULE 1 TO THE HEALTH AND PERSONAL SOCIAL SERVICES (QUALITY, IMPROVEMENT AND REGULATION) (NORTHERN IRELAND) ORDER 2003(a) AND WITH THE APPROVAL OF THE DEPARTMENT OF FINANCE AND PERSONNEL, HEREBY DIRECTS AS FOLLOWS:

The annual accounts of the Northern Ireland Health and Personal Social Services Regulation and Improvement Authority shall give a true and fair view of the income and expenditure and cash flows for the financial year, and the state of affairs as at the year end. Subject to this requirement the Northern Ireland Health and Personal Social Services Regulation and Improvement Authority shall prepare accounts for the period 1 April 2005 to 31 March 2006 and subsequent financial years in accordance with:

- a. The Financial Reporting Manual (FRM);
- b. other guidance which the Department of Finance and Personnel may issue from time to time in respect of accounts which are required to give a true and fair view;
- c. any other specific disclosures required by the Department of Health, Social Services and Public Safety;

except where agreed otherwise with the Department of Finance and Personnel, in which case the exception shall be described in the notes to the accounts.

Senior Officer of the Department of Health,
Social Services and Public Safety
Dated 16 August 2006

(a) S.I. 2003 No. 431 (N.I. 9)

**SBNI - Directions to NISCC - ~ Northern Ireland
Social Care Council (Annual Accounts)
Determination (Northern Ireland) 2010**

THE HEALTH AND PERSONAL SOCIAL SERVICES ACT (NORTHERN IRELAND) 2001

THE NORTHERN IRELAND SOCIAL CARE COUNCIL (ANNUAL ACCOUNTS) DETERMINATION (NORTHERN IRELAND) 2010

The Department of Health, Social Services and Public Safety makes the following Determination in exercise of the powers conferred on it by paragraph 12 of Schedule 1 to the Health and Personal Social Services Act (Northern Ireland) 2002⁽¹⁾.

Citation and commencement

1. This Determination may be cited as the Northern Ireland Social Care Council (Annual Accounts) Direction (Northern Ireland) 2010 and shall come into operation on the 3 August 2010.

Interpretation

2. In this Determination –

“the Department” means the Department of Health, Social Services and Public Safety;

“the FReM” means the Government Financial Reporting Manual issued by the HM Treasury.

Accounts in relation to which this Direction applies

3. The Northern Ireland Social Care Council shall prepare accounts for the financial year ended 31 March 2010 and subsequent financial years in compliance with the accounting principles and disclosure requirements of the edition of the FReM which is in force for the financial year for which the accounts are being prepared, together with any additional disclosure or other requirement as agreed with the Department.

Preparation of accounts

4. The accounts shall be prepared so as to –
 - (a) give a true and fair view of the state of affairs at 31 March 2010 and subsequent financial year-ends, and of the income and expenditure, recognised gains and losses and cash flows for the financial year then ended; and
 - (b) provide disclosure of any material expenditure or income that has not been applied to the purposes intended by the Northern Ireland Assembly or material transactions that have not conformed to the authorities which govern them.

⁽¹⁾ 2001 c.3 (N.I.)

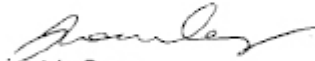
Compliance with FReM requirements

5. Compliance with the requirements of FReM will, in all but exceptional circumstances, be necessary for the accounts to give a true and fair view. If, in these exceptional circumstances, compliance with the requirements of the FReM is inconsistent with the requirement to give a true and fair view, the requirements of the FReM should be departed from only to the extent necessary to give a true and fair view. In such cases, informed and unbiased judgment should be used to devise an appropriate alternative treatment which should be consistent with both the economic characteristics of the circumstances concerned and the spirit of the FReM. Any material departure from the FReM should be discussed with the Department and the Department of Finance and Personnel.

Revocation

6. The Northern Ireland Social Care Council (Annual Accounts) Determination (NI) 2006 dated the 15th August 2006 is hereby revoked.

Signed on behalf of the Department of Health, Social Services and Public Safety on the 3 August 2010.


...John Deery.....

Senior Officer of the Department of Health, Social Services and Public Safety

SBNI - Directions to NISCC - HPSS Act (Northern Ireland 2001) - The Health and Social ~ Direction (Northern Ireland) 2001

**THE HEALTH AND PERSONAL SOCIAL SERVICES ACT
(NORTHERN IRELAND) 2001**

**THE HEALTH AND SOCIAL SERVICES
(REMUNERATION AND CONDITIONS OF SERVICE)
(NO 2)
DIRECTION (NORTHERN IRELAND) 2001**

The Department of Health, Social Services and Public Safety¹ in exercise of the powers conferred on it by paragraphs 7(3) and 8(3) of Schedule 1 to the Health and Personal Social Services Act (Northern Ireland) 2001², and of all other powers enabling it in that behalf, hereby directs as follows,

The appointment of staff to the Northern Ireland Health and Social Care Council shall be in accordance with the Department's guidelines on HPSS Selection and Appointment Procedures.

The Chief Executive of the Northern Ireland Health and Social Care Council, subsequent to the first, shall be paid in accordance with the terms of the Senior Executive Pay and Grading arrangements as set out in Circular HSS (SM) 3/2001. Other terms and conditions shall be those contained in the HPSS Senior Managers' Terms and Conditions of Service Handbook.

Other staff of the Northern Ireland Health and Social Care Council shall be appointed to a grade within the relevant Health and Personal Social Services terms and conditions of service group and shall have applied to them the terms and conditions of the relevant Handbook.

**Senior Officer of the Department of
Health, Social Services and Public Safety³**

November 2001

¹ See Art. 3(6) of S.I. 1999/283 (N.I. 1)

² 2001 c3 (N.I.)

³ See Art. 4(3)(b) of S.I. 1999/283 (N.I. 1)

**The Health and Personal Social Services
(Remuneration and Conditions of Service) (No 3)
Direction (Northern Ireland) 2003**

**THE HEALTH AND PERSONAL SOCIAL SERVICES
(QUALITY, IMPROVEMENT AND REGULATION)
(NORTHERN IRELAND) ORDER 2003**

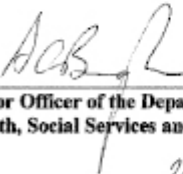
**THE HEALTH AND PERSONAL SOCIAL SERVICES
(REMUNERATION AND CONDITIONS OF SERVICE)
(NO 3)
DIRECTION (NORTHERN IRELAND) 2003**

The Department of Health, Social Services and Public Safety¹ in exercise of the powers conferred on it by paragraphs 7(3) and 8(3) of Schedule 1 to the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003², and of all other powers enabling it in that behalf, hereby directs as follows:

The appointment of staff to the Northern Ireland Health and Personal Social Services Regulation and Improvement Authority shall be in accordance with the Department's guidelines on HPSS Selection and Appointment Procedures.

Senior Executive Staff, and the Chief Executive subsequent to the first, of the Northern Ireland Health and Personal Social Services Regulation and Improvement Authority, shall be graded and paid in accordance with the terms of the Senior Executive Pay and Grading arrangements as set out in Circular HSS (SM) 3/2001³. Other terms and conditions shall be those contained in the HPSS Senior Managers' Terms and Conditions of Service Handbook.

All other staff of the Northern Ireland Health and Personal Social Services Regulation and Improvement Authority shall be appointed to a grade within the relevant Health and Personal Social Services terms and conditions of service group and shall have applied to them the terms and conditions of the relevant Handbook.


Senior Officer of the Department of
Health, Social Services and Public Safety⁴

20th August 2003

¹ See Article 3(6) of S.I. 1999/283 (N.I. 1)

² S.I. 2003/431 (N.I. 9)

³ As amended by Circulars HSS (SM) 3/2002 and 2/2003 and subject to the provision of Circular HSS (SM) 1/2003

⁴ See Article 4(3)(b) of S.I. 1999/283 (N.I. 1)

**The Health and Social Services (Remuneration and
Conditions of Service) (No 5) Direction (Northern
Ireland) 2003**

**THE HEALTH AND PERSONAL SOCIAL SERVICES
(NORTHERN IRELAND) ORDER 1991**

**THE HEALTH AND PERSONAL SOCIAL SERVICES
ACT (NORTHERN IRELAND) 2001**

**THE HEALTH AND PERSONAL SOCIAL SERVICES
ACT (NORTHERN IRELAND) 2002**

**THE HEALTH AND PERSONAL SOCIAL SERVICES
(QUALITY, IMPROVEMENT AND REGULATION)
(NORTHERN IRELAND) ORDER 2003**

**THE HEALTH AND SOCIAL SERVICES
(REMUNERATION AND CONDITIONS OF SERVICE)
(NO 5)
DIRECTION (NORTHERN IRELAND) 2003**

The Department of Health, Social Services and Public Safety¹ in exercise of the powers conferred on it by paragraphs 6 (2) and 16 (3)² of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991³, paragraph 8(3) of Schedule 1 to the Health and Personal Social Services Act (Northern Ireland) 2001⁴, paragraph 8(3) of the Schedule to the Health and Personal Social Services Act (Northern Ireland) 2002⁵, paragraph 8(3) of Schedule 1 to the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003⁶, and of all other powers enabling it in that behalf, hereby directs as follows:-

Each Health and Social Services body shall implement with immediate effect the Code of Conduct for HPSS Managers as published under cover of Circular HSS (SM) 4/2003.

**Senior Officer of the Department
of Health, Social Services and Public
Safety⁷**



24th November 2003

¹ See Art. 3(6) of S.I. 1999/283 (N.I. 1)

² As amended by section 44 of the Health and Personal Social Services Act (Northern Ireland) 2001

³ S.I.1991/194 (N.I.1)

⁴ 2001 c.3 (N.I.)

⁵ 2002 c.9 (N.I.)

⁶ S.I. 431/2003 (N.I.9)

⁷ See Art. 4(3)(b) of S.I. 1999/283 (N.I. 1)

**The Northern Ireland Social Care Council
(Registrants Committee) Direction (Northern
Ireland) 2008 - 8 May 2008**

THE HEALTH AND PERSONAL SOCIAL SERVICES ACT (NORTHERN IRELAND) 2001

THE NORTHERN IRELAND SOCIAL CARE COUNCIL (REGISTRANTS COMMITTEE) DIRECTION
(NORTHERN IRELAND) 2008

The Department of Health, Social Services and Public Safety in exercise of the powers contained in Regulation 8 of the Northern Ireland Social Care Council (Appointments and Procedures) Regulations (Northern Ireland) 2001^[1] hereby directs the Northern Ireland Social Care Council as follows:-

Commencement

1. This Direction will come into operation on 1 June 2008.

Interpretation

2. In this Direction:-

"the 2001 Act" means the Health and Personal Social Services Act (Northern Ireland) 2001^[2];

"the Council" means the Northern Ireland Social Care Council established under section 1 of the 2001 Act;

"the committee" means the Registrants Committee;

"the Register" means the register maintained under section 3 of the 2001 Act and "registrant" shall be construed accordingly;

"social care workers" has the meaning given in section 2 of the 2001 Act; and

"Monitoring Group" means the group set up by the DHSSPS to monitor the impact of the implementation of the Council's rules, policies and procedures.

3. The Council shall appoint a committee of the Council to be known as the Registrants Committee on or before 30 June 2008 for the purpose of enabling the Council to consult the committee for its views on matters relating to the conduct, practice and training of social care workers.

4. Not more than ten members shall be appointed by the Council, such members to be registrants representing all parts of the Register.

5. Subject to Direction 3 above, the terms of reference of the committee shall be determined by the Council and presented for approval to the Monitoring Group on or before 30 September 2008. The terms of reference shall be subject to regular review by the Council and any changes to these shall be subject to approval by the Monitoring Group.

6. The Monitoring Group shall meet at least biannually to review how effectively the committee is operating.

Senior Officer of the Department of Health, Social Services and Public Safety

Dated the 29 day of May 2008

[1] S.R 2001 No. 313

[2] 2001 c.3 (N.I.)

Letter from Minister re Appointment Process

FROM THE MINISTER FOR HEALTH,
SOCIAL SERVICES AND PUBLIC SAFETY
Michael McGimpsey MLA



Department of
**Health, Social Services
and Public Safety**

www.dhsspsni.gov.uk

AN tSáraithe
Sláinte, Seirbhísí Sóisialta
agus Sábháilteachta Poiblí

AN tSáraithe o
Fonstie, Resydléinter Heisin
an Fowk Siccar

Mr Jim Wells MLA
Chair
Committee for Health Social Services and Public Safety
Room 418
Parliament Buildings
Ballymiscaw
Stormont
BELFAST
BT4 3XX

Castle Buildings
Stormont Estate
BELFAST BT4 3SQ
Tel: 028 90 520642
Fax: 028 90 520557
Email: private.office@dhsspsni.gov.uk

Our Ref: SUB/1168/2010
10th November 2010

**SAFEGUARDING BOARD BILL: FOLLOW UP INFORMATION FOLLOWING
OFFICIALS EVIDENCE SESSION WITH THE HEALTH COMMITTEE ON 4TH
NOVEMBER 2010**

Further to the email from the Clerk to the Health Committee to the Departmental Liaison Officer dated 5 November 2010 wherein you requested that I provide assurance to the Health Committee on a number of issues, I can confirm the following:

The regulations prescribing the information to be contained in the annual report of the SBNI will require that the Safeguarding Board must include a list of directions issued by the Department.

I am happy to make a statement to the House at the Consideration Stage confirming that the regulations relating to the information to be contained in the Annual Report will include details of any directions that the Department has given to the Safeguarding Board.

Further to officials giving evidence to the Health Committee on 4 November 2010, a meeting with the NIHE to discuss its membership of the SBNI took place on 5 November 2010.

Further discussions will take place in the future and I am satisfied that if the final decision is that the NIHE should become a standing member of the SBNI that this can be achieved under the provisions which are included in the draft Bill. Therefore I

Working for a Healthier People



do not propose to put forward any amendment to clause 1(3) to name NIHE on the face of the Bill."

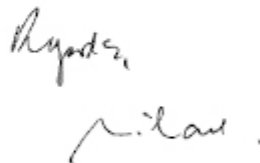
In response to the Health Committee request to be consulted before the advert for the Chair of the SBNI is issued Public Appointments Unit (PAU) have advised that it is for the sponsor branch to determine if it is appropriate to liaise with other bodies when compiling the information for the competition.

I am therefore content that officials share the draft information pack in relation to the SBNI Chair position in advance of final submission to PAU.

I also wish to inform the Committee that we propose the following two consequential amendments to be included at Clause 12A in the Safeguarding Board Bill:

- the Commissioner for Complaints (NI) Order to ensure that the Safeguarding Board is named at Schedule 2 of the Commissioner for Complaints (NI) Order 1996; and
- the NI Assembly Disqualification Act 1975 so that only the Chair of the SBNI is disqualified from membership of the NI Assembly.

I trust that this addresses the issues raised by the Health Committee and subject to further liaison with legal advisors it is my intention to have a revised red and black copy of the Bill showing all proposed amendments which will follow shortly.



Michael McGimpsey MLA
Minister for Health Social Services and Public Safety

Working for a Healthier People

Appendix 5

List of Witnesses who gave Evidence to the Committee

Mr Sean Holland Chief Social Services Officer, Department of Health, Social Services and Public Safety

Mr Fergal Bradley Head of Child Care Policy Directorate, Department of Health, Social Services and Public Safety

Ms Patricia Nicholl Child Care Directorate, Department of Health, Social Services and Public Safety

Ms Isobel Riddell Child Care Directorate, Department of Health, Social Services and Public Safety

Mr Craig Allen Child Care Directorate, Department of Health, Social Services and Public Safety

Mr Neil Anderson National Head of Services, NSPCC

Mr Colin Reid Policy and Public Affairs Manager, NSPCC

Ms Sue Woolmore Local Safeguarding Children Board Adviser, NSPCC

Mr Colm Elliot Assistant Director Children's Services, NSPCC

Ms Pauline Leeson Children in Northern Ireland

Ms Ethel McNeill Children in Northern Ireland

Ms Vivian McConvey Voice Of Young People In Care

Ms Alicia Toal Voice Of Young People In Care

Mr Paul Morgan Assistant Director of Family Support & Safeguarding, Southern Health & Social Care Trust

Mr David Douglas Head of Safeguarding, Southern Health & Social Care Trust

Ms Lesley Walker Co-Director, Family and Childcare, Belfast Health & Social Care Trust

Mr John Growcott Co-Director, Social Work/Social Care Governance, Belfast Health & Social Care Trust

Ms Olive McLeod Co-Director, Governance, Patient Safety and Performance, Belfast Health & Social Care Trust

Ms Carolyn Ewart Manager, Northern Ireland Association of Social Workers

Dr John Devaney Member, Northern Ireland Association of Social Workers

Ms Jacqui McGarvey Member, Northern Ireland Association of Social Workers

Ms Kath Tunstall Strategic Director, Services to Children & Young People, City of Bradford Metropolitan District Council

Mr Paul Hill Manager of Bradford Safeguarding Children Board

Professor Jan Horwath University of Sheffield

Ms Patricia Lewsley Commission for Children & Young People, NICCY

Ms Jacqueline Melville Policy & Research Officer, NICCY

Detective Inspector
Anne Marks Police Service of Northern Ireland

Superintendent
Alister Wallace Police Service of Northern Ireland

Mr Hugh Hamill Probation Board for Northern Ireland

Mr Ivor Whitten Probation Board for Northern Ireland

Ms Paula Jack Youth Justice Agency

Appendix 6

Abbreviations

ACPCs - Area Child Protection Committees

CiNI - Children in Northern Ireland

COAC - Children Order Advisory Committee

DHSSPS - Department of Health, Social Services and Public Safety

HSC - Trust Health and Social Care Trust

LSCBs - Local Safeguarding Children Boards

NICCY - Northern Ireland Commissioner for Children and Young People

NISCC - Northern Ireland Social Care Council

NSPCC - National Society for the Prevention of Cruelty to Children

OFMDFM - Office of First Minister and deputy First Minister

PSNI - Police Service of Northern Ireland

RQIA - Regulation and Quality Improvement Authority

SBNI - Safeguarding Board of Northern Ireland

SELB - Southern Education and Library Board

WELB - Western Education and Library Board