

**Submission by the
Northern Ireland Commissioner for Children and Young People to
the
Committee for Health, Social Services and Public Safety on the
Proposed Safeguarding Board for Northern Ireland**

Introduction

The Office of Commissioner for Children and Young People (NICCY) was created in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland.

Under Articles 7(2)(3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. The remit of our office is children and young people from birth up to 18 years, or 21 years of age if the young person is disabled or in the care of Social Services.

In determining how to carry out her functions, the Commissioner's paramount consideration is the rights of the child and NICCY is required to base all its work on the United Nations Convention on the Rights of the Child (UNCRC).

Principles and purpose

NICCY is very supportive of the principles behind the proposal to create a regional Safeguarding Board for Northern Ireland (SBNI). Indeed, in her previous role the current Commissioner, Patricia Lewsley, sought to improve the work of Area Child Protection Committees (ACPC) by sponsoring a Private Members Bill to place them on a statutory footing, prior to the suspension of the Northern Ireland Assembly in 2002.

We believe the proposal offers an important opportunity to develop a strategic body with a clear and unambiguous focus on safeguarding children and young people in Northern Ireland and to ensure all agencies and bodies cooperate effectively to this end. NICCY views the proposal as part of a wider movement seen, for instance in the establishment of the new Vetting and Barring Scheme, to ensure that the highest standard of protection is offered to children and young people and that lessons from current arrangements, such as, inconsistencies in practice across the ACPCs are learned.

NICCY recommends that greater recognition is given to the United Nations Convention on the Rights of the Child (UNCRC) in the proposal. The UK Government, including Northern Ireland, is a signatory to the UNCRC and has agreed to uphold the rights of children and young people based on the Convention. The underlying principles of the UNCRC should be incorporated into the proposal to ensure that the rights and best interests of children and young people are upheld and



protected. For example, the four guiding principles of the UNCRC should be clearly reflected, particularly the right of the child to have their views taken into account on all matters affecting them.

The proposal should more clearly articulate the vision and purpose of the SBNI in safeguarding all children and young people from harm. For example, the proposal should define the term 'safeguarding' and how this differentiates from the Area Child Protection Committee's concerns with 'child protection' more clearly.

The proposal should address its relationship with the outcomes of the 10 year strategy for children and young people more directly, particularly as the SBNI must reflect the child rights focus of this strategy, which is not part of *Every Child Matters* referred to in the proposal and the foundation of similar developments in England.

Functions and remit

NICCY believes it would be helpful for the proposal to contain greater clarity in relation to the statutory responsibilities and powers that will be held by the SBNI.

NICCY recommends that the SBNI, in line with a clear articulation of its purpose, has a stronger emphasis on ensuring the highest possible standards of safeguarding, through its role in developing standards based on best practice and monitoring their implementation. We are of the view that particular functions, such as those noted and listening to children, are fundamental to the work of the SBNI and should appear as the first items of concern throughout the proposal. For example in the section identifying key principles for the SBNI, the voice of the child and a shared vision of safeguarding are listed as the last items.

NICCY recommends that the proposal takes greater account of managing the transition to the SBNI by identifying particular areas of work to be prioritised during this time. This should include the revision of all regional policies and procedures and the development of key outcome measures for child protection and safeguarding and may also include provisions for the SBNI, sub groups or Panels to meet more frequently during this time.

NICCY recommends that references to protecting children from abuse and preventing children from offending within the same paragraph are clearly placed in the broader context of safeguarding before being introduced together.

We are of the view that the remit of the SBNI in relation to information sharing must be clearly contextualised in reference to the sharing information for the purposes of safeguarding only. We would also highlight that the development of a single database must have due regard for



confidentiality, data protection and the security of personal information, and that these principles must be clearly stated in the proposal.

Governance and accountability

We recognise that improved governance and accountability arrangements are critical to the effective functioning of the SBNI and its capacity to safeguard children and young people. NICCY recommends that a duty to co-operate as well as a duty to safeguard is placed upon all individuals and organisations to ensure effective interagency working.

We are keen that the proposals outline in greater detail the relationship between the SBNI and other statutory bodies and processes which have a role in child protection and safeguarding. For instance, will there be areas of overlap with the remit of the Regulation and Quality Improvement Authority (RQIA)'s role in monitoring improvement in child protection services, what role will the SBNI have in Coroner's Inquests where a child has died?

It is also important that the proposal clearly establishes scrutiny procedures for the work of the SBNI itself. For example, is the Minister responsible for ensuring the Chair is effective in post, how will the Chair ensure organisations are accountable and will RQIA audit the quality of Case Management Reviews and Action Plans undertaken by the SBNI?

As noted earlier, the proposals should state more clearly how all statutory and voluntary agencies that provide services to children, young people and families will engage in and with the SBNI, and outline where lines of responsibility and accountability will be drawn. This must include those charged with community planning as part of the Review of Public Administration.

Membership and structure

NICCY strongly supports the proposal to appoint an independent Chair of the SBNI through the public appointments process. This role will be pivotal to the effectiveness of the new body in developing and maintaining high safeguarding standards, achieving positive outcomes for children and families and monitoring the performance of services.

We welcome the proposal's emphasis on senior decision makers of organisations being represented on the SBNI and that they may only delegate attendance with permission. We would again encourage a stronger emphasis being placed on the core purpose of members as being concerned with safeguarding.

We appreciate the concern to ensure that the SBNI membership does not become unwieldy but note gaps in the proposed membership, such as, the absence of the Courts and Prison Service. We also question if the Chief rather than Assistant Social Services Officer should attend and we ask for



clarification on the mechanism that will be used to select representatives from the voluntary sector and to ensure that agencies working with vulnerable groups of children are represented.

We ask that further detail is provided on the role of lay members, for example, is it intended that lay membership is a means through which broader representation is secured or experts or vulnerable groups are represented?

NICCY endorses the establishment of Sub Groups of the SBNI and Safeguarding Panels. In considering the relationship between the SBNI and these sub-structures, we ask that the proposal provides greater clarity on the relationship between membership of the SBNI and membership of sub groups and lines of accountability. For example will some individuals be members of a number of groups, will these offer a mechanism for the engagement of a broader range of statutory and voluntary agencies?

NICCY seeks greater clarity on the purpose of the Regional Safeguarding Forum and its core remit.

Case Management Reviews (CMRs)

We are aware that the Department and the Health and Social Care Board are currently seeking to ensure that issues about the quality and consistency of CMRs are addressed. NICCY wishes to be assured that recommendations from research that has been commissioned will shape the structures and process of CMRs within the SBNI. Indeed, due to our concerns that the recommendations of CMRs are implemented in order to ensure the safety and protection of our most vulnerable children, NICCY has recently agreed an information sharing protocol with the Health and Social Care Board to allow us to monitor progress in this area.

Young Person's Safeguarding Forum

NICCY strongly supports the development of a children and young person's forum. We again would like greater clarity on the focus and structure of this forum. While acknowledging the importance of developing a range of ways to engage young people, particularly those who have safeguarding needs or have experience of child protection systems and interventions, we would recommend that a clearer structure and process for engagement is developed.

Patricia Lewsley
23 February 2010

