



Northern Ireland
Assembly

COMMITTEE FOR
HEALTH, SOCIAL SERVICES AND
PUBLIC SAFETY

OFFICIAL REPORT
(Hansard)

**Protection of Freedoms Bill:
Legislative Consent Motion
National Society for the Prevention of
Cruelty to Children**

8 June 2011

NORTHERN IRELAND ASSEMBLY

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AND PUBLIC SAFETY**

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National Society for the Prevention of Cruelty to Children**

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Members present for all or part of the proceedings:

Ms Michelle Gildernew (Chairperson)
Mr Jim Wells (Deputy Chairperson)
Ms Michaela Boyle
Mr Mickey Brady
Mr Gordon Dunne
Mr Sam Gardiner
Mrs Pam Lewis
Mr John McCallister

Witnesses:

Mr Colin Reid) National Society for the Prevention of Cruelty to Children

The Chairperson:

Colin, you are very welcome. Our invitation was thrown into your lap 24 hours ago, but I felt that your evidence would be conducive to our conversation on the legislative consent motion. You wrote to the Committee about it, and we were anxious to hear your views.

Mr Colin Reid (National Society for the Prevention of Cruelty to Children):

Thank you very much for the invitation for the National Society for the Prevention of Cruelty to Children (NSPCC) to come to the Committee. Hello to some new faces and to many old faces.

I will not repeat a lot of what has been said. The world of vetting and barring is a world of anachronisms, and it is a very complicated area. I will give you a bit of context for the legislative consent motion. We have worked extensively on the issue, in Northern Ireland and at Westminster. In fact, we worked at Westminster because we knew that many of the things that happened there would happen here. We also campaigned for the implementation of Part V of the Police Act 1997, which was the legislation that allowed Access Northern Ireland to be established. There are two different aspects: the barring service and the disclosure service, and, sometimes, those are not clear.

We support the legislative consent motion. It deals with only one little element of the Bill at Westminster, and, if it were not passed, it would have fairly major consequences here. We would be unable to bar anyone who was unsuitable to work with children or vulnerable adults or who had harmed them. We would probably have to enact emergency legislation, and we would have to establish a barring service in Northern Ireland, which would come at some considerable cost. For all those reasons, it makes a lot of sense for us to adopt the arrangements. I will, I hope, deal with Jim Wells's comments about cross-border issues when I answer the Committee's questions.

To put things in context: our vetting arrangements in Northern Ireland go back a number of years and have been well developed. In fact, Northern Ireland often led the development of vetting arrangements across the UK. We had an inquiry as a result of a major scandal; members may recall the Martin Huston inquiry in 1993, which led the then Department of Health and Social Services to improve the pre-employment consultancy service, as it was once called. An administrative barred list was established, leading the field in the UK. Our arrangements were strengthened further in 2003, when we put them onto a statutory basis. The Department of Education followed with its own list, through the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003.

Those were followed by the Soham murders and the subsequent inquiry headed by Sir Michael Bichard. That led the Government to introduce the Safeguarding Vulnerable Groups Act 2006. Stormont was suspended at that time, and direct rule Ministers, rightly in our view, decided to co-join Northern Ireland arrangements with what was happening in England and Wales. That made a lot of sense, not least in ensuring consistency of approach, minimising cost and ensuring a much better service for everyone. Although our arrangements were made under the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, they largely mirror what

happens in England and Wales, and we support that. Prior to that, there were questions about whether we could even exchange barred information across jurisdictions, and that was taken care of by that legislation.

Although many elements of the Safeguarding Vulnerable Groups Act 2006 had been implemented, there was one element that was quite controversial and was often the subject of serious misreporting, which was the continuous monitoring element or the membership of a new scheme. In fact, we were going to have two schemes: perhaps a Criminal Records Bureau (CRB)/Access Northern Ireland disclosure regime and membership of a new Independent Safeguarding Authority (ISA) scheme. That was very controversial. The coalition Government said that they were going to scale back arrangements to common-sense levels, in their view. However, I am not sure whether Ministers fully appreciated the complexity of what they were dealing with. Fortunately, although there are some things with which we are not totally happy, many of the proposals that were initially on the table have been withdrawn.

Although we had some initial concerns — Patricia Lewsley talked about 16- and 17-year-olds — we managed to convince the Government to put 16- and 17-year-olds back into the legislation. We had some interesting debates during the passage of the legislation through Westminster about closing certain loopholes. Vetting and barring establishes thresholds; we cannot vet everything. It is part of good employment practice, but we cannot vet everything, and nor should we. There are many posts that are not vetted. A Sunday-school teacher who temporarily covers for a colleague for a week does not fall within the arrangements, and there are good reasons for that, because it would disable organisations. We are pleased that the Westminster Government have listened to some of our suggestions. We hope that there will be further changes to guidance in order to close some of the potential loopholes that we have discussed at length with the Home Office.

At the Committee Stage of the Protection of Freedoms Bill, the Government introduced a new schedule, designed to disband the CRB and ISA and create a new Disclosure and Barring Service. There are implications for us in that ISA does the barring for Northern Ireland while the CRB does record checking in England, which is somewhat similar to Access Northern Ireland. As I said, if we were not to adopt the proposed legislative consent motion, we would run into major infrastructure problems.

During the Bill's Committee Stage, Jim Shannon MP, a member of the Public Bill Committee, sought various assurances. The Committee Clerk has circulated copies of the Hansard report of the discussion between Jim Shannon and Lynne Featherstone MP, which clarified a number of operational elements of the proposed new Disclosure and Barring Service with regard to Northern Ireland, not least consultation with Northern Ireland Ministers. There will continue to be a Northern Ireland member on the board of that service. Currently, Mr Richard Black represents Northern Ireland.

In conclusion, we support the legislative consent motion. The issue is complicated, but were we not to implement the motion and accept the legislation as it is in Westminster, we would run into very serious problems, which would put children and vulnerable adults at some risk. I am happy to take questions.

The Chairperson:

Thanks a million, Colin. That was succinct.

Mr Wells:

Did you hear the previous conversation?

Mr Reid:

Yes, I did.

Mr Wells:

Am I naive in believing that every jurisdiction in the various countries — England, Scotland, Wales, the Republic and the Isle of Man — should share all intelligence about everybody with one another?

Mr Reid:

On vetting and barring, we have largely sorted out the UK through UK arrangements. Scotland has its own arrangements, around which there is devolution alignment. Therefore, a bar on someone in Scotland is recognised for Northern Ireland purposes: should someone come to work in Northern Ireland, he or she would, in effect, be barred from working with children. The problem and the challenge for us all is concerned with countries outside the UK, which includes not only the border but other European countries.

It would be incorrect to say that we have not made some progress on cross-border issues, because I think that we have. Cross-border co-operation on child protection is now recognised as an area of co-operation under the North/South Ministerial Council. For example, we have established working groups. It has taken time to get that up and running, but in fairness to the previous Minister of Health, we have made progress. Five subgroups are looking at various aspects of co-operation, one of which is a protocol on the cross-border sharing of information on high-risk families. That work is ongoing.

Apart from that, other things are happening. You mentioned sex offenders. Often, gardaí will attend local area public protection panels on a cross-border basis, and information is shared when there is a cross-border element. The Probation Board is working on the sharing of information, and I know that the police share information. An Access Northern Ireland disclosure requires somebody from ROI to disclose his or her criminal record information. It is work in hand, and I endorse trying to ensure that the Department of Justice continues to push for the cross-border sharing of information and that we keep it as a live issue on the North/South Ministerial Council. We have made progress, but some progress has yet to be achieved.

ROI does not have the equivalent of our arrangements — barring and disclosure of non-conviction data. It improved arrangements some years ago through criminal record information, which is normally disclosed. However, many people who pose risks do not have criminal record information, and we have always encouraged ROI to try to adopt arrangements there. The Republic's Minister for Justice, Alan Shatter, indicated that the issue is being examined, and a constitutional referendum is in the offing to allow progress to be made.

The Chairperson:

Should we flag up at the North/South Ministerial Council plenary meeting in Dublin on Friday, through the Health Minister, that we are anxious that as much work as possible be done on the protocols to remove any of the obstacles to child protection on the island?

Mr Reid:

The Department of Health and the Department of Health and Children issued a communiqué last November that has just gone up on the Department of Health's website. That communiqué on the principles of child protection between Governments, North and South, is a really important

development.

Our organisation and the Irish Society for the Prevention of Cruelty to Children (ISPCC) hope to do some press activity on it because we see the communiqué as a quite significant development. We do not necessarily want identical legislation, North and South, but we can try to tie up gaps between sex offender legislation in the South and in the North through the sharing of information on high-risk families, non-conviction data and suchlike.

To be honest, in some ways, our weakness is the Irish Republic, and the arrangements in the UK also create problems for the Irish Republic, because there is the risk that someone barred in the UK will go and work in the Irish Republic, where the same systems are not in place.

The Chairperson:

We know that people involved in any deviant behaviour can be crafty in getting around whatever rules and regulations apply.

Mr Reid:

The DOJ indicated that it hopes to bring in legislation to amend sex offenders legislation in the UK to require automatic notification. At present, as regards someone who commits an equivalent offence outside the jurisdiction, particularly in ROI, and comes into Northern Ireland, the onus is on the police to obtain a notification order. The police in Northern Ireland support amending the legislation in line with the Republic's, which places that onus on the offender.

The Chairperson:

There seem to be no other questions or comments from members. Thanks a million again, Colin, for coming up at such short notice. You will become a familiar sight at Health Committee meetings. We are very interested in protecting the rights of children everywhere. So although this is an important issue on which we are delighted to have you up, I think that we will be seeing a lot of you.

Mr Reid:

It will be interesting. We are delighted that social care will form part of your agenda, and we wish you all the best.

The Chairperson:

Thanks, Colin.