



Northern Ireland
Assembly

Committee for Health, Social Services and
Public Safety

OFFICIAL REPORT (Hansard)

Safeguarding Board for Northern Ireland
(Membership, Procedure, Functions and Committee)
Regulations (Northern Ireland) 2012:
DHSSPS Officials

10 September 2014

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Committee for Health, Social Services and Public Safety

Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) Regulations (Northern Ireland) 2012: DHSSPS Officials

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Members present for all or part of the proceedings:

Ms Maeve McLaughlin (Chairperson)
Mr Jim Wells (Deputy Chairperson)
Mr Roy Beggs
Mr Mickey Brady
Mrs Pam Cameron
Mrs Jo-Anne Dobson
Mr Gordon Dunne
Mr Kieran McCarthy
Mr Fearghal McKinney

Witnesses:

Mr Paul McConville	Department of Health, Social Services and Public Safety
Ms Eilís McDaniel	Department of Health, Social Services and Public Safety
Ms Donna Ruddy	Department of Health, Social Services and Public Safety

The Chairperson: I welcome Eilís McDaniel, director of family and children policy; Donna Ruddy, head of child protection branch; and Paul McConville, social services officer. If you want to make a few initial comments, I will invite comments from members afterwards.

Ms Eilís McDaniel (Department of Health, Social Services and Public Safety): Thank you, Chair. I apologise to members for the lateness of the submission of the SL1 to the Committee for consideration, both for this meeting and the last Committee meeting before the summer recess.

I welcome the opportunity to update the Committee on proposed amendments to the Safeguarding Board for Northern Ireland (SBNI) regulations. I understand that members were concerned about the duration of the initial consultation period and the Department's failure to report on the outcome of the consultation. I will address both points today.

The Department proposes to amend schedules 1, 3 and 5 of the regulations to alter the quorum requirements for meetings of the Safeguarding Board, the safeguarding panels and the case management review panel, and those panels are statutory subcommittees of the SBNI.

Currently, at least two thirds of the members of the board and its panels, including the chair and deputy chair, must be present for a meeting to be quorate. With the commencement of the thematic review linked to child sexual exploitation, it emerged that it is likely that the SBNI would encounter quorum difficulties because more than one third of its membership would likely have to declare an interest in the 22 cases under review. Under existing SBNI regulations, members who declare an

interest in any matter under discussion are prevented from taking part in discussions on the matter and from voting on it.

It is proposed to amend the regulations to reduce the quorum requirements to at least one third of the members, including the chair or deputy chair. That will ensure that meetings of the SBNI remain quorate and, at the same time, ensure that any conflicts of interest are properly managed.

We initially undertook a two-week consultation on the proposed amendment to the quorum requirements in June 2014. The reason for the short consultation period was to enable us to bring the amended regulations into operation during the summer and thus allow the ongoing SBNI thematic review to continue with minimal interruption. As it transpired, an extension to the time frame for the completion of the thematic review was sought by the chair of the SBNI on behalf of the board in June. The Minister has now agreed to a three-month extension, which means that the review will report in March 2015 and not in December 2014, as originally planned.

The extension to the time frame for the review enabled us to consult for a further six weeks on the proposed amendment to the regulations linked to quorum requirements. At the same time, we took the opportunity to consult on our proposal to include a designated doctor for safeguarding children in the membership of the SBNI, which also requires us to amend the SBNI regulations. It was always intended to include a designated doctor in the membership of the SBNI, but we had to wait until the Health and Social Care Board was able to successfully appoint a practising paediatrician to the post.

In total, the Department received 14 responses to the consultation from a range of organisations: nine during the two-week consultation period and 10 during the six-week consultation period, with five organisations responding to both consultations. There was overwhelming support for the proposal to amend regulation 3 to include a designated doctor in the membership of the SBNI. On the quorum amendments, the majority of those who responded — nine out of the 14 — were supportive.

The Department considered the responses to the consultation in detail and identified a range of options. In the consultation summary report, which we have included in your papers, we explore those options and provide a rationale for any decisions that were made. In connection with the quorum proposal, a number of options were considered. I can go into those options if you want me to, Chair, but they are set out in the consultation summary report.

The Chairperson: No, it is OK. If they are in the report, we can tease them out if we need to.

Ms McDaniel: As a result of all that we considered, we remain of the view that the option to reduce the quorum requirement to at least one third of the membership with voting rights being present at SBNI meetings is the only viable option that can be delivered within the time frame available to us.

We considered the quorum formula proposed by the SBNI in some detail but concluded that a quorum of at least one third requires a minimum number of members to be in attendance, below which a meeting of the SBNI will not be quorate. The SBNI formula, on the other hand, relies on a combination of numbers of members in attendance and numbers who declare an interest, which could bring the quorum below one third of the membership. In addition, a quorum of one third is adopted by a number of local safeguarding children's boards in other parts of the UK.

The Department intends to undertake a comprehensive review of the SBNI and gave a commitment to the Committee to review the SBNI during the passage of the primary legislation that established the board. With the final approval of the Minister, the review will take place on the conclusion of the ongoing thematic review into child sexual exploitation in 2015. As part of that review, we will revisit the proposed one third quorum requirement and the issue of deputisation, which was also raised in the consultation. We will start making preparations for a review soon and will advise members of the Committee when the proposals are firmed up.

That concludes the presentation. We are very happy to take questions from members.

The Chairperson: OK. Thank you, Eilís. Obviously, this piece of work is critical as is the role of the Safeguarding Board. We have seen only too well the very real issues around safeguarding from the scenario in England over the past number of weeks and months. To me, there seems to be a question around the response to amending the legislation to reduce the quorum. Is that an adequate response to this issue? It seems that the issue has arisen because of a number of conflicts of

interests from individuals who may be involved in other processes. It seems to me that the Department should be addressing independence rather than reducing the number of people.

Ms McDaniel: There is not anything that can be done at the minute to address the independence point with the ongoing thematic review taking place. We are where we are with that. Around 15 members of the Committee will have some association with the 22 cases under review. We have two options. We can cease the thematic review to enable us to deal with this in another way or we can continue with an amendment to the regulations to allow the review to continue. We are giving Committee members a commitment that we will review the SBNI in its totality on the conclusion of the thematic review. However, that will not happen until next year. We will consider, among other things, the membership of the SBNI and the independence of that membership.

The Chairperson: Simply saying, "We can't currently deal with an issue of independence", is the wrong message to send out in relation to safeguarding. If we have learned anything from the Rotherham case, it is that there is a need for independence in these processes. I have a concern that what is being proposed with the quorum is a permanent change: you are effectively amending legislation. So, saying, "We will do this now and then we will come back and review it", does not stack up.

Ms McDaniel: A number of mechanisms have been built into the thematic review to give it some degree of independence. For example, a number of independent file reviewers have been appointed. A team from Queen's has also been appointed to undertake an analysis of the file reviews that are undertaken. The report will be authored by Queen's, and the SBNI has also availed of the services of a number of senior individuals with an interest in safeguarding from England. They too will add some level of independence to the thematic review process.

The Chairperson: I do not doubt that, Eilís, but we have acknowledged that there is a problem and that there have been a number of conflicts of interest, so much so that there is a proposal to amend the legislation. You acknowledged that we cannot deal with the independence issue because of where we are with the review. This was pointed out at the start of the issue around child sexual exploitation. We questioned — and I personally questioned — the need for a twin-track process. Would it not be more appropriate for the 22 cases, in the interests of getting the right answers to this horrible issue in our society, to be dealt with in the inquiry?

Ms McDaniel: The inquiry will consider children in care. It will not necessarily consider the 22 cases being reviewed by the SBNI. The point that I am trying to make is that we and the SBNI have tried, as best possible, to build independence into the review process. I have outlined some of the mechanisms that are in place to do that.

The Chairperson: I go back to the point about reducing the number needed for a quorum to six people.

Ms McDaniel: It would be eight people.

The Chairperson: What does that say about shared responsibility and the independence of processes? It does not seem to me to be an adequate response. A number of members have indicated that they want to comment. Jo-Anne is first.

Mrs Dobson: Thanks, Chair. You touched on what I would like to ask.

I thank you for your briefing. These issues are far too important for there to be a problem with the board. It is important that we do not allow the effectiveness of the board to be in any way put at risk by the difficulties with administration.

Like the Chair, I am concerned — and we are joined by the Children's Law Centre in this — about the proposed changes to the quorum and how that will resolve the conflict of interest. Will you outline a bit more about rationale for reducing the quorum? Will the decisions taken by the board improve as a result of reduction of the quorum requirement? I am not convinced, so could you tease that out a bit more?

Ms McDaniel: A quorum of one third is not atypical. I can give you a number of examples of where a quorum of one third applies. Tyneside's children safeguarding board uses the one-third quorum as

does Southampton Safeguarding Children Board and Walsall Safeguarding Children Board. So, it is not atypical for a quorum of a safeguarding forum to be at that level.

The SBNI came up with the formula that it thought would work. My concerns about that were that it could lead to a smaller number than eight being required and be present for the meetings of the SBNI to be quorate. I am making the point that it is not atypical: there are a number of other examples, particularly in England, involving local children's safeguarding boards, where the quorum of one third applies.

Mrs Dobson: Do you share the very real concerns from the Children's Law Centre about the independent review being required? As I said earlier, the reduction of the quorum requirement is not the way to go about solving conflict-of-interest issues.

Ms McDaniel: It is the only solution available to us if we are going to continue to have the SBNI undertaking the thematic review. Quite frankly, we have gone quite a considerable way down the road to begin reversing that. The board has made fairly significant progress to date and is continuing to review files. As more cases are released from Operation Owl, we will also review those files. So, I do not think that it would be sensible at this stage to halt that process in the interests of us learning from all or some of those 22 cases.

Mrs Dobson: I have one final point, Chair. On the board's website, it says:

"children are more likely to be protected when agencies work in an all-inclusive, coordinated and consistent way."

How do you feel the changes that you are proposing will impact on that coordinated and consistent way that the board will operate? In your opinion, is the board currently working in a coordinated manner in line with the purpose for which it was first set up?

Ms McDaniel: My view is that it is. Indeed, all members are under a duty to cooperate with the board and with one another. I think that the thematic review is unique and has created a set of circumstances that would not otherwise exist in the SBNI. The other point is that it will be at key decision-making points during the thematic review that this will become an issue. So, for example, when the SBNI comes to sign off the final report, quorum issues are likely to emerge. That does not mean that member agencies will not have sight of the report for factual accuracy checking, for example, but, when it comes to key decision-making points, there will be members of the board who will have to absent themselves from the decision-making process. However, those decision-making points will be few along the way.

Mr Wells: Does it not concern you that nine groups or individuals commented within the two-week period but that 10 commented outside the period, or is there an overlap?

Ms Donna Ruddy (Department of Health, Social Services and Public Safety): There is an overlap. Five responded within the first two weeks that also responded in the six weeks. There were nine; there were only five additional responses.

Mr Wells: I can understand that, because, presumably, the two-week one was a rushed job to get in, and they expanded upon their observations when they had more time.

Ms McDaniel: I think that they took time to consider what was being proposed.

Mr Wells: In the additional five new observations or consultation replies, was there new material that had not occurred to you?

Ms McDaniel: One of the issues that emerged was that of deputisation. It is a linked issue, and it is something that I genuinely think that we need to look at. With respect to new issues that emerged in the second phase of consultation, that is one that I point to. It is something that I think we need to look at in the longer term.

Mr Wells: We would never have known about that had we simply rubber-stamped this and let it go through in the two weeks.

Ms McDaniel: The point is that the intention is to review the SBNI in its totality, so all those issues, I think, will be up for consideration when we do the review. We have already given a commitment that it will be done. I think that the initial commitment given was that we would review after a year. With the commencement of the thematic review, a decision was made to delay a comprehensive review of the SBNI until that exercise concludes, but the intention is to put everything on the table at that point, including the legislation that established it, the membership of the SBNI, issues such as deputisation and quorum etc. All those issues will be considered.

Mr Wells: Is this not going to occur in the future? Presumably, there will be other investigations and issues where there will be quite a few of the board members who, at some stage in their careers, have been involved. Is it the fact that the people who have been appointed have too much of a vested interest in our structures to be independent?

Ms McDaniel: Maybe it is a matter of how we structure ourselves to do things. I will give you another example of a statutory function of the SBNI. The SBNI undertakes case management reviews all the time; so, when something goes wrong with a case or, indeed, when something goes right with a case, the SBNI has a statutory function to review that case. The reviews are undertaken by a panel of the SBNI, so you are quite right to say that there may be some structural issues that we might need to address if we were to position an exercise like the thematic review with the SBNI in the future.

Mr Wells: Is there not a hybrid compromise here, which is, where a considerable number of people declare an interest and absent themselves, you have a lower quorum, but the normal quorum for day-to-day administration is at a higher level?

Ms McDaniel: It is something that we are willing to consider. It could be considered as an alternative response to the issue.

Mr Wells: We have all read about Rotherham and the dreadful situation there. I was in the Chair when the original legislation setting up the board was established, and it was finalised when I was deposed, or left — I do not know what happened — but I certainly was not the Chair at the end. We are determined that nothing of that scale happens in Northern Ireland with this board in place. Therefore, public confidence in its independence is essential. I would have thought that for the day-to-day administration, normal quorum rules should apply and only in the specifically difficult issues will there be a default position of one third in attendance, which gets you around your problem but, in my opinion, does not reduce public confidence in the board.

Mr McKinney: I will read from your paper. Under the heading of "Consultation", it states:

"This is to ensure that we do all we can to avoid the perception of bias".

You are dealing with perceptions and the public confidence issue that Jim mentioned, but are you not in danger of replacing that with a subsequent weakened decision-making process because of the reduced number of members making decisions? Does that not lead to its own perception which may undermine public confidence?

Ms McDaniel: If the Department was implementing something that was not in keeping with practice elsewhere, I think that I would have concerns, but we have to draw some comfort from the fact that in other local children's safeguarding boards, for example in England, the same practice is applied there.

The other thing I will say is that it is a bit of a fallacy to create the impression that the SBNI can be totally independent because it is not. By virtue of its nature, it is made up of bodies that have an interest in child safeguarding. They are members of the SBNI because of what they do on a daily basis, such as the board, the trusts and the PSNI. So, it is a bit of a fallacy to create the impression that it is wholly independent. The independence that we introduced into the SBNI was by way of its Chair, which is not in keeping with safeguarding board arrangements in other parts of the UK where independent Chairs may not necessarily be in place, and we deliberately kept the SBNI separate from the Health and Social Care Board. So, other local children's safeguarding boards in England and Wales will be sited within the local authority, and that is not the case in Northern Ireland. We have done everything that we can to introduce a level of independence, but those bodies that are around the table are there because of what they do on a daily basis to safeguard children.

Mr McKinney: You have got what you have got, if you like. As you stand now, is the real risk that the board could not make decisions in relation to this issue?

Ms McDaniel: It is estimated that around 15 will not be able to participate in key decision-making points. I am not saying that they will not be able to participate in all key decision-making points. There is a membership of 29, so there are still considerable numbers of people around the table who are making decisions, including the Children's Law Centre, which is a member of the SBNI and is unlikely to be affected by the independence issue or the declaration of interest issue.

Mr McKinney: To go back to the perception issue; is it not important that you take all decisions conscious of the public mind and not introduce the perception that you are merely shifting the goalposts?

Ms McDaniel: I do not think that we are shifting the goalposts necessarily. We are trying to introduce an arrangement that is more workable than the original arrangement that we introduced, in light of what is happening now in operation. This is the second time that we have had to amend the SBNI regulations because of issues that are emerging in the operation of the board. I do not necessarily think that that is unexpected in light of the fact that we have a new board operational for a short time. Issues were always going to emerge in the early days of the board's operation. If I were still to be doing this five years from now, that would be an issue.

Mr McKinney: Finally, it was you who introduced the concept of the perception of bias, but is there not a danger that, in the action that you are trying to take, you are introducing a further perception?

Ms McDaniel: Some of that has to be countered — I am talking specifically about the ongoing thematic review — by the elements of independence that the SBNI has sought to build into the process of review. Those independent elements are quite significant and potentially quite powerful.

Mr Beggs: What options have you considered? This is a very dramatic reduction in quorum from two thirds to one third.

Ms McDaniel: One of the first options that we looked at was enabling the SBNI to do this by way of standing orders. The practice adopted in England and Wales would not work in Northern Ireland, simply because it would require us to change primary legislation to make that possible. The legal advice was that that could not happen.

The second option considered was to redraft the declaration of interest regulations within the set under consideration to allow members, in exceptional circumstances, to remain while discussions were under way and to contribute objectively to those discussions.

The third option considered was to redraft the declaration of interest regulations to permit any member who declares an interest in a matter to remain for discussion but prevent them participating in discussions or voting on any matter in which he or she had declared an interest. On the basis of legal advice, the second and third options were rejected.

Mr Beggs: If the amendment does not go through, what would be the consequences?

Ms McDaniel: There are potential difficulties for the thematic review.

Mr Beggs: What does that mean?

Ms McDaniel: The thematic review could not continue because —

Mr Beggs: It could not make decisions.

Ms McDaniel: There are a number of points along the review process pathway at which decisions will have to be made. Principal among those is the final sign-off of the report, so we would not get a report from the thematic review. That is one potential consequence.

Mr Beggs: How did you pick the figure of one third rather than, for instance, 50%?

Ms McDaniel: Again, we drew on practice from elsewhere. That was one of the things that we considered. We looked at the numbers, too, and at what would make the thematic review work. One third was the option that we decided on.

Mr Beggs: Do you think that 50%, for instance, would not work?

Ms McDaniel: Fifty per cent could cause problems.

Mr Beggs: The other way of avoiding a loss of quorum would be that, if individuals who had a conflict of interest left and others came in. Is that a practical solution?

Ms McDaniel: The membership of the SBNI is specified in legislation, so that would not be possible.

Mr Beggs: Could that not be amended?

Ms McDaniel: We would need to amend the regulations to amend the membership of the SBNI. The membership of the SBNI is as extensive as it is going to be and needs to be, so, realistically, I do not think that that is an option.

Mr Beggs: Do we have a practical difficulty in Northern Ireland because it is a relatively small place and key people will have come across one of the 22 cases?

Ms McDaniel: I do not think that it is a people issue; it is an agency issue. The 22 cases are of children who were in the care system. They were in the care of the trusts, and, unfortunately, the 22 cases come from four of the five trusts. The board, of course, has an interest; the police were involved in some; the Probation Board, potentially, was involved in some; and the Youth Justice Agency may also have had an involvement in some of the 22 cases. I could go on.

Mr Beggs: You said that there are clearly independent people on the board, from, for example, the Law Centre. If they were not satisfied at any point, would they be able to produce a minority report or express concern?

Ms McDaniel: As members of the SBNI, I think that there is an onus and duty on them to express any concerns that might emerge in the course of the review and from decisions relating to the review. There are three lay members on the board, and a number of voluntary sector organisations, including Barnardo's, the NSPCC, Include Youth, Children in Northern Ireland and the Children's Law Centre, are represented. There would be an onus on any member who thought that something needed to be challenged to mount that challenge as and when it was required.

The Chairperson: Has it been considered as an option that the 22 cases simply be part of the independent inquiry?

Ms McDaniel: It has not.

The Chairperson: Why not?

Ms McDaniel: The inquiry has been running for quite some time and is due to report, I think, in November of this year, so we would delay the independent inquiry if we were to do that.

The Chairperson: How would we delay it?

Ms McDaniel: We would need to take the time to consider all 22 cases.

The Chairperson: Is the inquiry not considering the cases to date?

Ms McDaniel: The Kathleen Marshall-led independent inquiry is not looking specifically at the 22 cases. It is looking at children in the care system but not specifically at those 22 cases. The whole point of the SBNI review was to take all 22 cases and adopt its case management review process to some extent. It was to look at all 22 to see what themes were emerging that we could learn from. That is in keeping with what the SBNI does as part of its day-to-day business. The only difference is

that, rather than looking at and reviewing one case, it is looking at 22 and trying to identify themes that emerge across all of them.

Mrs Cameron: Thank you for your presentation. You spoke about the one third quorum in other local safeguarding boards. Is that because of similar conflicts of interest? Do you know what reason they have for having a quorum of one third?

Ms McDaniel: I am not absolutely certain. There may be an element of their having to bring the quorum to a level at which they are able to address issues of interest to members around the table. The membership of the Local Children's Safeguarding Boards will be similar to the membership of the Safeguarding Board, so you are quite right to say that it may be one of the reasons why the quorum levels are set in the way that they are.

Mrs Cameron: We are assuming that we know what kind of conflicts of interest they are, but can you give us any more detail or examples?

Ms McDaniel: All 22 children were in the care of four trusts, so, of course, those trusts have an interest in the 22 children for whom they cared. The board has strategic responsibility for safeguarding, so, in that way, it has an interest. I made the point that some children had been in the custody of the police, for example, and, for that reason, the police have had an interest. What you need to understand is that these are fairly complex cases involving very vulnerable children who, unfortunately, will have had quite a wide association with the system. For that reason, a large number of agencies are likely to have an interest in at least some of the cases.

Mrs Cameron: So it would be very difficult to avoid conflicts of interest.

Ms McDaniel: Yes.

Mrs Cameron: The Safeguarding Board has been in existence since 2012.

Ms McDaniel: Yes.

Mrs Cameron: Back in 2012, did nobody foresee these problems?

Ms McDaniel: At that stage, we did not anticipate the SBNI undertaking a thematic review. It is one of the reasons why a more comprehensive review of the SBNI is needed, I think, to make certain that we got it right with what we put in place in 2012, and, if not, we will have to consider what we need to do about that.

Mr Brady: Thanks for the presentation.

I was on the Committee when the safeguarding legislation was introduced. It was my understanding that we were aiming for the best possible Safeguarding Board, irrespective of what happens in Britain. Having looked through the material presented by the Children's Law Centre, it seems to me that its concerns have not been addressed. It talks about having an independent outside agency, similar to the inquiry that is already ongoing, so there is a facility that could deal with it. You talk about the delay and say that these are complex cases involving vulnerable children, but surely they deserve the best possible outcome. We are talking about technicalities, quorums and so on. Ultimately, we should be thinking about the best possible outcome for the children. From what I have read from the Children's Law Centre, I am not sure that that is what will happen. Whatever the number of members on the board, some of them may have a conflict of interest at some stage. What happens if you decide on a number for a quorum and, then, find that more than two thirds have a conflict of interest? How do you address that?

Ms McDaniel: I do not think that we would have more than two thirds with a conflict of interest.

Mr Brady: I am being devil's advocate. We cannot say that definitely, so where does that leave the situation? Many who sit on the board have worked for the trusts, had contact with other concerned agencies or whatever. All those children — maybe not all of them — have, I presume, at some stage been through the care system. So it is possible that you could arrive at that situation.

Ms McDaniel: Perhaps that points to the fact that, in the future, if we wanted to do something similar, we might need to consider where we site the exercise. That is one thing that we will need to take into account.

Mr Brady: The point made earlier was that it was possible for these problems to have been foreseen because of the complexity of safeguarding. That may happen in the future. The Chair made the point that amending legislation is permanent. You talked about maybe putting forward more amendments or changing the legislation, but that is a huge issue. It took long enough for the legislation to be dealt with — Jim may or may not agree — and was a huge issue to begin with. I am not sure about revisiting that. At the time, I assumed, possibly wrongly, that all the complexities would be factored in.

Ms McDaniel: The converse of that is that you have a significant body of safeguarding expertise around the table of the SBNI. They are members of the SBNI for a reason.

Mr Brady: I do not doubt that for a moment, but they may have conflicts of interest. Therein lies the problem.

Ms McDaniel: In this particular exercise, that issue has emerged. I do not think that it is a daily issue for the SBNI.

Mr Brady: Yet it has arisen

Ms McDaniel: Yes, it has.

Mr McKinney: You have admitted that there is the potential that the SBNI is not the proper body to do this, given the circumstances.

Ms McDaniel: I made the point that it is placed there because of the significant body of safeguarding expertise around the SBNI table. That was part of the rationale for placing it there.

The Chairperson: Thank you for attending. My sense is that amending the legislation to resolve the independence issue is certainly not an adequate response. I am left with a number of questions, and I refer again to the horrific situation in England and the multiple agencies and bodies involved in that process. We must not be complacent: we need to get this absolutely right. However, I have to say, Eilís, that it rings true to the discussion that we had when the inquiry was being established. We talked about the need for it to have proper statutory powers and teeth. That was mentioned by Kathleen Marshall in an evidence session here. There were questions on the role of the Safeguarding Board. At that time, we were told that the statutory powers would come from the Safeguarding Board.

I am concerned that your proposal is simply a reaction to a set of circumstances. It does not appear to be in any way strategic. Also, all of us are only too familiar with the pressures in the Department, so simply saying that the review of the SBNI will be given priority does not hold much weight either. Given the pressures in the system, the Department or your good self might be told that there is other work that has to be done.

I am concerned about the permanency. Your proposal would change the legislation. Dealing with an issue of independence by simply reducing decision-making powers does not necessarily make sense.

You refer to the notion of doing better than those involved in the situation in England, but you suggest copying some of what the English boards do. Certainly, you have heard the views of the Committee, and I am not content to agree to your proposal to amend the legislation. The Committee will reflect on the next steps.

This is too important not to get right. What I see in front of me today is simply a reduction in the decision-making powers of the board. It does not address the core issue of independence and the need for this to be foolproof. You made a number of comments on how the issue of independence cannot be dealt with now and cannot go the inquiry. You said that that was not considered as an option, but then you said that it was because it would delay the inquiry. Delayed by how long? Have we balanced the delay with the need to get the independence right?

I do not think that we are in a position to agree to what is in front of us today.

Ms McDaniel: OK.

The Chairperson: Thank you for your time.