



Northern Ireland
Assembly

Committee for Health, Social Services and
Public Safety

OFFICIAL REPORT (Hansard)

Amendments to the Safeguarding Board for Northern
Ireland (Membership, Procedure, Functions and
Committee) Regulations (Northern Ireland) 2012:
Safeguarding Board for Northern Ireland

17 September 2014

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Amendments to the Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) Regulations (Northern Ireland) 2012:
Safeguarding Board for Northern Ireland

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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:

Ms Sharon Beattie

Safeguarding Board for Northern Ireland

Mr Hugh Connor

Safeguarding Board for Northern Ireland

The Chairperson: I welcome Hugh Connor, the chair of the Safeguarding Board, and Sharon Beattie, director of operations. The Committee took evidence last week, as you will be aware, from the Department on the proposed changes to the quorum for the board. Members were concerned on a number of levels about the reduction in the quorum. There was a general concern that decisions could be taken with one third of the membership present, and there was concern about the perceived independence of the thematic review of what is a critical piece of work. We have invited you here to hear your views on the proposed changes to the quorum, on the thematic review and on the way forward. I ask you to make a 10-minute presentation, and we will then open up the meeting to members.

Mr Hugh Connor (Safeguarding Board for Northern Ireland): We are grateful for the opportunity to present to you. I will shape my presentation on three themes: the regulatory change; the make-up of the Safeguarding Board for Northern Ireland (SBNI) and the issue of independence; an update on the work of the thematic review.

One thing that I will say at the beginning — I will not cover this, but you may wish to ask questions on it — is that the Safeguarding Board is working at a number of levels on child sexual exploitation, of which the thematic review is just one. So, we have a wider approach to that work.

First, I will deal with the regulatory change. Was a review of the regulations governing our quorate arrangements needed? Yes, it was. We have approximately 70% to 75% attendance at the board meetings. As you know, the board is made up of 28 individuals, plus me as the chair, all of whom are

senior staff in organisations. We find that we generally have attendance of around 70%, but recently we have had issues that have meant that meetings of either the board or the committee have not been quorate.

Secondly, a specific issue was addressed last week by Eilís McDaniel on the thematic review. I raised the issue with Eilís, and, again, I am quite happy to answer any questions about that. The issue with the thematic review is that it calls into question conflicts of interest, which, in turn, lead to talk about independence.

So, if a review was necessary, is the proposal welcome? The board does not favour the proposal, because it is counter-intuitive. For the board to do its work, and do it well, we need to make sure that there is sustained high attendance by individuals. There were other ways of handling the issue, and we made three recommendations in our submission.

The Chairperson: For clarification, are you suggesting that the Safeguarding Board does not agree with the proposal that the Department has put forward to reduce the quorum?

Mr Connor: Yes. Neither I, as the chair, nor the board agrees with it.

The Chairperson: Why was that not reflected in the evidence from the Department last week?

Mr Connor: You cannot ask me that, because I do not know. Our view is reflected in the papers that you presumably have. In the submission that I produced on behalf of the board, we set out three alternatives.

The Chairperson: OK. Go ahead.

Mr Connor: If you want, I will very briefly run through those three alternatives. The first thing that we thought was that we do have problems with quoracy. So, one of the things that we were asking the Department to consider was the possibility of controlled deputisation. We are not allowed to deputise at present, which, for very senior staff in an organisation, obviously creates its own problems. Our members asked whether it would be possible, in controlled circumstances, to allow deputies and, if that were possible, whether we should retain the two-thirds quorate rule.

In the event that that was not possible, the Safeguarding Board's second proposal was that we would move from 66% to 50%. Specifically on the issue of the thematic review, which I will come on to in the next bit, what we suggested was that the rate at which the board needed to be quorate would remain as is but that those who had a conflict of interest would be removed from the number of people eligible. Therefore, if out of the 29 people, nine had a conflict of interest, the figure on which one would judge the quoracy of two thirds of 50% would be based on 20 and not 29.

Those are the sorts of proposals that we brought forward. We were anxious that, no matter how well intended, a reduction in the quoracy would lead to a situation in which member agencies perhaps felt that they no longer needed to attend as much, and we believed that that was not in the interests of the Safeguarding Board or of children. So, that is our position on the first issue, and the Department is aware of that.

Mr McKinney: You had a third. One, two —

Mr Connor: The second issue, if I may, concerns the independence of the board, which I know came up in your discussion. I would like to take you back to the thing that you know about, which is where the Safeguarding Board came from. It came from Herbert Laming's review of the Victoria Climbié and Baby Peter cases.

In both situations, it was his view that senior officers were too distant from the safeguarding issues that were going on in their own organisation. He believed that one way of making a material difference in protecting children was to create a board on which there was senior representation that would be involved in looking at how effectively children were being safeguarded in and across those organisations.

We have the right people from the right organisations on the board. However, those people are, at times, bound to come into conflict, through perceived conflicts of interests, because they are the

leaders of organisations, and others — young people — may challenge the practice or management of those organisations. So, inevitably there is a potential conflict of interest. I think that the Committee has to accept that that is what you get with the territory. If you want people to change and to lead change in organisations, you cannot have the independent factor in its entirety. That is where the whole issue of conflicts of interest, particularly perceived conflicts of interest, and how we collectively manage that becomes very important.

We have been working over the past nine months to try to manage the potential conflict of interest around the thematic review. Eilís McDaniel said last week that the Safeguarding Board as an independent entity is a fallacy, and I totally agree with that. In my opinion, as chair, it is a fallacy. The only independent elements on the Safeguarding Board are me, as an independent chair, and the three lay members who were appointed by the Minister. Everyone else on the Safeguarding Board either represents an organisation that is providing services to children or a professional group that has an interest in working with children and their families. So, the issue of whether in fact we can be independent is very important in addressing the issue of conflicts of interest and in getting a feel for what the Minister and the Health Committee want or expect.

Finally, I will update you on where we are with the thematic review, which I am pleased to have the opportunity to do. I think that Eilís said last time that I had been with the Minister to ask him for a three-month extension to our work, which he granted. Our report will come into the public domain in and around Easter next year — around the end of March.

The first thing that I will say about the thematic review is that it is unusual and challenging to conduct a review while a criminal investigation is ongoing. That has produced considerable issues for the Safeguarding Board, member agencies and others, including the Public Prosecution Service (PPS), over the way in which we can do this and not:

"undermine, compromise or interfere with any ongoing legal investigation".

That is the wording in the direction.

As the independent chair of the Safeguarding Board, I was really conscious — I think that I told you this the previous time that I was with you, in December — of the view expressed in the House, in Committee and, indeed, in the media that the Safeguarding Board and the organisations on it were being asked to review their own practice. Having been given the direction, I have done what I believe is reasonable to try to ensure that there is a greater transparency and independence in that.

I will remind you that what we have done to date is to recruit and train six independent file reviewers. We have identified someone from England, who is a former police officer, a former social services officer and an academic, to become a quality reference group for this piece of work to judge, modify and moderate what we ourselves do. We have worked with Queen's University Belfast to produce an independent thematic report. So, that is what we have done to try to produce independence.

There is one other thing that I need to say to you about our work. There have been two drivers for our work, which you will not know about. The first driver is learning. Is there learning from those 22 cases that says how the system can be improved? That is an obligation that the Minister and you expect of us.

There is a second obligation, which is not so frequently said but that you probably also expect of us, and that is to the people involved in those 22 cases, who are often very vulnerable young people whose experiences often create ongoing and current difficulties for them. So, one of the things that we had to do as we approached this piece of work was to make sure that we did not cause any of those youngsters any further harm. That harm, in some situations, could be quite significant. So, those are our dual imperatives: learning; and causing no further harm.

I need to say two more things to you. As I said at the beginning, the direction that we got was that we were not to "undermine, compromise or interfere with" the criminal investigation. Our legislation means that we are not able to override the responsibilities set in the Data Protection Act 1998. When I say that, I need to explain it a little bit. Although the direction had been given to the Safeguarding Board, it is made up of its member agencies, and the responsibilities under the Data Protection Act rest not with the Safeguarding Board but with the member agencies. Therefore, for example, if a case file is with trust A or the PSNI, it is the responsibility of trust A or the PSNI, under its data guardian responsibilities, to look at that case file. That is not the responsibility of the Safeguarding Board, because it does not have the power in legislation to do that.

Having said that, we have made, I believe, a very good beginning in reviewing the files. We have received very good cooperation from agencies. We have begun the process of reviewing these cases and are currently working our way through them.

The process that we have put in place is to review the files for the individual trusts; the files held by the police; the files held by the Youth Justice Agency; and the files held by Barnardo's. If the Committee wants, I will explain why. We will thereafter, Chair, proceed to review the files of any other agencies based on where the information takes us. If we come across a particular issue elsewhere — in education or probation services, for example — we will pursue that with those organisations, but we have endeavoured to produce this to try to put some control on what is a very substantial piece of work.

I suspect that the Committee believes that the thematic review will involve the 22 cases. I am saying to you today, and I cannot be precise about what the level of work is or the number of cases that will be reviewed, because that will form part of the ongoing work, that it will not be 22. First, there will be a group of cases that we have not been able to review because of the criminal aspect. Neither the PSNI nor the PPS recommends that we do that, because it may interfere with the ongoing criminal investigation.

Secondly, there are a small number of young people who, it is agreed, are extraordinarily vulnerable in the middle of this. It is suggested that harm may be caused to them in pursuing this. Thirdly, under the Data Protection Act, a number of people here are 18-plus, and some of those individuals do not consent to have their information shared with the inquiry. Work continues to try to change that, but the legal advice that we have in this matter is that those individuals who are over 18 have the right to make such a determination under the Act. Fourthly, there are some cases of individuals under the age of 18 in which member agencies have considered the case, and it is they that have the data protection responsibilities. They believe that, at this moment in time, they are uncomfortable with the information being shared, because it would be a breach of their data protection responsibilities.

Chair, the one thing that I want to say is that, for the latter two situations, we on the board — add me and Sharon — continue to negotiate and discuss these particular cases with the individuals who are adults themselves or with the organisations that are in a position to make these decisions.

That is what I wanted to say about the quoracy, the independence and where we are with the thematic review.

The Chairperson: Thank you, Hugh. Although it is not your place to answer this, I think that it comes as somewhat of a surprise that the Safeguarding Board is opposed to the proposals to reduce the quorum. That is certainly news to this Committee. It is an issue that we will reflect on and take up directly with the Department, because I know that, when I questioned alternatives to this last week, one was that the inquiry would assume responsibility for the cases. The initial response was that it had not been considered, and, secondly, it was suggested that that would mean a delay, although that was never really clarified. So, I think that that is an important piece of information that you have shared with the Committee. It is certainly news to me.

Hugh, you said that there is a criminal aspect to this and that the thematic review will not review the 22 cases. However, we have always known that there would be a criminal aspect, so did we get the process wrong?

Mr Connor: What I know is that, from the outset, it was clear that the brief that we were given was that we must not "undermine, compromise or interfere with" the criminal investigation. By any stretch of the imagination, those three verbs are a pretty wide canvas. Someone like me, who is chairing the board, is heavily reliant on legal advice in these matters to ensure that I do not compromise the Minister or the investigation.

The way in which we have approached this task is to work to achieve a memorandum of understanding with the PSNI and the Public Prosecution Service. As they make their determination about what is likely in the fullness of time to come before the court, they are determining those cases that they wish to keep from our review at this time. What we have also agreed is that, when the processes are complete, we will be in the position to go back and review those individual cases to see what learning there was, probably under the aegis of another power that the Safeguarding Board has, which is around case management reviews.

The Chairperson: I suppose that my direct question is this: in your view — you speak a lot about learning, and you are right that this particular issue is about learning — would it not have been better or more appropriate to have a single statutory inquiry?

Mr Connor: It is an interesting question. I heard the discussion that occurred at this table last week. I also recall the discussion when you met Kathleen Marshall in December. We were sitting in the wings to come on behind Kathleen, and the Committee was questioning her on her powers. I think that what I would want to see is this: if the powers that were given to Kathleen Marshall were the same as she enjoys now, that situation would not have advanced the issues that you are currently discussing, because she would have found herself in precisely the same position with both the criminal investigation and the data protection issues. I believe that you would have needed to construct that — I am not a lawyer, and therefore it is an opinion that may well carry no foundation — and the powers in a very different fashion.

The Chairperson: OK. That leads me on to my final question. When we asked the question about the powers — in my view, it remains the position that there should have been a proper, full, statutory inquiry with all the powers — we were told that Kathleen Marshall's piece of work could take the powers from the Safeguarding Board.

Ms Sharon Beattie (Safeguarding Board for Northern Ireland): May I come in there, Chair? It is actually not the powers that the Safeguarding Board or the thematic review have but the four points that Hugh raised earlier that would remain. If the review had moved to the inquiry, the inquiry would still have had to take consideration of the ongoing police investigation and not have any detriment to that process. That would still apply. The inquiry would also have the decision on data-sharing. The data control issues would also remain with the inquiry. Those young people, who are perhaps now young adults, have the right to be actively involved and consent or not to consent to that issue. We also have to consider the potential detriment to those young people if they do become involved. We have to balance the learning with those young people's rights to be kept safe.

The Chairperson: I accept that, Sharon. It was referred to and is reported as such that it was stated that the powers that were needed for Kathleen Marshall's inquiry could be supported by or taken from the Safeguarding Board. So, I suppose that my question is this: at what point did we realise that those powers, even, as you quite rightly outline, under those four themes, would be an issue in an inquiry?

Mr Connor: To be perfectly honest, Chair, I am not even sure that I quite understand the question that the powers could be taken from the Safeguarding Board. Obviously, the board was set up under the Safeguarding Board (Northern Ireland) Act 2011. Clearly, we have certain statutory powers. The inquiry is set up in a different way, with, I think, powers that would not override the issues to which Sharon refers.

The Chairperson: Yes, but I want to go back to that point, because it was the rationale that was given. I do not have the Hansard report in front of me. However, when we talked about the need for a full independent inquiry with statutory powers, it was referred to by the Department and others that the powers in legislation that effectively set up the Safeguarding Board could be used to support the inquiry going forward.

Ms Beattie: Those powers —

Mr Connor: Chair, I actually do not think that we can answer that. I think that you would have to direct that back to a source. We are the director of operations and the chairperson of the Safeguarding Board. We were asked to do this review. We are doing it to the best of our ability. The powers with which another inquiry was set up are, I think —

The Chairperson: I accept that you were given a directive and a brief. So, I will come back to that.

Ms Beattie: Chair, can I come in on that? On the powers of inquiries — for example, the historical institutional abuse inquiry — the majority of those people are consenting to having their information shared. That is the issue here. Where consent is not there, you cannot force young people who are now adults to provide that information.

The Chairperson: To clarify that again, Kathleen Marshall herself, in an evidence session to this Committee, indicated that the inquiry would be better placed with more powers. She herself said that. We can come back to that, because I accept that you cannot answer it.

Mr Connor: We represent the Safeguarding Board.

Mrs Dobson: Thank you for your briefing. You were very frank in how you raised your concerns. I have concerns that the Department is viewing this as the best way forward. In her letter, Eilís McDaniel justifies the need for the reduction of the quorum as being necessary in circumstances in which large numbers are members of boards that we know have declared an interest. Does that not mean in practice that only certain people on the board would be able to have a view on certain topics? Surely that would split the board into small subgroups, depending on the issue that is being discussed. That is concerning.

Mr Connor: I will endeavour to answer that in a slightly wider context, because I think that the comments that I was trying to make about the make-up of the board and its independence are really pretty fundamental to this. I repeat that you have people who lead organisations around a table. That is what is recommended as the best way of making progress to protect children. It will not be surprising to learn that, from time to time, issues will emerge with which some of those organisations may well have a conflict of interest. The choice is how independent you can make this. I am basically saying that the organisation is set up to have independence brought in through three lay members and me, but, essentially, we work together on the issues.

On why that issue arose, I foresaw that, with our non-attendance rate of around 25%, even if we got most of the board at the meeting, given the review, there was immediately likely to be at least eight organisations that would be the subject of the thematic review: the five trusts, the PSNI, Barnardo's and the Youth Justice Agency. If there were issues in those files that took us in another direction, where we were going to probation services or the education sector, the number of people who might have a conflict of interest could grow. We would never be able to be quorate under the current regulations. I approached Eilís and said that we had a problem, but I did not and do not believe that the problem is best solved by reducing the quorum. We need to address the issue of conflict of interest. Over the past eight or nine months, we have been working to do that. For the thematic review, Chair, we have taken a subgroup of the board that clearly has no conflict of interest to represent the full board through the various stages of the process, and we are planning for how the report will be received. We are trying to put measures in place. The problem that we have here is not a one-off, but it is magnified in the thematic review.

Ms Beattie: We can, if the Committee would like, go into the details of how we are handling the process with that small group. I will leave that up to you.

Mrs Dobson: I have been busy scribbling down your comments, and it has been very alarming. In essence, you will not get the opinion of the board — only those who do not have a conflict of interest in the topic. Everything that you said raises so many concerns.

Ms Beattie: The board will be involved in two main areas of the thematic review, as we have ongoing processes in which the members of the board are not involved. The first is when issues require clarification to be made on behalf of the board at various stages, and the second is the signing and agreeing of the report at the end of the process. We have set up a small subgroup made of up members of the organisation with no conflict of interest, and they represent the whole sector: for example, we have a non-executive director; a trust director not involved in the review; representation from the voluntary sector; representation from statutory services; and a representative from a professional grouping. They meet as required in advance of any thematic review meetings and attend board meetings when requested to do so by the thematic review project manager, who is independent and has come over from Leeds, where she was head of safeguarding services. That group has oversight of the thematic review on behalf of the board. They provide support through problem solving and they challenge. The report will, of course, go to full board members who have been involved in the process for accuracy checking and sign-off. However, those who have a conflict of interest will be removed from the agreement of the final report.

Mr Connor: Sharon has succinctly set out the process that we are trying to adopt, but more fundamental questions for me are those of independence and expectation. Clearly, one of the issues that concern politicians and the media is that these processes should be seen to be fair. In these situations, one of the greatest conflicts for organisations such as the Safeguarding Board is not the

actual conflict of interest, because I suspect and believe that, almost universally, people act and behave in a good and proper way. Rather, it is the perceived conflict of interest: for example, a bus driver might ask, "How is it that these boys are sitting listening to this report when it is about their organisation?" In that position, one of the dilemmas that I have as the independent chair — I stress the word "independent"— is what I am expected to do. Am I expected to preside over a situation in which there could be such perceived conflicts of interest; or do we try to set up a process that is seen to be independent — rightly or wrongly, that is what we tried to do — and, in so doing, ensure that the same organisations have an opportunity to give their opinion on the factual accuracy of the work so that we can learn any lessons earlier? There is an issue about what is expected in such a review.

Mrs Dobson: You spoke of independence and expectation. For me, public confidence is crucial. The Department has admitted that this is just a quick-fix solution to the problem of public confidence in the board being undermined. Do you think that reducing the quorum will undermine public confidence?

Mr Connor: Honestly, I do not favour the reduction of the quorum, and I will tell you why: it has nothing to do with public confidence; it goes back to the concept that it is counter-intuitive. We have put together an inclusive body so that people can work together, warts and all, to try to improve things. Creating a situation in which people believe that their attendance is less necessary seems to me, in the longer term, to be counter-intuitive. I have no doubt that this was not the intention. The intention was to do something to address a particular problem, but I think that the solution is the wrong one.

Mr McKinney: I do not know whether the Committee agrees, but I think that this has moved way beyond the issue of quorum. For me, it raises the issues of transparency and accountability and whether your review can deliver at all. That would be OK, if we were not having this discussion against the backdrop of our raising issues about the powers that Kathleen Marshall's or any other inquiry would have. I do not think that we limited our comments to reflect those of Kathleen Marshall. There was discussion about a robust public inquiry with statutory powers. You highlighted four issues that limit your ability to access certain information. Had a full public inquiry with statutory powers been set up in the first place, would it have been given further access to the truth, or at least the information?

Mr Connor: I honestly do not know what powers would be needed. That is a legal question. What I know, and can only repeat, is what I have said: we cannot go into the criminal cases. There are data protection issues. Some of the individuals are 18-plus, and others, as is universally agreed, are very vulnerable. Their mental health is vulnerable.

Mr McKinney: You have also married to this the fact that your process is that the organisation is involved in reviewing its own processes. Rather than interrogating its processes or trying to get at the truth, responsibility or culpability, it is a mere review of processes. Marry that against the four issues that you highlighted: can you produce any kind of report at all?

Mr Connor: I honestly believe that we can. May I come back on the point that you made about our process? There has been a complicating factor here, Mr McKinney. Before coming here today, I contacted Rotherham social services, given their review, to try to understand the context. That emanates from our trying to be independent and transparent and the nature of the work given to us. From the outset, we, as a board — not me as the Chair — wanted to be able to show that this was a process in which the public could have confidence. One measure of doing that was to seek access to the files and have independent people review them. That was meant to illustrate to you and colleagues that we were serious about transparency and independence. The corollary of that is that, once you do that, you introduce data protection issues. Rotherham bought in an individual, Alexis Jay, who reviewed the files on behalf of the council. She had access to the files, but she would have had problems had she been reporting to a third party. The Data Protection Act 1998 and all its implications would have come into play.

I have no idea about inquiries or public inquiries and the powers that they would need to overcome those problems. I think that you are asking the wrong person.

Ms Beattie: Let me also say that no public inquiry can have a detrimental impact on any police investigation. It is extremely important that a police investigation be allowed to continue so that potential perpetrators are brought before the courts. No process can interfere with an ongoing police investigation.

Mr McKinney: Yes, but you are spelling out that either an inquiry or your review may be flawed because of the extent to which you can or cannot access information. We expected, some time ago, an inquiry into 22 cases, and you are telling us today that it will be an undefined number. I suspect that it will be significantly lower.

Mr Connor: That is right.

Mr McKinney: With a combination of all these things coming into play — the reviewing of its own cases, vulnerable individuals, the criminal investigation, data protection and over-18s not wanting to participate — you said that you are trying to morph your processes to cover the issue of perception and that, "Rightly or wrongly, that is what we tried to do." Have you not introduced, in that very statement, a perception in the public mind that your inquiry will not deliver to the full extent that it could?

Mr Connor: It will deliver to the full extent that it can within the confines of the current law.

Mr McKinney: Exactly. That is my point. Is that not flawed?

Mr Connor: It is all that we can do.

Mr McKinney: That is not what the public want. The public do not need an apology; they need an assurance that there is a robust inquiry into the 22 cases and answers about what happened.

Ms Beattie: Mr McKinney, may I come in? The SBNI still has its other powers in relation to the case management review function. That means that all 22 files can be referred to the Safeguarding Board and it can review them individually. We have an agreement with the police and the PPS, through a memorandum of understanding in the case management review function, that we can undertake case management reviews.

Mr McKinney: Yes, but you are not doing that as part of this review.

Ms Beattie: That process can be done. The reporting will not come out at the same time, but the power to do that is still there, and it will be part of the normal process. All those files can be reviewed through another process or in conjunction with another process.

Mr McKinney: That is not what I am hearing is happening, given the extensive evidence that you put forward.

I have one final point. All of this colours perception. What was the Department doing in trying to introduce a different quorum? Was it trying to slip out a report?

The Chairperson: I understand the situation that the folk here are in, but I think that that is one of the issues that we need to reflect on.

Mr Connor: May I have one word, please, in response to Mr McKinney's final point? I assure you that we will conduct the review as robustly and thoroughly as we can within the confines of the cases that we can review.

Mr McKinney: Absolutely, and I share your worries and concern about the limitations within which you operate. However, we quizzed witnesses on this in December. This is not the review that we thought we were getting when all of this was set up. We now hear that there are significant constraints on this review, and I, for one, am not convinced, as a result of what you are saying, that the public will have confidence in the results of its report.

Ms Beattie: At that stage, it was unknown how many cases would be involved in the ongoing police investigation, and no matter what the review or public inquiry, those conducting it would not be able to review police files when there is an ongoing police investigation.

Mr McKinney: I accept that, but all those issues were raised at the time, and it was insisted upon that it be within your confines. We recommended another approach, or at least other members of the Committee did.

The Chairperson: Absolutely.

Mr Beggs: My understanding of the process is that it is to try to learn lessons early across the boards so that others will not suffer.

Mr Connor: Correct.

Mr Beggs: I have to admit that I have concerns about the ongoing delays. Public inquiries can take years, even decades, to report. We have to bear that in mind and take cognisance of i.e. want to clarify this because it is very important: who reviews the files, and how is it determined that that person is independent?

Mr Connor: We have recruited and trained a group of individuals who have no connection with the cases or the organisations to review the files of the four agencies. They are independent file reviewers. We have also linked them to Queen's University Belfast to try to ensure an early and consistent learning message so that we have a standardised template that gathers the data, which can then be looked at and analysed. The people reviewing the files are independent of the organisations.

Ms Beattie: They are also quality assured by the three external quality assurers mentioned by Hugh.

Mr Beggs: Are they all totally independent?

Ms Beattie: They are all independent. The three quality assurers have a similar reputation to that of Kathleen Marshall. We have brought them over, and they have a social services or academic background in the area of child sexual exploitation.

Mr Beggs: Who will write the first draft of the final report?

Mr Connor: Professor John Pinkerton from Queen's University Belfast will produce the first report.

Mr Beggs: Does he have any conflict of interest?

Mr Connor: No.

Mr Beggs: So we have independent assessment of those files to which there is legal access, respecting the criminal justice system and the Data Protection Act.

Mr Connor: Yes.

Mr Beggs: I would like the ideal situation as much as anyone else, but I am trying to ascertain how it could be achieved. It may not be achievable. I want lessons to be learned so that others do not suffer.

One of your ideas is controlled deputisation: what is it? How do you control it? It is important that lessons are learned high up in each organisation.

Mr Connor: We have 29 members. To be on the Safeguarding Board, you have to be number one or two in your respective organisation, so we have chief executives and directors. These are very senior people who are able to make decisions and influence policy, but whose time is at a premium. It was asked or suggested that the Department consider a named deputy attending a certain number of meetings a year on a member's behalf and with the consent of the chair. Given that we are experiencing difficulties in always being quorate, controlled deputisation would probably help us to continue to achieve 66%.

Ms Beattie: Also, for example, a suggestion that the police put forward to the SBNI was that deputisation could be up or down, so a named individual could be higher in rank.

Mr Beggs: What feedback did you get from the Department when you suggested these methods of enabling you to operate with effective numbers of key people?

Mr Connor: Everything just became caught up in this process: the regulations changing and coming back to the Health Committee. We have not discussed it further during this ongoing debate with the Committee.

Ms Beattie: We were advised, as was presented last week, that all other options had been examined but that the legal advice was that none could be taken forward. The board members put a number of options forward, and we have not had a formal response to whether those suggestions could work.

Mr Beggs: Your three suggestions are controlled deputisation, the reduction of the quorum from 66% to 50% and the idea of the quorum being reflective of those who could attend.

Mr Connor: When there is a conflict of interest.

Mr Beggs: Yes.

Mr Connor: That would apply only in a situation with a conflict of interest. In every other situation, we believe that the quorum should be at a high level: 66% or 50%. In this situation, we still believe that it should be at that level. However, the suggestion is that, when there is a conflict of interest, the number of those conflicted is taken out and a new figure used.

Ms Beattie: Mr Beggs, that is not unusual. We are hosted by the Public Health Agency, and it follows that procedure. We were mirroring what other public bodies do in situations of conflict of interest.

Mr Beggs: If the other two measures were built in, why would you reduce the quorum to less than 66%? High attendance at a senior level is important so that there is learning from experience. Why would you need the third element if there was flexibility in the other two?

Mr Connor: This is a hypothesis that you would need to agree with, but it is my view, and I drew this to the attention of the Department. At meetings, it is normal that some people are not there because they are sick, on holiday or whatever. I envisaged a meeting at which there were, in addition, people with a conflict of interest who felt that they should not be present. That would mean being below 66% and, therefore, struggling to fulfil our responsibilities. I thought that the issue needed to be thought about earlier in the process.

Ms Beattie: That option would not be necessary if, legally, we can build in the other two. Our preference is for the quorum to remain at 66%, if the other two options can be worked through.

Mr Connor: Yes, that is our preference.

Mr Beggs: I understand. Thank you. The ideal situation does not exist. We need a mechanism that allows learning to occur and a report to be written. I favour such a report being made at some point, which would not be that far away. If there is dissatisfaction at that point, maybe that would be the time to call for a public inquiry.

The Chairperson: Do you want to comment on that?

Ms Beattie: We cannot answer on behalf of the Department in relation to public inquiries.

The Chairperson: OK.

Mr Dunne: Thanks very much, folks. Are you satisfied, Hugh, that the make-up of the membership is of a good standard?

Mr Connor: Absolutely.

Mr Dunne: You are?

Mr Connor: One hundred per cent.

Mr Dunne: Do you feel that those are the sort of people needed to carry out an effective and efficient job?

Mr Connor: I absolutely do, Mr Dunne, because I believe that the board was set up to bring together those who organise the services to discuss how they can be improved.

Mr Dunne: Yes.

Mr Connor: We are not an inspectorial body. That is for others. I am at pains to try to make my point about independence. When I took up the post, the general view was that the board was independent. The board is not independent, but I believe that we have the right calibre of people from the right organisations to do the job.

Mr Dunne: They are there because of their professional competence.

Mr Connor: Absolutely.

Ms Beattie: Lord Laming, following the Victoria Climbié and Baby Peter cases, believed that senior staff in organisations were too distant from the experiences of front-line staff and said that improvements could be made only if safeguarding boards were populated by senior staff in order to drive through those improvements.

Mr Dunne: The people with executive responsibility, then, at the top of organisations.

Mr Connor: Yes.

Mr Dunne: Are conflicts of interest assessed by you prior to the board sitting, or is it left to individuals to declare such conflicts?

Mr Connor: We took legal opinion on that for the thematic review, which was shared with the board. The expectation is that every member of the board will, at the time, make their own determination on whether there is a conflict of interest. I have tried to emphasise that conflicts of interest are not always actual; they may also be perceived, so it will be up to each individual member to make their determination at that stage.

Mr Dunne: Are members aware of the cases being looked at prior to meetings, or do they have to make that assessment on the day?

Mr Connor: Our intention was that, as the report was being written, all organisations that contributed to the review and whose work had been reviewed would, of course, have the opportunity to see it at an early stage. As with any report, they would have the opportunity to check it for factual accuracy and to see whether what they said had been heard correctly. Thereafter, any modifications suggested by the organisations would go to the report authors, who would consider whether the changes were necessary or appropriate. The final report would come to the board. At that stage, the whole board would know that it been through a process. So it would be up to them to consider the recommendations of the report before bringing it to the attention of the Minister who commissioned it.

Ms Beattie: The board will consider two options relating to conflict of interest for the handling of the report: looking at whether any agency that may have provided a service to the young people could have a conflict of interest; or looking at the agencies directly involved with these young people. Once that has been decided, guidance will be developed on how the report is handled by the board, but the process will be as the chair outlined.

Mr Dunne: How does the quality assurance group carry out its work? Is it just a paperwork exercise looking at all the documentation and processes, or will it be actively involved?

Mr Connor: I think that the majority of the work will be reviewing the documentation. It is also involved in the process before that. I will remind you of who the people are, because it has probably slipped your mind. We have Professor Jenny Pearce from the University of Bedfordshire, which is the country's leading academic institution on child sexual exploitation; Peter Davies, who is back with the Norfolk police force but was previously the chief executive of the Child Exploitation and Online

Protection (CEOP) unit; and Marion Davis, who is a former director of social services in Warwickshire and was involved in the Eileen Munro review. We sought to bring people with credibility here. The one thing that we asked of them, and the one thing recorded, is that we want them to tell us what the challenges are and show us that this is being done properly and independently.

Ms Beattie: To have an academic and local perspective, we also brought in Queen's to ensure consistency in the way in which the file reviewers gathered, assimilated and put together the information.

Mr Dunne: So you have a fair assurance that you are sticking to processes and procedures.

Mr Connor: Yes, and they helped in the construction of those processes. They monitor the processes and get the results of what is happening. If a special issue crops up, they have input as we try to resolve it.

Ms Beattie: They bring any issues that they have to the project manager, who, as I mentioned, was head of the safeguarding board in Leeds. If the project manager has any concerns, she brings them to my attention, and I am also independent of the organisations involved in the process. We have built in as much assurance as we possibly can within the direction that we were given.

Mr Brady: Thanks for the presentation. My comment follows on from what Gordon said. There are 29 people on the board, and you are the independent chair. Those people are there because of their expertise, and they are all at the top of their job.

Mr Connor: Absolutely.

Mr Brady: If you take away two thirds of them, you take away two thirds of that expertise. I suppose that it really hinges on the extent of the conflict of interest, and I presume that that would be looked at. Last week, I said that the Children's Law Centre had put forward material that seemed to me to be quite sensible. I asked Eilís McDaniel a question and said that I felt that the centre's views had not been addressed. I did not get an answer to that question. The Children's Law Centre is unhappy, for instance, about the EQIA, and it has issues with the consultation. Do you feel that it has legitimate views that should be addressed? Ultimately, the Department is saying that two thirds of the membership could be taken away in certain cases. I accept the technicalities about data protection, ongoing legal issues, sub judge matters and all that, but — I said this last week and will say it again — Jim and I were on the Committee during the previous mandate when it dealt with the legislation for the Safeguarding Board, and I was under the impression that the board was set up to do the best possible job for the protection of very vulnerable children. It seems to me that these problems could have been foreseen because, given the make-up of the board, people will deal with these cases almost daily.

Mr Connor: That is the very point that I am trying to make. Fundamental to this is the determination that, when you have people who are at the top of their game at the top of an organisation — people who have the capacity to lead, change and direct — you also have, on the other side of the coin, people who have a responsibility for practice or managerial decisions. You cannot divorce the two. When people say, as Herbert Laming has said, that the best way to protect children is to have that group of people around a table, everyone has to recognise that that has a corollary, which is that, from time to time, there will be conflicts of interest. The real issue is how best we manage them.

You referred to the Children's Law Centre, which is a member of the board. Its views are incorporated in our submission to the Department.

Ms Beattie: For the very reasons that we have highlighted today, the Children's Law Centre did not agree to reducing the quoracy to one third. I know that the Children's Law Centre mentioned the equality information. We cannot answer on behalf of the Department, but it also raised the issue of independence and, potentially, the move to the inquiry. All that we will say is that the inquiry will face the same four issues that we are facing. The inquiry is not set up any differently. In fact, there are more legal powers associated with us to carry out our case management review function, and the inquiry will still have the issues of the ongoing police investigation and the detriment to those young people. We must also consider those young people who agreed to talk to us, their right to have their opinion heard and the work that we have done with them to bring them to the stage of being able to trust and communicate with the independent chairs that we have and with the wider group.

Mr Brady: I take the point, but I will finish by saying that it goes back to your point, Hugh, which was that, although you have all these experts sitting around a table, you could lose two thirds of them. Presumably, in a worst-case scenario, more than two thirds would have a conflict of interest. What would you do then?

Mr Connor: We could have such a scenario, but, to be honest, I do not think that we will.

Mr Brady: Interestingly enough, Eilís McDaniel said last week that it is not a daily issue. My point is that it could be an issue.

Mr Connor: Yes, it could be.

Ms Beattie: Mr Brady, we have an alternative proposal that would deal with that, if the need arose.

Mr Connor: Our submission states that quoracy is not the central issue about how the board, which is a fledgling board that is only up for a couple of years —

Mr Brady: I understand that.

Mr Connor: It is about how the board will ultimately try to resolve conflict of interest issues. That is the more fundamental issue: to try to create a standard on the board and a way of working. That is what needs to happen, and time needs to be given to allow that to happen. I definitely want to say that we — the board — are approaching the issue as seriously as we can within the confines of the law. We will produce, for the Assembly and the public, thorough work on the cases that we are able to investigate. We are not able to investigate all of them because of powers outwith the board's control.

Mr Brady: I will go back to the point again: it is about the level of conflict of interest and how that might impact or impinge on a particular case. Obviously, there may be a very slight conflict of interest, which may not necessarily adversely impact a decision, because you assume that these people are professionals, which they are, and will not let something impact adversely on the cases they are dealing with.

Mr Connor: In all honesty, one of my problems is trying to set a standard. I totally agree with you, yet you and I know that someone somewhere may say, "Look, this just isn't right. Why are these people on the board if they are not leaders of the organisations? How can it be defined that they would not have a conflict of interest?" Certainly, some users, carers, victims and people who have suffered take that view, and I accept that totally. All I am saying is that, in light of very difficult and high-profile issues, we as a board are trying to find a way through a very complicated situation. It is important that we do not throw the baby out with the bath water. The problems are the same; it does not matter who has them. We have to work our way through this.

Ms Beattie: The effectiveness of the board was mentioned. The board has a wider remit than the thematic review, and, from our inception, child sexual exploitation (CSE) was a priority for us. We are working well and effectively as a board in bringing forward lots of support and changes in how that is dealt with with those agencies. We had a recent campaign, for example, and have had over 10,000 hits to our website to get information. We worked with Barnardo's in developing scenarios on how to get help and how to recognise the signs of CSE. I do not know whether you have seen the billboards for the Safer to Know campaign. We have been working with taxi drivers and the wider community to do that.

Mr Connor: In October/November, we will be launching a community-based campaign across the five trust areas. We will be working with local people to try to raise awareness not only about taxi companies and licensed premises but party houses, the concerns about what might be going on and how to handle that. We are doing much more than the thematic review. It is important that you understand that and put that in due consideration.

The Chairperson: With respect, we know, accept and appreciate that, but we are not discussing that work at this stage.

Mrs Cameron: Thank you very much; it has been a very interesting evidence session. You mentioned some people by name. Were they independent laypersons?

Mr Connor: No. The three people whom I mentioned by name were the three external quality assurers. We brought them in to support John Pinkerton in producing the report.

Mrs Cameron: Last week, the Department mentioned that other safeguarding boards operate with the proposed quorum of one third. Obviously, there are no easy answers; it is a very complex matter, as you have well laid out. Do you know or are you aware from other safeguarding boards of any other solution to the problem?

Mr Connor: No. I honestly think that it is a bit of perspiration and sticking with the process. If you have people from the top of organisations at the table who are able to do all the positive things, you have the prospect in our society, which has a culture of looking at responsibility and accountability, of these issues being addressed, and the same individuals will have to be able to account for their organisations' performance. There is no easy way round this, but it is important to have the right people from the right organisations. I would say to you that the board is 29 members strong; it is a big board. It is really important that we make sure that we give the board the opportunity to bed down and work. I want to make sure that the Committee heard that I believe that conflicts of interest will happen, but we will work our way through that and find a way round it. I would not support, and the board does not require or request, the quoracy numbers being reduced to one third.

Ms Beattie: Other safeguarding boards operate with one third, as highlighted in the Department's evidence, but there are boards that operate in a similar way to the proposals that we put forward. Local safeguarding children boards in England have a very different structure. They have executive groups that make decisions, which go up to the board. We have tried to mirror that in the small group that we set up for the thematic review to bring that decision-making and overcome the conflict of interest. As I say, boards in England are very different; they are under local authorities, and we are completely independent of those. That is why we were not set up under the Health and Social Care Board here.

Mrs Cameron: Given that all the safeguarding boards will have the same or similar issues, is there no method of cooperation, because of the different systems, potentially to share people?

Ms Beattie: Other boards are set up under different legislation from us, but we do work with our colleagues on those boards. However, to go back to Hugh's point, the members are there because of their expertise in safeguarding in the Northern Ireland organisations that deliver the services.

Mr Connor: The Safeguarding Board is, obviously, a statutory organisation. The local safeguarding children boards in England are not set up on a statutory basis; they must be based on some form of secondary legislation. It is a policy requirement arising from Herbert Laming. That has some fairly significant implications in terms of the differences.

The Chairperson: I have one final question. When the thematic review was being set up or proposed, did the board consider that what you were being asked to do was in any way ultra vires?

Mr Connor: Yes, we did. Early in the process, the question was asked about whether the direction was, in fact, ultra vires. At that stage, we took advice —

The Chairperson: Legal advice?

Mr Connor: Yes, legal advice. We got a QC, whose advice was that it was not ultra vires. That advice was shared with all the board members. On the basis of that, the Department issued its final direction to us, which came in December last year.

The Chairperson: Thank you for clearing that up.

It has certainly been eye-opening to hear your point of view that you did not agree with the proposals for the reduction of the quorum and, importantly, that you put forward a number of options. However, the debate has moved on to more fundamental issues that are at present outside your remit. There are serious questions for the Department on the need for the thematic review and, as some members said, on what the Department was doing in coming up with a proposal for a reduction of the quorum. I accept that you cannot answer that.

Thank you for your time. We will certainly reflect on your evidence today.

Mr Connor: May I make one final personal comment? It would be remiss of me not to raise this matter with the Committee today. I handed my resignation to the Minister on 1 September. I am going to retire for personal reasons, including a recent health scare.

Mr Beggs: On 1 September? That date has passed.

Mr Connor: Sorry, I handed in my notice of retirement to the Minister on 1 September, but I am retiring on 30 November. It is not in any way related to the work; it is for personal reasons, including a health scare that I had in recent weeks.

The Chairperson: Thank you for sharing that with us. Hugh, I wish you every success in the future.

Mr Connor: Thank you very much.