

From the Chief Social Services Officer
Mr Paul Martin



Department of
**Health, Social Services
and Public Safety**

www.dhsspsni.gov.uk

AN ROINN

**Sláinte, Seirbhísí Sóisialta
agus Sábháilteachta Poiblí**

MÁNNYSTRIE O

**Poustie, Resydènter Heisin
an Fowk Siccar**

VIA EMAIL ONLY

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Date: 30 September 2008

Dear Colleague

**REVISION OF HSS CC 3/96, SHARING TO SAFEGUARD - INFORMATION
SHARING ABOUT INDIVIDUALS WHO MAY POSE A RISK TO CHILDREN**

HSS CC 3/96, is still being used by relevant agencies as a basis for sharing information on Schedule 1 Offenders whom the Agencies consider pose a potential risk to children.

You may recall that North and West Belfast Trust's application of the guidance contained in the current circular was the subject of a Judicial Review (JR) challenge in May 2004. Mr Justice Girvan ruled that the circular went beyond mere guidelines as it claimed to confer powers or duties on the Trusts beyond their existing statutory powers and duties and was therefore ultra vires. Following the judgment, it was agreed that the circular needed to be rewritten and a Barrister's note was issued advising agencies that in continuing to apply the circular they should be mindful that the circular is merely guidance.

An inter-agency working group, led by DHSSPS was established to rewrite the circular and this has been work in progress for some time. The revised circular has been expanded to include not just offences listed at Schedule 1 of the Children and Young Person Act (1968) but other relevant offences. It also captures non adjudicated offenders about whom there are concerns. The circular highlights the importance of identifying the ongoing risk posed by such individuals rather than maintaining a focus on only those who have been charged or convicted, for example, of an offence listed at Schedule 1.

New flagging and notification arrangements have been established with the Police Service of Northern Ireland and the Northern Ireland Court Service. The Department is aware that some work has commenced in relation to common forms for referral of information to Trusts. This is work in progress and until further notice the forms in the Appendices, which have had some revision should be used.

Similarly work has commenced to determine how best information about individuals should be recorded and stored on SOS CARE. The outworkings of these groups will inform any amendments to the circular, when the systems underpinning its operation are reviewed 3 months after its commencement and when its content is reviewed in 12 months time.

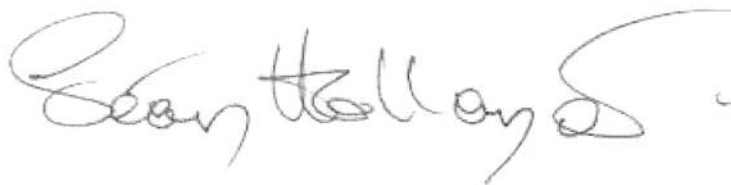
I now attach a copy of Circular 3/96 (Revised) Sharing to Safeguard - Information Sharing About Individuals Who May Pose a Risk to Children. The new Public Protection Arrangements for NI take effect from 6 October 2008 and given that this circular complements those arrangements, it would have been ideal to commence Circular 3/96 (Revised) at the same time. However to facilitate the final necessary IT work for the flagging system that will underpin the circular, HSS CC 3/96 (Revised) will **commence on 27 October 2008**.

It is important that for this circular to operate effectively there is good cooperation between all agencies and individuals working to safeguard children if we are to identify and counteract risks for children posed by the behaviour of certain individuals. I therefore look forward to your cooperation in applying the arrangements set out in HSS CC 3/96 (Revised).

The circular and its appendices can be found at:

http://www.dhsspsni.gov.uk/index/hss/child_care/child_protection/child_protection_guidance.htm

Yours sincerely



PP

PAUL MARTIN
Chief Social Services Officer