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NORTHERN IRELAND
Cruelty to children must stop. FULL STOP.

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12 February 2007

Ref: MC/CW/Lets/Bradley

Dear Mr Bradley

Please find enclosed the response from NSPCC NI in relation to the SBNI consultation response. I hope that it is helpful and constructive and we will look forward to working with the Department in the development of proposals.

Yours sincerely


MARTIN CRUMMEY
ACTING DIVISIONAL DIRECTOR NI

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**Response by NSPCC Northern Ireland to the DHSSPS consultation
paper on a Safeguarding Board for Northern Ireland**

February 2007



INTRODUCTION

1. The NSPCC is very pleased to be able to respond to this consultation on the proposed Safeguarding Board for Northern Ireland (SBNI) and structures underpinning the new arrangements. The Society has for some time been campaigning for the functions of current ACPCs and TCPPs to be strengthened and worked closely with Patricia Lewsley, then MLA, in 2002 who introduced a Private Member's Bill to the NI Assembly on regulating Area Child Protection Committees. While the Assembly was suspended before the Bill was able to be progressed, we welcome the acknowledgement of it and the fact that the 2 consultations and their outcomes have been reflected in the Department's proposals. Many of the concepts in the SBNI proposals have origins in Mrs Lewsley's original Bill which themselves predated the 2004 Children Act.
2. In addition to our staff commitment to post-ACPC structures across England, Wales and Northern Ireland, we have established a post within NSPCC to co-ordinate our activities within Local Safeguarding Children's Boards. Annex 2 contains a summary by the NSPCC LSCB Adviser of some of the key issues from our experiences of the new Boards in England and Wales. It poses a series of questions as to both best practice and what has been challenging in those jurisdictions, as a means of assisting this consultation process.
3. In terms of our response, we have consulted widely with our staff group who sit on ACPCs and TCPPs and have represented their views under the consultation points at Annex 1. We also have set out some general points below in Paragraph 4.

GENERAL COMMENTS

Outcome measures.

4. Our staff group had concerns about the outcome measures referenced on the document at Paragraph 16.1. If the SBNI and panels achieve improvement to safeguarding for children we may see an increase in the short term of child protection referrals or increased numbers of parents making self referrals to social services. We were of the view that there needs also to be a wider emphasis on safeguarding **outcomes** (as

opposed to **outputs**) to reflect the wider remit of the new arrangements. Some of the outcomes suggested by our staff group include:

- a. Reduction in child deaths and child accident rates;
- b. Reduction in teenage pregnancy rates, reduction in sexual transmitted diseases in children under 18, improved education and employment outcomes of LAC, improved mental health in under 18s; reduction in incidence of eating disorders/child obesity levels;
- c. Increased levels of service provision to children who have been harmed;
- d. Accreditation uptake under POCVA;
- e. Reduced waiting lists for CAHMs;
- f. Increased prosecution and conviction rates for those who have offended against children;
- g. Reduction in child suicide rates;
- h. Development of child friendly processes at all stages of court;
- i. Increasing consumer feed back on experience of services
- j. Evidence of greater uptake of preventative and family support services and trend analysis in relation to child protection investigations;
- k. Reduction in children being placed on the Child Protection Register for a second time/ reduction in children on the Register for 12 months;
- l. Evidence of safeguarding being raised across a whole a range of partner organisations' functions, risk management and accountability remits.

Membership and Chairing

5. The complexities of structures in NI make it more difficult to get membership of the SBNI into a manageable size and we are not sure that proposed membership captures all stakeholders. While we are supportive of a representational role for organisations/departments to represent sectors, there remain real potential problems with securing accountability: for example, how will one member council hold others to account. We have made a number of suggestions about this below relating to duties imposed on members of SBNI and panels and wider duties imposed to a range of stated agencies.
6. Given the onerous responsibilities on SBNI, staff questioned the adequacy of a 3-day appointment seeing the role as a full time Chair.

Funding

7. NSPCC has major concerns about the concept of pooled funding for SBNI. While in principle this is a very good idea, the experience of NISOSMC and MASRAM arrangements has illustrated just how difficult it is to achieve in practice. Agencies who represent sector interests will be unable to commit funding from them and in general organisations will become sidetracked into individual funding priorities and pressures. We would suggest thought is put into a number of alternative models:
 - a. Ensuring that legislation not only facilitates funding actually or in kind from members on the SBNI, but requires member organisations to do so; and/or
 - b. DE, DHSSPS, NIO, DCAL etc top slice some funding for safeguarding and route this through the SBNI to allow it substantial funds to carry out functions.

Serious Case Reviews

8. We are of the view of the need for the SBNI to ensure that the Serious Case Review Process is managed centrally by the SBNI and is part of a portfolio of service improvement tools. Where Serious Care Reviews are conducted, they need to feed into regional improvements and to be adequately resourced in their task. Where Reviews are being conducted it may be helpful for legislation to require the co-operation of agencies, bodies and professionals in the conduct of the same.
9. It may not always require that a SCR be conducted and the Board should lead on a culture of self audit, root cause analysis, individual reviews for near misses with an emphasis on quality improvement. It may be necessary for legislation to facilitate some discretion in conduct of reviews.

Annex 1

PROPOSED ROLE AND SCOPE OF THE SAFEGUARDING BOARD FOR NORTHERN IRELAND (SBNI)

Q1: Do you agree that there should be one region wide Safeguarding Board for Northern Ireland (SBNI)? If not, what alternative model would you suggest?

Yes. In many ways it replicates the structures established under MASRAM which have generally appeared to work well.

Q2: Are there any other broad elements or interfaces which you think should be included in the scope of the SBNI's role in safeguarding and promoting the welfare of children?

The Board needs to have a very explicit safeguarding remit and this needs to be very clear in legislation and guidance. Measures need to reflect not just outputs but outcomes.

The Board needs to ensure that its interface with MASRAM arrangements is clearly set out.

It would be helpful to set out relationship with children's services planning.

It is important that the SBNI has established links with adult services who work with parents e.g. adult mental health, drug misuse, learning disability.

The requirement to carry out screening of child deaths regionally and produce an overview report might usefully be referenced in legislation.

The SBNI should have an interface with the Criminal Justice Board.

Q3: Do you agree that a single database should be created for at risk children? If not, what alternative would you suggest?

We are supportive of a move to a NI-wide Child Protection Register but would flag up cross border issues with ROI.

While in E&W government are doing away with the Child Protection Register replacing it with something very similar, we are not persuaded about such wholesale change in this jurisdiction.

Q4: Are there any other objectives which you think should fall to the SBNI?

Participating in planning and commissioning of services. This will enable the SBNI to ensure that safeguarding children is properly taken into account when services are planned and commissioned.

Liaison with MASRAM and child protection arrangements in RoI.

Be very clear about the need to raise awareness through media and public awareness campaigns as a key function of the Board.

Q5: Do you agree that statutory powers should be created to enable the Minister to require the setting up of similar databases as outlined in the Children's Act 2004? If not, what alternative would you suggest?

NSPCC in Northern Ireland remains unconvinced of the need for the creation of a children's database. The case for a database and its effectiveness is far from proven and it could present another layer of complexity around working with children. Resources may be diverted into trying to make a database work that may simply miss children and given our cross-border interfaces could prove complex and unwieldy to operate.

The NSPCC would suggest that **no such power** is enacted in the legislation.

APPOINTMENT AND ROLE OF CHAIRMAN AND LAY MEMBERS OF THE SBNI

Q6: Do you agree that the chairman and lay members should be public appointments? If not, what alternative would you suggest?

Yes

Q7: Do you agree that chairpersons and lay people should not serve

for more than 2 terms, with each term lasting no more than 4 years? If not, what alternative would you suggest?

Yes

Q8: What kind of experience, knowledge and qualifications do you consider is important for the independent chairman to have?

Substantial experience of child protection
Multi-agency co-ordination at senior level
Excellent leadership qualities and communication skills
Facilitative style of leadership
Understanding of government structures in NI and political influencing
Ability to work and communicate with children
Ability to work with the media

Q9: What kind of experience, knowledge and qualifications, if any, do you consider is important for lay members to have?

Wide range of life experiences and academic professional/ community and voluntary background appointed via public appointment process.

It might be useful to encourage political parties to apply for lay membership.

We were of a view that one lay member on the Board is not enough; there should be two to reflect gender mix and geographical interests. It would be helpful to clarify whether input from the patient client council involved lay membership.

Q10: Do you agree that the SBNI should have its own secretariat and budget? If not, what alternative would you suggest?

Yes but we have major concerns about the ability of the organisations to pool funding effectively. This has been a problem within the MASRAM arrangements and NISOSMC in particular. The NSPCC would suggest strongly the need for key government departments to top-slice a budget that would allow SBNI to discharge core functions above and beyond funding the infrastructure of arrangements.

HOW THE SBNI WILL OPERATE

Q11: Do you agree that membership of the SBNI should be drawn from the statutory, voluntary and community sectors? If not, what

alternative would you suggest?

Yes

Q12: Do you agree that membership of the SBNI should be a statutory obligation? If not, what alternative would you suggest?

The legislation needs to be very clear about the statutory responsibility of members on the Safeguarding Board itself. Given that there will be representational membership, which makes it difficult to apply statutory responsibilities to non-constituent members we would suggest that the duty to make arrangements should exist between member agencies including those represented on SBNI subgroups. This should be complemented by a duty to safeguard and promote the welfare of children which should be applied to a wide range of statutory organisations, many of whom will not be members of the Board itself (this may be similar to Section 11 of the Children Act 2004, as applied in England).

Q13: Do you agree that membership of the SBNI should be drawn from senior members of relevant agencies? If not, what alternative would you suggest?

Yes however there is an issue about ensuring that senior representatives should have operational knowledge of the organisation and its functions. They need also to be a senior enough level to commit funding and contributions in kind.

Q14: Do you agree with the level of seniority of the posts which are being proposed to comprise the SBNI? If not, what alternative would you suggest?

See above.

Q15: Do you agree that individual Agencies should be held accountable for ensuring co-operation and promotion of the welfare of the child? If not, what alternative would you suggest?

A statutory duty to co-operate and safeguard children should be applied to a wide range of organisations. We would want this to be applied to the NSPCC also.

A prerequisite to a seat on the Safeguarding Board is that the duty should apply to that organisation also even if they are a voluntary member.

Clarity should be given of the role of the SBNI in ensuring the compliance of its members in meeting the requirement to provide effective arrangements to safeguard and promote the welfare of children (as described in Q12).

There needs to be a clear description of the action available to the SBNI in holding its members to account, in particular where there are concerns about the effectiveness of members' safeguarding activity. We would suggest that the department should have a regulation making power and look at a range of possible mechanisms to secure co-operation. Perhaps each member organisation might be required to submit to the Chair an annual report of the agencies' safeguarding responsibilities on progress against outcomes. This could be compiled into the Annual Report.

Q16: Do you agree with the range of Agencies/Interests proposed to comprise the core membership of the SBNI? If not, what alternative would you suggest?

We are concerned about the unwieldy nature of the Board as it is and its ability to carry out its purpose if it gets any bigger.

Membership however makes no reference to the Public Prosecution Service or other relevant stakeholders such as DEL, DCAL, and NIO.

Where members represent a sector, the SBNI should be confident that the member has an infrastructure in place to facilitate authentic, two way communication with those represented by him/her.

There needs to be structures in place for communication and collaboration with the sub group structure

Q17: Do you agree with the proposal for rolling membership of the SBNI? If not, what alternative would you suggest?

Yes

Q18: Do you agree that rolling membership of the SBNI should be reviewed no later than every 4 years? If not, what alternative would you suggest?

Yes

Q19: What other expertise do you consider appropriate for the SBNI to utilise in order to discharge its functions effectively?

Media support
Training
Professional staff
Admin support
Financial support
Coordinator for working with young people

YOUNG PERSON'S REFERENCE GROUP

Q20: Do you think that a Young Person's Reference Group should be established? If not, what alternative would you suggest?

We are of the view that a Young Person's Reference Group is a good idea in principle. However it requires much more thought as to how it may work including a staff member dedicated to empowering young people's participation. There may be existing mechanisms for SBNI to tap into to ascertain and obtain the views of young people.

We would suggest that the legislation and guidance requires the SBNI to consult with children and young people about safeguarding and establish appropriate participation mechanisms but the **development** of structures is left to the SBNI to take forward.

In particular, there should be a requirement that the voices and opinions of children and young people who are often marginalised should be sought and heard e.g. children in custody, disabled children, looked after children.

Q21: Do you agree that the Young Person's Reference Group should be available to the SBNI through the chairman? If not, what alternative would you suggest?

Again there are a number of models: it could operate as a subgroup of SBNI.

It is also important that the reference group is enabled to make representation to the SBNI on safeguarding issues that are of interest and/or concern to the young people. The reference group should not be given a voice only at the request of the Chairman or be restricted to an adult agenda set for them by the Board.

Q22: What age group should the Young Person's Reference Group be drawn from?

See Q 20

Q23: How many members of the Young Person's Reference Group should there be?

See Q 20

Q24: How do you think that membership of the Young Person's Reference Group should be selected?

Skills and competency based with geographical, gender, disability ethnicity and hard to reach children as a factor.

Through other networks /advertising.

Incentives/ paid allowances.

Q25: How often do you think membership of the Young Person's Reference Group should be reviewed?

On an annual basis although membership may not need to be changed annually.

SAFEGUARDING PANELS

Q26: Do you agree that there should be a Safeguarding Panel in each of the 5 new Trust areas? If not, what alternative would you suggest?

We are supportive of a 7 Council model to reflect the move to safeguarding and role of community development and community safety.

Q27: What interests/disciplines/agencies/providers do you think should comprise membership of the Safeguarding Panels?

We think that legislation should provide for flexibility of membership from a wide range of community/ voluntary sectors which might also include:

- domestic violence forums

- culture and leisure services
- housing providers
- witness support services
- drug and alcohol misuse services
- dental health services
- faith settings
- disability groups
- schools

Non core membership could likewise be required on a rolling, representational basis. We would suggest that these could be reflected in regulations.

Our staff were of the view that there was little turn over of membership on panels currently. It may be helpful to require panels to review adequacy and sufficiency of membership on an annual basis.

Again it would be useful to build in young people's participation with local panels mirroring arrangements for SBNI.

Participation requirements must be matched with resources otherwise they risk being tokenistic.

Q28: What interests/disciplines/agencies/providers do you think should comprise membership of the sub-groups which will support the Safeguarding Panels?

This is a matter for local consideration. Many of the core agencies will replicate membership of SBNI on local panels and subgroups with the addition of local interests. Those members detailed in Q27 may also be represented on sub groups.

Q29: What do you think the functions of the sub-groups should include?

Implementation of the SBNI Strategy
 Local policies and procedures
 Audit and evaluation
 Implementation of lessons from serious case reviews/CMR reports locally
 Media and public awareness
 Training and awareness raising

SERIOUS CASE REVIEWS

Q30: What do you consider the criteria to initiate a Serious Case Review should be?

We are supportive of what is in paragraph 10.1 and 10.2 although in particular it is important that any criteria are applied equally to disabled and non-disabled children.

Q31: What do you consider to be a reasonable time frame for the completion of a Serious Case Review to be?

Reviews need to reflect the complexity of the case and not be stuck in artificial timescales. What is key is good project management. In the alternative there is a need to ensure timely learning from reports and the messages they contain should be disseminated with 18 months.

Proper funding and resources needs to be made available for completion of these.

TIMESCALE

Q32: Is the timescale proposed reasonable? If not, what alternative would you suggest?

Staff were of the view that timescales for the creation of the Board are unrealistic and indeed there were huge dangers in rushing to new arrangements without a proper planned implementation.

We were of the view that arrangements should be run in parallel in preparation for a careful, project-managed handover of functions to avoid child protection issues at an operational or strategic level slipping through the net.

There is an inherent danger in creating confusion about responsibilities and accountability.

Q33: Where, or with which host organisation, do you think the SBNI should be located?

We are strongly of the view that SBNI should be **independent of the HSSA** and not based in it.

TRANSFER OF FUNCTIONS

Q34: What difficulties, if any, do you foresee in the transfer of functions from ACPCs to the SBNI? What actions are needed to resolve these difficulties?

We are at risk of failing to protect children in that all activity will slow. There should be a proper handover of arrangements
Business plans of ACPCs and TCPPs should reflect transitional arrangements and plan for transfer of functions.

New arrangements could be run in tandem i.e. a 'shadow' SBNI could establish its structure, whilst the ACPC remains operational, in advance of receiving the handover of functions from the ACPC.

Q35: Is the time frame for transfer proposed reasonable? If not, what alternative would you suggest?

Timescales are unrealistic and unachievable in our view.

COMMUNICATING AND RAISING AWARENESS

Q36: What do you consider to be the most effective ways to engage the range of stakeholders, including the wider community who can contribute to the effective safeguarding and promotion of the welfare of children?

This is major issue. PR and media are essential as is cultural change to media relations. There needs to be a proactive integrated media strategy and communications plan to engage with any existing infrastructures, fora or organisational groupings of potential stakeholders.

This should also include public awareness and specific communication designed to engage children and young people.

The Chair of the SBNI needs to be recognised as a face of child protection in the region and the chairs of panels need to have a similar profile in their own locality.

Joint working and shared initiatives with the Policing Board, DPPs Community Safety Partnerships and NISOSMC will also be key components of a communications strategy.

There is an important role through subgroups and panel membership to involve a wider range of stakeholders in protecting children.

Annex 2

Key issues to consider in development of Safeguarding Board for Northern Ireland

- What will give the SBNI the 'teeth' to protect children which its predecessor didn't have? This needs to be clearly stated.
- Adequate funding is essential to the effectiveness of the SBNI. A clear formula needs to be agreed *before* the SBNI takes over the responsibilities of the ACPC.
- A phased handover of function from the ACPC to the SBNI is dangerous. This will lead to confusion in issues of accountability and areas of responsibility. A 'shadow' SBNI may choose to establish its structure, in preparation for the total and simultaneous transfer of functions from the ACPC to the SBNI.
- How will members of the SBNI be required to evidence their commitment to providing effective arrangements for safeguarding and promoting the welfare of children?
- How is the SBNI able to hold agencies to account for their safeguarding activity? What processes will they be expected to use and what powers will they have to ensure compliance? This needs to be clearly stated in guidance.
- Appropriate job descriptions and person specifications should be created to ensure that the right people sit on the SBNI.
- What kind of evidence needs to be provided to the SBNI to measure improved outcomes for children, as against simply measuring processes and outputs?
- The SBNI needs to create an interface with the adult services which are working with parents.
- What level of scrutiny will the SBNI provide to the Safeguarding Panels, in order to ensure they have engaged with the appropriate local agencies and organisations and have the required level of safeguarding expertise?

Sue Woolmore NSPCC LSCB Adviser