

Rec'd: 5/2/07 L

**NICCY** ②

northern ireland commissioner  
for children and young people

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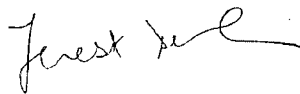
2 February 2007

Dear Sir or Madam

Please find attached a response by the Northern Ireland Commissioner for Children and Young People (NICCY) to the Consultation Paper on 'The Establishment of a Regional Safeguarding Board for Northern Ireland'.

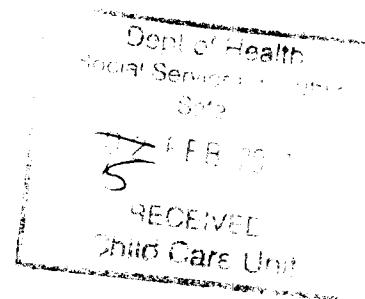
Thank you for seeking our comments and we hope that you find our response useful. If you have any queries, please do not hesitate to contact me.

Yours faithfully



Teresa Devlin  
**Head of Research, Policy and Service Review**

**Enc**





**Response by the Northern Ireland Commissioner for Children and Young People (NICCY) to the DHSSPS Consultation on 'The Establishment of a Regional Safeguarding Board for Northern Ireland'**

**1.0 Introduction and Background**

1.1 The role and function of the Northern Ireland Commissioner for Children and Young People (NICCY) is set out in legislation of the same name, passed in 2003<sup>1</sup>. NICCY's main aim is to safeguard and promote the rights and best interests of children and young people. The Commissioner is tasked with advising Government on the adequacy and effectiveness of law and practice relating to children and young people.

1.2 In her previous role the current Commissioner, Patricia Lewsley, was instrumental in drawing attention to the need to improve the work of Area Child Protection Committees (ACPC) prior to the suspension of the Northern Ireland assembly in 2002, by sponsoring a Private Members Bill to place them on a statutory footing. NICCY is therefore pleased at the principles behind this consultation document and offers a range of comments that in our view would strengthen the proposals outlined within it.

**2.0 Children's Rights**

2.1 NICCY welcomes the approach taken by DHSSPS to place the proposals to establish Safeguarding Boards within a Children's Rights framework, however there are particular rights which need clearly stating to ensure full compliance and understanding. In preparing this response NICCY has carried out a Children's Rights Impact Assessment of the consultation document. The jurisprudence of the Committee on the Rights of the Child (CRC), the monitoring body for the United Nations Convention on the Rights of the Child (UNCRC), suggests that State Parties can use Child Impact Assessments as a means of going some way towards fulfilling their obligations under Articles 3 and 4 of the UNCRC<sup>2</sup>. In 2003, the Committee published comments on 'general measures of implementation' of the UNCRC, stating that:

<sup>1</sup> The Commissioner for Children and Young People (Northern Ireland) Order 2003  
<sup>2</sup> Article 3: The best interests of the child should be paramount; Article 4: all rights of the UNCRC should be made available to all children



*“Ensuring that the best interests of the child are a primary consideration in all actions concerning children (art. 3(1)), and that all the provisions of the Convention are respected in legislation and policy development and delivery at all levels of government demands a continuous process of child impact assessment (predicting the impact of any proposed law, policy or budgetary allocation which affects children and the enjoyment of their rights) and child impact evaluation (evaluating the actual impact of implementation). This process needs to be built into government at all levels and as early as possible in the development of policy.”<sup>3</sup>*

2.2 NICCY would therefore draw to DHSSPS’s attention the need to incorporate the UNCRC, in particular the following Articles, not simply as statements within the document, but as underlying principles for Safeguarding Boards and their work in protecting children:

- Article 3 – In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. *This includes the actions of members of the Safeguarding Board, whose primary focus must be on protecting children. The importance in explicitly stating this stems from concerns about the dysfunction of current ACPCs.*<sup>4</sup>
- Article 6 – State Parties shall ensure to the maximum extent possible the survival and development of the child.
- Article 12 – States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. *NICCY notes the proposal to develop young people advisory groups and will offer comments on this later in our response. At this stage, there should be recognition that Safeguarding Boards have a role in ensuring that “safeguarding” is not something ‘done’ to children and young people, but ‘with’ them in ways in which they can feel empowered. This would mean a review of the current child protection processes, including case conferences.*<sup>5</sup>
- Article 19 – State Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all

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<sup>3</sup> General Comment No. 5, *General measures of implementation of the Convention on the Rights of the Child* (arts. 4, 42 and 44, para. 6) CRC/GC/2003/5 at para 45.

<sup>4</sup> SSI Inspection Report

<sup>5</sup> *Ibid*



- It is NICCY's view that the focus should be on safeguarding and that the proposals set out on page 10 should be reframed into principles. For example, the Safeguarding Board should establish fundamental principles to ensure the protection of children in Northern Ireland, to include liaison and open communication with other strategic bodies that have a responsibility to protect and prevent harm to children, for example those charged with tracking and managing sex offenders within and outside Northern Ireland.
- In terms of a single database for child protection, NICCY would like to be assured about issues in relation to confidentiality and access to information. Unfortunately some information sharing databases in England have not respected the right of the child to privacy, as provided under Article 16 of the UNCRC.

### 3.6 Scope (p.10)

NICCY has already referred to the need to be specific about the aim of the Board and this clearly relates to the issue entitled 'scope' within the consultation document. NICCY notes that the scope identified here concurs with safeguarding board procedures in England and Wales. They of course are based on 'Every Child Matters' and the 5 outcomes for children within those jurisdictions. It would be appropriate to set out the strategic context of Safeguarding Boards within the Children's Strategy and the relevant outcomes identified for children in Northern Ireland at this juncture in the document. This is of particular importance as the Children's Strategy has a Rights based focus as well as seeking greater emphasis on outcomes. In addition, given the proposed structural changes under the Review of Public Administration, it would be important to include aspects of planning for safeguarding/child protection within the scope of the Board.

### 3.7 Appointment of the role of chairman of SBNI

NICCY supports the plan to appoint an independent chairperson and that the appointment will be transparent, following criteria of the public appointments process. We are unclear what is meant by "lay people" and would like greater clarity on this, their purpose being beyond that of statutory and voluntary representatives. NICCY is further unclear as to why the post is required for 3 days per week; is it the role of the chair to manage the safeguarding board? It might be more appropriate to differentiate the role of chair from that of managing the functions of the Board, which we do agree is a



substantial job. If the Board is to take on responsibility for the effective co-ordination of safeguarding children in Northern Ireland, this is a considerable task. There will be a requirement to produce a business plan with Smart objectives and this should be supported by a secretariat and have a budget to fulfil the objectives set.

### 3.8 Operation of SBNi

In terms of membership, NICCY would encourage inclusion of organisations who advocate on behalf of the most vulnerable groups of children and young people, for example, those with disabilities/living with parents who misuse alcohol and other substances; and those who do not have a voice such as children whose first language is not English/from Travelling communities.

### 3.9 Young People's reference group

NICCY is very pleased to read proposals to consult and engage with children and young people. However, the establishment of a reference group may not be the most effective means of doing so, given that those most confident and able to participate may not necessarily be those whose experience includes an awareness of safeguarding issues. Ensuring the voice of the child is critical, and material will need to be produced in formats acceptable to all children and young people. NICCY strongly recommends that in addition to the creation of a reference group, other creative mechanisms for listening to and enabling the views of the child are considered and developed by the Board as it establishes its objectives.

### 3.10 Policy and Procedures

The Safeguarding Board and DHSSPS will need to review existing policy and procedures under Co-operating to Safeguard Children in light of the administrative changes and establishment of the Board itself.

### 3.11 Safeguarding Panels

NICCY supports the establishment of the Panels. We recommend that clear lines of accountability for action and to the Safeguarding Board are established



in order to ensure that the Panels do not develop into “talking shops” without responsibilities for action within the locality.

### 3.12 Serious Case Reviews

NICCY believes that greater clarity is required in relation to this aspect of the Boards functions and that identified by bodies sighted in an earlier consultation document from DHSSPS in relation to Child Death Reviews. For NICCY’s views see our response to the DHSSPS consultation on ‘Regional multi-agency procedures to be followed in cases of sudden or unexpected child deaths’.<sup>6</sup>

### 3.13 Communicating and raising awareness

NICCY would like to be assured that in planning to raise awareness and communicate messages about safeguarding children, that children are included in the audience and that all information is written in easy to read, child-friendly language.

## **4.0 Conclusion**

NICCY is very supportive of the principles behind the proposals contained in this consultation document. NICCY is however concerned to ensure there is maximum clarity about the role and functions of this key body in the protection of Children and Young People. We have above outlined those areas where we feel further clarification is required.

NICCY believes there is a unique opportunity to develop a strategic body with a clear and unambiguous focus and with specific accountability to co-ordinate agencies whose responsibility it is to safeguard children and young people in Northern Ireland from harm. Clearer plans need to be agreed prior to the establishment of a Board and we believe that at present these proposals do not have a clear framework. We look forward to hearing the results of this consultation in due course and offer the opportunity of further discussion if this would be of benefit.

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<sup>6</sup> Full response available at [www.niccy.org/research/consultations](http://www.niccy.org/research/consultations)

