

SAFEGUARDING BOARD ACT (NORTHERN IRELAND) 2011

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes relate to the Safeguarding Board Act (Northern Ireland) 2011 which received Royal Assent on 10 February 2011. They have been prepared by the Department of Health, Social Services and Public Safety in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by the Assembly.
2. The notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section or Schedule does not seem to require an explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. In the early 1990s Area Child Protection Committees (ACPCs) were established in each of the former Health and Social Services Boards. The ACPCs were responsible for promoting inter-agency work to protect children and to monitor and evaluate how well child protection services were working. In 2006, a range of measures were introduced which were designed to strengthen child protection in Northern Ireland. Among these was a proposal to improve interagency co-operation on child protection through the establishment of a regional Safeguarding Board for Northern Ireland (SBNI). This measure is designed to ensure co-operation at the highest level within Government Departments, the Health and Social Care system, local government and in the voluntary and community sectors.
4. The Safeguarding Board will replace the current Regional Child Protection Committee which has been operating since November 2009. The Act will provide the required legislative framework for the creation of a new regional Safeguarding Board (SBNI). It will also provide the legislative framework for the creation of a structure of 5 Safeguarding Panels, one located in each Health and Social Care Trust's geographical area, to support the SBNI.

CONSULTATION

5. In October 2002, a Private Member's Bill, sponsored by Patricia Lewsley, then an SDLP MLA, had been due to have its first reading in the Assembly. However, following the suspension of the Assembly, the Bill did not proceed. As the DHSSPS proposals to establish a Safeguarding Board were largely building on Ms Lewsley's proposals, which had already been subject to two separate consultations, it was agreed that it would only be necessary to undertake a short consultation period of 4 weeks which lasted from 15 January 2007 until 9 February 2007.
6. The 2007 consultation elicited a total of 47 responses from a range of stakeholders across the voluntary and statutory sector. In general, there were many positive comments that welcomed the proposals. A range of issues and suggestions were also highlighted and have been extremely helpful in informing consideration of the detail of the proposals.

OVERVIEW

7. The Act has 18 sections. A commentary on the provisions follows below. Comments are not given where the wording is self-explanatory.

COMMENTARY ON SECTIONS

Section 1: Safeguarding Board for Northern Ireland

Provides for the establishment of a Safeguarding Board for Northern Ireland (SBNI) and places a duty on the Department of Health, Social Services and Public Safety (the Department) to establish the SBNI.

Section 2: Objective of the Safeguarding Board

Sets out the principal objective of the SBNI which is to co-ordinate and ensure the effectiveness of what is done by each person or body represented on the SBNI to safeguard and promote the welfare of children.

Section 3: Functions of the Safeguarding Board

Describes the main duties and powers of the SBNI.

Section 4: Directions to the Safeguarding Board

Provides a power for the Department to give directions (either general or specific) to the SBNI as to how the SBNI should carry out its functions. The Department is also required to consult with the SBNI before issuing directions. The section also provides for the Department to give directions without consulting in cases where the urgency of the matter necessitates it but requires the Department, in cases where the duty to consult has been set aside because of the urgency of the matter, to report retrospectively to the SBNI with reasons for taking this course of action.

Section 5: Functions of Safeguarding Board - general

Provides that the way in which the SBNI exercises its functions may be prescribed in subordinate legislation. It places a duty on the SBNI to have due regard to any guidance provided by the Department in relation to the exercise of SBNI functions.

Section 6: Annual Report of Safeguarding Board

Places a duty on the SBNI to produce an annual report for the Department in such form, and containing such information, as may be prescribed. The Department must lay a copy of the report before the Assembly.

Section 7: Committees and sub-committees

Places a duty on the SBNI to establish (i) a prescribed number of committees which will be known as Safeguarding Panels; (ii) a committee which will be known as the Child Death Overview Panel; and (iii) a committee which will be known as the Case Management Review Panel. It also gives the SBNI power to establish other committees. In addition, it gives a power to the SBNI or a committee to establish one or more sub-committees. It provides that aspects such as the procedure, functions, staff, premises and expenses of committees and sub-committees may be prescribed in subordinate legislation. It further provides that the Department may pay the Chairs of committees and sub-committees such remuneration and expenses as the Department may, with the approval of the Department of Finance and Personnel, determine. It also provides a power to prescribe for members of committees and sub-committees.

Section 8: Functions of committees and sub-committees

Provides that the way in which each committee and sub-committee exercises their functions may be prescribed in subordinate legislation. It also places a duty on each committee and sub-committee to have due regard to any guidance provided by the Department or the SBNI in relation to the exercise of their functions.

Section 9: Annual Report of committees

Places a duty on each committee to produce an annual report for the SBNI in such form and containing such information as may be prescribed.

Section 10: Duty to co-operate

Places a reciprocal duty of co-operation on the SBNI and its constituent bodies and any other bodies that may be included in the SBNI.

Section 11: Supply of information requested by Safeguarding Board

Places a duty on bodies or persons to supply information requested by the SBNI but sets out the specific conditions to be satisfied before such requests for information can be met.

Section 12: Arrangements to safeguard and promote welfare of children

Places a duty on each person and body to which this particular section applies to make sure that they have due regard to the need to safeguard and promote the welfare of children in exercising their functions. It also places a requirement on the bodies to have due regard to any guidance provided by the Department in relation to the exercise of their duty under this section.

Section 13: Minor or consequential amendments

Makes minor or consequential amendments to other legislation.

Section 14: Ancillary and transitional provisions etc.

Allows the Department to make further provision in connection with implementing the Act.

Section 15: Regulations

Contains provision about the required procedures for making subordinate legislation under the Act.

Section 17: Commencement

Provides that the main provisions of the Act come into operation on a later day as appointed by the Department.

HANSARD REPORTS

8. The following table sets out the dates of the Hansard reports for each stage of the Act's passage through the Assembly.

STAGE	DATE
Introduction to the Assembly	8 June 2010
Second Stage debate	22 June 2010
Committee Stage - Departmental briefing on the provisions of the Act	9 September 2010
Committee Stage - Evidence Sessions with Children in Northern Ireland, Voice of Young People in Care and NSPCC	16 September 2010
Committee Stage - Evidence Sessions with Northern Ireland Association of Social Workers, Belfast Health and Social Care Trust and the Southern Health and Social Care Trust	23 September 2010
Committee Stage - Evidence Sessions with Bradford Safeguarding Children Board, Professor Jan Horwath and Northern Ireland Commissioner for Children and Young People (NICCY)	30 September 2010
Committee Stage - Evidence Session with the Police Service of Northern Ireland, the Probation Board for Northern Ireland and the Youth Justice Agency	7 October 2010
Committee Stage - Evidence Session with Departmental Officials to discuss sections 1 to 4	14 October 2010
Committee Stage - Evidence Session with Departmental Officials to discuss sections 5 to 18	21 October 2010
Committee Stage - Evidence Session with Departmental Officials to discuss proposed amendments	4 November 2010
Committee Stage - Formal Consideration of sections.	11 November 2010
Committee Stage - Formal Consideration of sections.	18 November 2010
Committee's report on the Act - Report number 22/10/11R	25 November 2010
Consideration Stage in the Assembly	14 December 2010
Further Consideration Stage	17 January 2011
Final Stage	25 January 2011
Royal Assent	10 February 2011