

EXPLANATORY MEMORANDUM TO

The Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) (Amendment No. 2) Regulations (Northern Ireland) 2014

SR 2014 No. 293

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Health, Social Services and Public Safety to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under sections 1(2)(b), 1(5)(b) and 7(4)(b) of the Safeguarding Board Act (Northern Ireland) 2011 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) (Amendment No. 2) Regulations (Northern Ireland) 2014 amend the Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) Regulations (Northern Ireland) 2012 (the 2012 Regulations) to prescribe additional representatives from specified organisations as members of the Safeguarding Board for Northern Ireland (SBNI). The Regulations also prescribe a Designated Doctor for Safeguarding Children as a member of the SBNI and also provide for additional quorum arrangements to apply in exceptional circumstances, when more than one third of members declare an interest in proceedings.

3. Background

- 3.1. The SBNI is currently experiencing quorum difficulties. If not quorate, the 2012 Regulations prevent the SBNI from transacting any business. In order to ensure that meetings of the SBNI remain quorate and, at the same time, conflicts of interest are properly managed, the 2012 Regulations will be amended to introduce deputisation and to amend the quorum requirement in exceptional circumstances.
- 3.2. Currently, membership of the SBNI is restricted to one (or more) very senior representative from each of the bodies represented on the SBNI. Often, due to competing priorities, senior people are unable to attend meetings of the SBNI. These Regulations will amend regulation 3 (Membership) of the 2012 Regulations to prescribe additional representatives as members of the SBNI. This will provide for a larger pool from which to draw attendees at SBNI meetings and, at the same time, maintain the original policy intention of achieving senior representation at Board meetings.
- 3.3. Regulation 3 will also be amended to include a Designated Doctor for Safeguarding Children as a member of the SBNI. The appointment of a Designated Doctor for Safeguarding Children was raised when the

Department of Health, Social Services and Public Safety initially consulted on the 2012 Regulations. It has always been the Department's intention to make provision in secondary legislation for a Designated Doctor to be appointed to the SBNI. The SBNI is only now in a position to appoint a Designated Doctor with expertise in safeguarding children. The Designated Doctor is a practising paediatrician, designated by the Regional Health and Social Care Board to provide information, advice and assistance in relation to child safeguarding.

- 3.4. The quorum requirements set out in paragraph 8 of Schedule 1 (Meetings and Proceedings of the Safeguarding Board), paragraph 7 of Schedule 3 (Meetings and Proceedings of Safeguarding Panels) and paragraph 7 of Schedule 5 (Meetings and Proceedings of the Case Management Review Panel) to the 2012 Regulations will be amended so that, in exceptional circumstances, where more than one third of members declare an interest in proceedings, the quorum requirement will be met when at least two thirds of the remaining members are present.
- 3.5. It is the Department's expectation that the existing quorum requirement of two-thirds will be met at most meetings of the SBNI, assisted by the introduction of deputisation. The quorum formula, which will apply in exceptional circumstances only, will still require good attendance by SBNI members to make it work in practice, which is again facilitated by the introduction of deputisation.

4. Consultation

- 4.1. The Department of Health, Social Services and Public Safety conducted a two week targeted consultation from 11 to 24 June 2014. A further six week targeted consultation ran from 11 July to 21 August 2014. The consultation proposed an amendment to the general quorum provisions from two thirds of the membership present to one third of the membership present.
- 4.2. A total of 14 responses were received to the consultation. 9 were received during the 2 week consultation period and 10 during the 6 week consultation period. 5 consultees responded to both consultations.
- 4.3. There was overwhelming agreement to the proposed amendment to regulation 3 (Membership) of the 2012 Regulations to include a Designated Doctor for Safeguarding Children from the Regional Health and Social Care Board and the majority of responses to the consultation were supportive to the proposed amendment to the quorum provisions. However, respondents were not unanimous in their support of the proposal to reduce the quorum requirement to one third. Following consultation with the Committee for Health, Social Services and Public Safety, the Department agreed to legislate for a revised quorum requirement of at least two thirds of the remaining members present, to apply in exceptional circumstances where more than one third of members declare an interest in proceedings, supported by the introduction of a system of deputisation.

5. Equality Impact

- 5.1. Consideration has been given to the equality and human rights implications of the Regulations. They are considered to be compliant with section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

- 6.1. These Regulations are considered to have no impact on small businesses, charities or voluntary bodies.

7. Financial Implications

- 7.1. There are no financial implications associated with these Regulations.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. These Regulations do not breach section 24 of the Northern Ireland Act 1998, as they are not incompatible with any of the Convention rights or community law, and they do not discriminate against a person on the grounds of religious belief or political opinion. Nor do these Regulations modify or amend any of the enactments stated in section 7 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable

10. Parity or Replicatory Measure

- 10.1. Not applicable

11. Additional Information

- 11.1. Not applicable