Safeguarding Board Act (Northern Ireland) 2011

2011 CHAPTER 7

N.I.

An Act to make provision to establish the Safeguarding Board for Northern Ireland; and for connected purpose. [10th February 2011]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Safeguarding Board for Northern Ireland N.I.

1.—(1) The Department shall establish in accordance with this section a Safeguarding Board for Northern Ireland (in this Act referred to as "the Safeguarding Board").

(2) The Safeguarding Board must include—

(a) a Chair appointed by the Department;

(b) such representative or representatives of the persons or bodies specified in subsection (3) as may be prescribed; and

(c) at least 2 but not more than 4 other persons (who are not representatives of the persons or bodies specified in subsection (3) or of any other relevant persons or bodies) appointed by the Department.

(3) The persons or bodies referred to in subsection (2) are—

[F1](a) . . . . . .

(b) the Regional Agency for Public Health and Social Well-being;

(c) Health and Social Care trusts;

(d) the Police Service of Northern Ireland;

(e) the Probation Board for Northern Ireland;

(f) the Youth Justice Agency;

(g) **[**[F2]the Education Authority**]**;

(h) district councils;

(i) the National Society for the Prevention of Cruelty to Children;

(j) such other relevant persons or bodies as may be prescribed.

[[F3](3A) The persons who may be prescribed under subsection (2)(b)include any individual employed in a role the normal duties of which consist wholly or mainly of the direction or oversight of the exercise of the functions of the Department that are mentioned in subsection (3B) (and for that purpose the employer of such an individual may be prescribed under subsection (3)(j)).

(3B) Those functions are the functions of the Department that relate to,or are exercised in connection with, the social care and children functions of Health and Social Care trusts (within the meaning given by Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991).**]**

(4) Subject to the approval of the Department, the Safeguarding Board may also include representatives of such relevant persons or bodies (other than the persons or bodies specified in subsection (3)) as the members of the Board consider should be represented on it.

(5) Regulations may make provision as to—

(a) the appointment, tenure and vacation of office of a Chair and members of the Safeguarding Board (including the circumstances in which they cease to hold office or may be removed or suspended from office);

(b) the procedure of the Safeguarding Board;

(c) the staff, premises and expenses of the Safeguarding Board (including provision as to which person or body provides the staff, premises or expenses).

(6) The Department may pay the Chair and the members of the Safeguarding Board referred to in subsection (2)(c) such remuneration and allowances as the Department may, with the approval of the Department of Finance and Personnel, determine.

(7) Proceedings of the Safeguarding Board are not invalidated by any vacancy in membership or by any defect in a member's appointment or qualifications.

Textual Amendments

F1 S. 1(3)(a) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 244(2)(a)**; S.R. 2022/102, art. 2(b)

F2 Words in s. 1(3)(g) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 27(1)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

F3 S. 1(3A)(3B) inserted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 244(2)(b)**; S.R. 2022/102, art. 2(b)

Commencement Information

I1 S. 1 in operation at 14.9.2012 by S.R. 2012/338, **art. 2(1)**

Objective of the Safeguarding Board N.I.

2.—(1) The objective of the Safeguarding Board is to co-ordinate and ensure the effectiveness of what is done by each person or body represented on the Board (by virtue of section 1(2)(b) and (4)) for the purposes of safeguarding and promoting the welfare of children.

(2) Regulations may amend the objective specified in subsection (1) (whether by adding to, removal of or substitution of any part of that objective) for the purposes of safeguarding and promoting the welfare of children.

Commencement Information

I2 S. 2 in operation at 14.9.2012 by S.R. 2012/338, **art. 2(1)**

Functions of the Safeguarding Board N.I.

3.—(1) The Safeguarding Board must develop policies and procedures for safeguarding and promoting the welfare of children.

(2) The Safeguarding Board must promote an awareness of the need to safeguard and promote the welfare of children.

(3) The Safeguarding Board must keep under review the effectiveness of what is done by each person or body represented on the Board (by virtue of section 1(2)(b) and (4)) to safeguard and promote the welfare of children.

(4) The Safeguarding Board must undertake such case management reviews as may be prescribed in such circumstances as may be prescribed.

(5) The Safeguarding Board must review such information as may be prescribed in relation to deaths of children in Northern Ireland in such circumstances as may be prescribed.

(6) The Safeguarding Board must advise **[**[F4]the Department**]**[F5]... in relation to safeguarding and promoting the welfare of children—

(a) as soon as reasonably practicable after receipt of a request for advice; and

(b) on such other occasions as the Safeguarding Board thinks appropriate.

(7) The Safeguarding Board must promote communication between the Board and children and young persons.

(8) The Safeguarding Board must make arrangements for consultation and discussion in relation to safeguarding and promoting the welfare of children.

(9) The Safeguarding Board may—

(a) compile and analyse information concerning safeguarding and promoting the welfare of children;

(b) provide advice or information on any matter concerning safeguarding and promoting the welfare of children;

(c) subject to consultation with the Department, publish any matter concerning safeguarding and promoting the welfare of children.

(10) The Safeguarding Board may also engage in any other activity that facilitates, or is conducive to, the achievement of its objective.

Textual Amendments

F4 Words in s. 3(6) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 244(3)(a)**; S.R. 2022/102, art. 2(b)

F5 Words in s. 3(6) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 244(3)(b)**; S.R. 2022/102, art. 2(b)

Commencement Information

I3 S. 3(1)-(4) in operation at 14.9.2012 by S.R. 2012/338, **art. 2(1)**

I4 S. 3(6)-(10) in operation at 14.9.2012 by S.R. 2012/338, **art. 2(1)**

Directions to the Safeguarding Board N.I.

4.—(1) The Department may give directions of a general or specific nature to the Safeguarding Board as to the exercise by the Board of any of its functions.

(2) Before giving any directions to the Safeguarding Board under subsection (1) the Department must consult the Board.

(3) Where the Department is of the opinion that because of the urgency of the matter it is necessary to give directions under subsection (1) without consulting the Safeguarding Board—

(a) subsection (2) does not apply; but

(b) the Department must as soon as reasonably practicable give notice to the Board of the grounds on which the Department formed that opinion.

(4) The Safeguarding Board must comply with any directions given to it under subsection (1).

(5) Any directions given to the Safeguarding Board by the Department under subsection (1) may be varied or revoked by any subsequent directions so given.

Commencement Information

I5 S. 4 in operation at 14.9.2012 by S.R. 2012/338, **art. 2(1)**

Functions of Safeguarding Board - general N.I.

5.—(1) Regulations may make provision as to the exercise by the Safeguarding Board of any of its functions (including provision as to further duties to be imposed, procedures to be followed and the manner in which the Board is to exercise its functions).

(2) The Safeguarding Board must, in exercising its functions, have due regard to any guidance given to it for the purpose by the Department.

Commencement Information

I6 S. 5 in operation at 14.9.2012 by S.R. 2012/338, **art. 2(1)**

Annual report of Safeguarding Board N.I.

6.—(1) The Safeguarding Board must, within such period after the end of each financial year as the Department may direct, prepare and send to the Department a report in such form, and containing such information, as may be prescribed.

(2) The Department must lay a copy of the report before the Assembly.

Commencement Information

I7 S. 6 in operation at 14.9.2012 by S.R. 2012/338, **art. 2(1)**

Committees and sub-committees N.I.

7.—(1) The Safeguarding Board shall establish in accordance with this section—

(a) a prescribed number of committees to be called “Safeguarding Panels”;

(b) a committee to be called “the Child Death Overview Panel”;

(c) a committee to be called “the Case Management Review Panel”.

(2) Without prejudice to subsection (1), the Safeguarding Board may establish in accordance with this section one or more other committees.

(3) The Safeguarding Board or a committee may establish in accordance with this section one or more sub-committees.

(4) Regulations may make provision as to—

(a) the appointment, tenure and vacation of office of Chairs and members of committees and sub-committees (including the circumstances in which they cease to hold office or may be removed or suspended from office);

(b) the procedure of committees and sub-committees;

(c) the functions of committees and sub-committees; and

(d) the staff, premises and expenses of committees and sub-committees (including provision as to which person or body provides the staff, premises or expenses).

(5) Regulations may provide that committees and sub-committees must include such representatives of such relevant persons or bodies as may be prescribed or such other persons as may be prescribed.

(6) The Department may pay the Chairs of committees and sub-committees such remuneration and allowances as the Department may, with the approval of the Department of Finance and Personnel, determine.

(7) Members of—

(a) committees may be persons who are not members of the Safeguarding Board;

(b) sub-committees may be persons who are not members of the Safeguarding Board or of a committee which established the sub-committee.

(8) Proceedings of committees or of sub-committees are not invalidated by any vacancy in membership or by any defect in a member's qualifications or appointment.

Commencement Information

I8 S. 7(1)(a) in operation at 14.9.2012 by S.R. 2012/338, **art. 2(1)**

I9 S. 7(1)(c) in operation at 14.9.2012 by S.R. 2012/338, **art. 2(1)**

I10 S. 7(2)-(8) in operation at 14.9.2012 by S.R. 2012/338, **art. 2(1)**

Functions of committees and sub-committees N.I.

8.—(1) Each Safeguarding Panel is to exercise its functions as regards such area of Northern Ireland as may be prescribed.

(2) Regulations may make provision as to the exercise by committees and sub-committees of any of their functions (including provision as to further duties

to be imposed, procedures to be followed and the manner in which a committee or sub-committee is to exercise its functions).

(3) Each committee and sub-committee must, in exercising its functions, have due regard to any guidance given to it for the purpose by the Department or the Safeguarding Board.

Commencement Information

I11 S. 8 in operation at 14.9.2012 by S.R. 2012/338, **art. 2(1)**

Annual report of committees N.I.

9 Each committee must, within such period after the end of each financial year as the Safeguarding Board may direct, prepare and send to the Safeguarding Board a report in such form, and containing such information, as may be prescribed.

Commencement Information

I12 S. 9 in operation at 14.9.2012 by S.R. 2012/338, **art. 2(1)**

Duty to co-operate N.I.

10.—(1) The Safeguarding Board and each committee and sub-committee must co-operate with the persons or bodies specified in section 1(3) and with any persons or bodies referred to in section 1(4) in the exercise by the Board or a committee or sub-committee of its functions.

(2) The persons or bodies specified in section 1(3) and any persons or bodies referred to in section 1(4) must co-operate with the Safeguarding Board, committees and sub-committees—

(a) in the exercise by the Board or a committee or sub-committee of its functions; and

(b) in the exercise by the person or body concerned of any of its functions relating to safeguarding or promoting the welfare of children.

(3) The disclosure of information to or by the Safeguarding Board or a committee or sub-committee in pursuance of a duty of co-operation under subsection (1) or (2) does not breach any restriction on the disclosure of information (however imposed); but this subsection does not authorise a disclosure of information which contravenes **[**[F6]the data protection legislation**]** .

[[F7](4) In this section, "the data protection legislation" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).**]**

Textual Amendments

F6 Words in s. 10(3) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 170(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

F7 S. 10(4) inserted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 170(3)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

Commencement Information

I13 S. 10 in operation at 14.9.2012 by S.R. 2012/338, **art. 2(1)**

Supply of information requested by Safeguarding Board N.I.

11.—(1) If the Safeguarding Board requests a person or body to supply information specified in the request to—

(a) the Board or a committee or sub-committee (as the case may be), or

(b) another person or body specified in the request,

the request must be complied with as soon as reasonably practicable after receipt of such a request if the first and second conditions are met and either the third or the fourth condition is met.

(2) The first condition is that the request is made for the purpose of enabling or assisting the Safeguarding Board or a committee or sub-committee to exercise its functions.

(3) The second condition is that the request is made to a person or body whose functions or activities are considered by the Safeguarding Board to be such that the person or body is likely to have information relevant to the exercise of a function by the Board or a committee or sub-committee.

(4) The third condition is that the information relates to—

(a) the person or body to whom the request is made,

(b) a function or activity of that person or body, or

(c) a person in respect of whom a function is exercisable, or an activity is engaged in, by that person or body.

(5) The fourth condition is that the information—

(a) is information requested by the Safeguarding Board from a person or body to whom information was supplied in compliance with another request under this section, and

(b) is the same as, or is derived from, information so supplied.

(6) The information may be used by the Safeguarding Board or a committee or sub-committee, or other person or body to whom it is supplied under subsection (1), only for the purpose of enabling or assisting the Board or a committee or sub-committee to exercise its functions.

Commencement Information

I14 S. 11 in operation at 14.9.2012 by S.R. 2012/338, **art. 2(1)**

Arrangements to safeguard and promote welfare of children N.I.

12.—(1) This section applies to each of the following—

[F8](a) . . . . . .

(b) the Regional Agency for Public Health and Social Well-being;

(c) Health and Social Care trusts;

(d) the Police Service of Northern Ireland;

(e) the Probation Board for Northern Ireland;

(f) the Youth Justice Agency;

(g) **[**[F9]the Education Authority**]**;

(h) district councils;

(i) the National Society for the Prevention of Cruelty to Children;

(j) such other relevant persons or bodies as may be prescribed.

(2) Each person and body to whom this section applies must make arrangements for ensuring that—

(a) their functions are exercised having due regard to the need to safeguard and promote the welfare of children; and

(b) any services provided by another person pursuant to arrangements made by the person or body in the exercise of their functions are provided having due regard to that need.

(3) Each person and body to whom this section applies must, in exercising their duty under this section, have due regard to any guidance given to them for the purpose by the Department.

Textual Amendments

F8 S. 12(1)(a) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 244(4)**; S.R. 2022/102, art. 2(b)

F9 Words in s. 12(1)(g) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 27(2)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

Commencement Information

I15 S. 12 in operation at 14.9.2012 by S.R. 2012/338, **art. 2(1)**

Minor or consequential amendments N.I.

13.—(1) In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (offices disqualifying for membership of the Assembly), insert at the appropriate place— " Chair of the Safeguarding Board for Northern Ireland. ".

[F10](2) . . . . . .

(3) In Part 7 of Schedule 1 to the Freedom of Information Act 2000 (offices and bodies which are public authorities for the purposes of the Act), insert at the appropriate place— " The Safeguarding Board for Northern Ireland ".

Textual Amendments

F10 S. 13(2) repealed (1.4.2016) by Public Services Ombudsman Act (NorthernIreland) 2016 (c. 4), s. 64, **Sch. 9** (with s. 23, 50(3))

Commencement Information

I16 S. 13 in operation at 14.9.2012 by S.R. 2012/338, **art. 2(1)**

Ancillary and transitional provisions etc. N.I.

14.—(1) The Department may by order make such incidental, consequential, transitional or saving provisions as appear to the Department to be necessary or expedient for the purposes of, in consequence of or for giving full effect to this Act or any provision of it, or in connection with the coming into operation of any provision of this Act.

(2) An order under this section may amend, repeal or modify any statutory provision (including this Act).

(3) The power conferred by this section is not restricted by any other provision of this Act.

(4) No order shall be made under this section unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

Commencement Information

I17 S. 14 in operation at 14.9.2012 by S.R. 2012/338, **art. 2(1)**

Regulations N.I.

15.—(1) No regulations shall be made under section 2(2) unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.

(2) Any other regulations under this Act are subject to negative resolution.

(3) Regulations under this Act may contain such incidental, consequential, supplementary, transitional or saving provisions as appear to the Department to be necessary or expedient.

Interpretation N.I.

16 In this Act—

"child" means a person under the age of eighteen, (but in relation to matters falling within Parts 10, 11 or 12 of or Schedule 1 to the Children (Northern Ireland) Order 1995 (NI 2), has the meaning assigned to it for the purposes of those provisions);

"committee" means a committee of the Safeguarding Board established under section 7(1) or (2);

"the Department" means the Department of Health, Social Services and Public Safety;

"prescribed" means prescribed by regulations;

"regulations" means regulations made by the Department;

"relevant persons or bodies" means persons or bodies of any nature exercising functions or engaged in activities relating to children;

"the Safeguarding Board" means the Safeguarding Board for Northern Ireland established under section 1;

"statutory provision" has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33).

Commencement N.I.

17.—(1) Sections 15 to 18 come into operation on the day after the day on which this Act receives Royal Assent.

(2) The other provisions of this Act come into operation on such day or days as the Department may by order appoint.

Short title N.I.

18 This Act may be cited as the Safeguarding Board Act (Northern Ireland) 2011.

Changes to legislation:
There are currently no known outstanding effects for the Safeguarding Board Act (Northern Ireland) 2011.