
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 324

The Safeguarding Board for Northern Ireland
(Membership, Procedure, Functions and
Committee) Regulations (Northern Ireland) 2012

PART 2

Safeguarding Board for Northern Ireland

Membership

3.—(1) For the purposes of section 1(3)(j) of the Act (*other relevant persons or bodies*), a prescribed relevant body shall be—

- (a) the British Medical Association; and
- (b) any voluntary organisation.

(2) For the purposes of section 1(2)(b) of the Act the prescribed representatives shall be—

- (a) the Director of Social Care and Children from the Regional Health and Social Care Board;
- (b) from the Regional Agency for Public Health and Social Well-being—
 - (i) the Designated Nurse for Safeguarding Children;
 - (ii) the Director of Nursing and Allied Health Professionals; and
 - (iii) the Director of Public Health;
- (c) an Executive Director of Social Work from each of the following HSC trusts—
 - (i) the Belfast HSC Trust;
 - (ii) the South Eastern HSC Trust;
 - (iii) the Southern HSC Trust;
 - (iv) the Northern HSC Trust;
 - (v) the Western HSC Trust;
- (d) an Assistant Chief Constable of the Police Service of Northern Ireland with responsibility for safeguarding and promoting the welfare of children;
- (e) the Director of the Probation Board for Northern Ireland;
- (f) the Chief Executive of the Youth Justice Agency;
- (g) a Chief Executive of an education and library board;
- (h) two Chief Executives of district councils;
- (i) the National Head of Service for Northern Ireland of the National Society for the Prevention of Cruelty to Children;
- (j) a member of the Northern Ireland General Practitioners Committee of the British Medical Association; and

- (k) at least three but not more than five persons from voluntary organisations.

Joint membership

4. Where more than one person is appointed jointly to a post in any of the bodies specified in regulation 3(2)(a) to (i) which qualifies the holder for membership in accordance with section 1(2)(b) of the Act, those persons shall become or be joint members and shall count for the purposes of regulation 3 as one person.

Disqualification for appointment

5.—(1) Subject to regulation 6, a person shall be disqualified for appointment under section 1(2)(a) or (c) of the Act if that person—

- (a) has within five years of the day the appointment would otherwise have taken effect been convicted whether in the United Kingdom or elsewhere of any offence and has been given a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;
- (b) has been dismissed, other than by reason of redundancy, from any paid employment with any Department, a health and social care body, a health service body, any of the persons or bodies represented on the Safeguarding Board by virtue of section 1(2)(b) and (4) of the Act, or a regulatory person or body;
- (c) is the subject of a bankruptcy restrictions order;
- (d) is subject to a disqualification under the Company Directors Disqualification (Northern Ireland) Order 2002(1), the Company Directors Disqualification Act 1986(2) or to an order made under section 429(2)(b) of the Insolvency Act 1986 (*failure to pay under county court administration order*);
- (e) has been—
 - (i) removed from the office of charity trustee or trustee for a charity by order of the High Court of Northern Ireland or by order of the Charity Commission for Northern Ireland(3) under section 33 of the Charities Act (Northern Ireland) 2008(4) on the grounds of any misconduct or mismanagement in the administration of the charity for which that person was responsible or to which that person was privy, or which that person by his conduct contributed to or facilitated;
 - (ii) removed under section 34 of the Charities and Trustee Investment (Scotland) Act 2005(5) (*powers of the Court of Session to deal with management of charities*), from being concerned in the management or control of the charity; or
 - (iii) removed from the office of trustee or charity trustee by order of the High Court of England and Wales or, by order of the Charity Commission for England and Wales(6) under section 18(2) of the Charities Act 1993(7);
- (f) is a Chair, chairman, member or non-executive director of a health and social care body, a health service body, any of the persons or bodies represented on the Safeguarding Board by virtue of section 1(2)(b) and (4) of the Act, or a regulatory person or body;

(1) S.I. 2002/3150 (N.I. 4)

(2) 1986 c.46

(3) Established under section 6 of the Charities Act (Northern Ireland) 2008

(4) 2008 c.12 (N.I.)

(5) 2005 asp. 12

(6) Established under section 1A of the Charities Act 1993

(7) 1993 c.10

- (g) holds any paid employment or office with any Department, a health and social care body, a health service body, any of the persons or bodies represented on the Safeguarding Board by virtue of section 1(2)(b) and (4) of the Act, or a regulatory person or body;
 - (h) is a person who has been removed from the office as the Chair, chairman, member or non-executive director of a health and social care body, a health service body, any of the persons or bodies represented on the Safeguarding Board by virtue of section 1(2)(b) and (4) of the Act, or a regulatory person or body;
 - (i) is a person whose application for registration under Part 1 of the Health and Personal Social Services Act (Northern Ireland) 2001, or under Part IV of the Care Standards Act 2000 or under Part 3 of the Regulation of Care (Scotland) Act 2001, has been refused or—
 - (i) whose registration has been suspended and the suspension has not been terminated; or
 - (ii) whose name has been removed from the register and not restored;
 - (j) is a person whose registration as a health care professional has been withdrawn or suspended;
 - (k) is a person who has been barred from regulated activity relating to—
 - (i) children in accordance with Article 7(2) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007⁽⁸⁾; or
 - (ii) vulnerable adults in accordance with Article 7(3) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.
- (2) For the purposes of paragraph 1(a)—
- (a) the date of conviction shall be deemed to be the date on which the ordinary period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its not being prosecuted; and
 - (b) there shall be disregarded any conviction by or before a court outside the United Kingdom for an offence in respect of conduct which, if it had taken place in any part of the United Kingdom, would not have constituted an offence under the law in force in that part of the United Kingdom.
- (3) For the purposes of paragraph 1(b)—
- (a) a person shall not be treated as having been in paid employment by reason only of his being a Chair, chairman, member or non-executive director of a health and social care body, a health service body, any of the persons or bodies represented on the Safeguarding Board by virtue of section 1(2)(b) and (4) of the Act, or a regulatory person or body; and
 - (b) “dismissed” excludes dismissal which was established to have been unfair in industrial tribunal proceedings.
- (4) In paragraph (1)(j), a “health care professional” means a person who is registered as a member of any profession which is regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002⁽⁹⁾.

Cessation of disqualification

6.—(1) Subject to paragraph (2) where a person is disqualified under regulation 5(1)(b) (*dismissed employees*) that person may, after the expiry of a period of not less than two years, apply

⁽⁸⁾ S.I. 2007/1351 (N.I. 11)

⁽⁹⁾ 2002 c.17

in writing to the Department to remove the disqualification and the Department may decide that the disqualification shall cease.

(2) Where the Department refuses an application to remove a disqualification no further application may be made by that person until the expiration of two years from the date of the application.

(3) Subject to paragraph (4), where a person is disqualified under regulation 5(1)(h) (*persons removed from office*) the disqualification shall cease on the expiry of a period of two years or such longer period as the Department may specify.

(4) Where the Department has specified a longer period of disqualification than two years, it may after the expiration of two years, reduce the period of disqualification, on application being made to it by the person disqualified.

Tenure of office

7.—(1) The Chair of the Safeguarding Board and members of the Safeguarding Board appointed under section 1(2)(c) of the Act shall be appointed for a period not exceeding 4 years.

(2) The Chair and members of the Safeguarding Board appointed under section 1(2)(c) of the Act may be appointed for periods of different duration.

(3) Subject to regulation 5, the Chair or a member of the Safeguarding Board appointed under section 1(2)(c) of the Act may, on termination of the period of tenure of office, be eligible for re-appointment for such further period, not exceeding 4 years, as the Department may in any particular case determine.

(4) The Department may instead of re-appointing the Chair or a member of the Safeguarding Board appointed under section 1(2)(c) of the Act, on the expiration of that person's tenure of office, extend his appointment for such further period as may appear reasonable in the particular circumstances; but the period by which an appointment is extended must not exceed 4 years.

(5) Where for any reason, the place of the Chair or a member appointed under section 1(2)(c) of the Act becomes vacant before the expiration of the member's term of office whether by death, resignation or otherwise, the term of office of any person appointed in that person's place shall be for the remainder of the term of office of the former member.

(6) A member of the Safeguarding Board specified in regulation 3(2)(a) to (i)—

(a) who ceases to hold the qualifying office, shall cease to be a member of the Safeguarding Board; or

(b) who is suspended from the qualifying office, shall be suspended from membership of the Safeguarding Board while suspended from that office.

(7) For the purposes of paragraph (6), “the qualifying office” in relation to a member of the Safeguarding Board means the office which the representative held at the time of becoming a member of the Safeguarding Board.

(8) A member of the Safeguarding Board by virtue of section 1(4) of the Act may be a member of the Safeguarding Board for such period or periods as the Safeguarding Board may, subject to the approval of the Department, consider appropriate.

(9) A person who ceases to be a member of the Northern Ireland General Practitioners Committee of the British Medical Association shall cease to be a member of the Safeguarding Board.

(10) A person who is suspended from membership of the Northern Ireland General Practitioners Committee of the British Medical Association shall be suspended from membership of the Safeguarding Board while suspended from that membership.

(11) A person who ceases to be a representative of a voluntary organisation shall cease to be a member of the Safeguarding Board.

(12) A person who is suspended from a voluntary organisation shall be suspended from membership of the Safeguarding Board while suspended from that organisation.

Resignation

8.—(1) The Chair or a member of the Safeguarding Board appointed under section 1(2)(c) of the Act may resign from office at any time during his term of office by giving not less than 30 days notice in writing to the Department of his intention to do so.

(2) A person who resigns as Chair of the Safeguarding Board may, if the Department consents, continue to serve as a member of the Safeguarding Board for any part of the period of appointment which remains when his resignation as Chair takes effect.

(3) A person who, on resignation as Chair of the Safeguarding Board seeks to continue to serve as a member of the Safeguarding Board, shall inform the Department in writing of his wish to do so when submitting his resignation as Chair.

(4) A person who fails to comply with the requirement of paragraph (3) shall cease to be a member of the Safeguarding Board when that person's term of office as Chair terminates.

(5) In the case of a member of the Safeguarding Board who during his term of office is appointed Chair of the Safeguarding Board, the terms on which he was appointed a member shall cease to apply on the day on which his appointment as Chair takes effect.

Termination of appointment

9.—(1) Where a Chair or a member of the Safeguarding Board appointed under section 1(2)(c) of the Act—

- (a) is absent from meetings of the Safeguarding Board for more than 6 months consecutively, except for an approved reason;
- (b) is convicted of an indictable offence;
- (c) becomes disqualified for appointment under regulation 5; or
- (d) is incapable of carrying out his functions for reasons of ill health;

the Safeguarding Board shall forthwith, by resolution, declare the office to be vacant and shall notify that fact to the Department in such manner as it thinks fit, and thereupon the office shall become vacant.

(2) In paragraph (1)(a) “approved reason” means a reason approved by the Department.

(3) Where the Department is of the opinion that it is not in the interest of, or conducive to the good management of, the Safeguarding Board or any of its committees that the Chair or a member of the Safeguarding Board appointed under section 1(2)(c) of the Act should continue to hold office, it may forthwith remove the Chair or the member by giving that person notice in writing to that effect.

(4) Where a person has been appointed Chair or a member of the Safeguarding Board under section 1(2)(c) of the Act and it comes to the notice of the Department that at the time of the appointment that person was disqualified for appointment under regulation 5, it shall forthwith declare that the person in question was not duly appointed and notify him in writing to that effect; and upon receipt of such notification, that person shall be removed and shall cease to act as such Chair or member of the Safeguarding Board.

Meetings and proceedings

10. The meetings and proceedings of the Safeguarding Board shall be conducted in accordance with the provisions set out in Schedule 1.

Appointment of deputy Chair

11.—(1) Subject to paragraph (2), the Chair and members of the Safeguarding Board may appoint a member appointed by virtue of section 1(2)(c) of the Act to act as deputy Chair for such period, not exceeding the remainder of his term of office as a member, as they may specify on appointing him.

(2) Any member so appointed may at any time resign from the office of deputy Chair by giving notice in writing to the Chair.

(3) Where the Chair is, for whatever reason, unable to perform his duties as Chair, the deputy Chair may perform those duties.

Annual report

12. The Safeguarding Board must, in respect of each financial year, prepare and send to the Department a report on the exercise of its functions which shall—

- (a) review the Safeguarding Board’s activities during the year, including details of—
 - (i) the objectives and priorities which have been agreed with the Department;
 - (ii) the achievements of the Safeguarding Board, measured by reference to the objectives and priorities which have been agreed; and
 - (iii) the effectiveness of what has been done by each person or body represented on the Safeguarding Board (by virtue of section 1(2)(b) and (4) of the Act) to safeguard and promote the welfare of children;
- (b) specify any material events affecting performance;
- (c) include a copy of all directions given to the Safeguarding Board by the Department; and
- (d) include a list of reports submitted to the Department for publication including the date of submission to the Department.

Staff

13.—(1) The Regional Agency for Public Health and Social Well-being shall, with the prior consent of the Safeguarding Board, appoint—

- (a) a person to act as Safeguarding Board Director of Operations; and
- (b) such other Safeguarding Board staff as the Safeguarding Board considers necessary.

(2) Persons appointed in accordance with paragraph (1) shall be employed by the Regional Agency for Public Health and Social Well-being and their services shall be made available to the Safeguarding Board for the period of the appointment.

Premises

14. The Regional Agency for Public Health and Social Well-being shall—

- (a) secure or provide the Safeguarding Board with such office and other accommodation that the Safeguarding Board, with the approval of the Department, considers necessary to enable the Safeguarding Board to perform its functions; and
- (b) ensure that arrangements are made for the administration, maintenance, cleaning and other services for such accommodation.

Expenses

15.—(1) It shall be the duty of the Department—

(a) to approve such expenses as it considers may reasonably be incurred by the Safeguarding Board for the purpose of carrying out its functions under the Act; and

(b) to make arrangements for the payment of sums equal to such expenses as it has approved.

(2) The Safeguarding Board shall submit to the Department, in such form and by such date as the Department may specify, such estimates of expenditure which it expects to incur for such financial years as the Department may require.

(3) The Department may approve estimates submitted under paragraph (2) with or without modification or subject to such conditions as it considers appropriate, and may vary such approval or conditions.

(4) The Safeguarding Board shall not incur expenses in excess of the expenses approved for the Safeguarding Board by the Department.

Exercise of functions - general

16. The Safeguarding Board must ensure that it exercises its functions in a manner that—

(a) takes into account the views of children and young persons on the effectiveness of arrangements to safeguard and promote the welfare of children;

(b) takes into account the importance of the role of parents and other carers in safeguarding and promoting the welfare of children; and

(c) is transparent, proportionate and consistent.

Case Management Review function

17.—(1) In exercising its function under section 3(4) of the Act (*case management reviews*) the Safeguarding Board must undertake a case management review in such circumstances as are described in paragraphs (2) and (3).

(2) Where—

(a) a child has died or been significantly harmed;

(b) any of the following apply—

(i) abuse or neglect of the child is known or suspected;

(ii) the child or a sibling of the child is or has been placed on the register maintained by a HSC trust which lists each child resident in the area of the trust who, following an investigation by that trust under Article 66 of the Children (Northern Ireland) Order 1995⁽¹⁰⁾, is subject to a plan to safeguard that child from further harm and promote his health and development; or

(iii) the child or a sibling of the child is or has been looked after by an authority within the meaning of Article 25 of the Children (Northern Ireland) Order 1995;

and

(c) the Safeguarding Board has concerns about the effectiveness in safeguarding and promoting the welfare of children of any of the persons or bodies represented on the Safeguarding Board by virtue of section 1(2)(b) and (4) of the Act.

(3) Where the Safeguarding Board has determined that a case demonstrates that any of the persons or bodies represented on the Safeguarding Board by virtue of section 1(2)(b) and (4) of the Act, have worked effectively (individually or in partnership) and that there is outstanding positive learning to be gained from the case which will lead to improved practice in safeguarding and promoting the welfare of children across Northern Ireland.

(10) S.I.1995/755 (N.I. 2)

(4) For the purposes of paragraph (2)(a), the question of whether harm is significant shall be determined in accordance with Article 50(3) of the Children (Northern Ireland) Order 1995 as read with Article 2(2) of that Order.

Developing policies and procedures

18. In exercising its function under section 3(1) of the Act (*developing policies and procedures*) the Safeguarding Board must put in place arrangements for the ongoing development and review of policies and procedures for safeguarding and promoting the welfare of children, including policies and procedures in relation to—

- (a) the action to be taken where there are concerns about a child’s safety or welfare, including thresholds for intervention;
- (b) training of persons who work with children or in services affecting the safety of children;
- (c) recruitment and supervision of persons who work with children; and
- (d) investigation of allegations concerning persons who work with children.

Promoting communication between the Safeguarding Board and children and young persons

19. In exercising its function under section 3(7) of the Act (*promoting communication between the Safeguarding Board and children and young persons*) the Safeguarding Board must establish a range of methods to promote communication with children and young persons which must include direct methods of communication.

Arrangements to safeguard and promote welfare of children

20. For the purposes of section 12(1)(j) of the Act (*other relevant persons or bodies*), a prescribed relevant body shall be the British Medical Association and any voluntary organisation represented on the Safeguarding Board by virtue of regulation 3(2)(k).