Barnardo’s NI Response to the Safeguarding Board Bill

Barnardo’s is Northern Ireland’s largest children’s charity and we work with the most disadvantaged and vulnerable children. We provide fifty services across Northern Ireland and much of our work is focused on children in need of protection and families in need of support. We work with all the Health and Social Care Trusts providing a range of services including child protection and family intervention services. We provide a small children’s residential care service linked to our professional fostering service, as well as a residential support service for young mothers and their children. We also provide a broader range of family and parenting support. We have drawn specifically on this experience in responding to the proposed legislation.

Barnardo’s NI very much welcomes the establishment of the Safeguarding Board for NI and views it as a positive and welcome step forward in helping to protect the welfare of our children and young people.

We believe that it is vital to the protection and safeguarding of children and young people that the Board is and is seen to be independent. A strong independent and informed Safeguarding Board is crucial to the ensuring maximum protection for those children most at risk. Past experience here and in Britain indicates that the lack of an independent voice to analyse and address weaknesses in the system has too often been a critical factor in cases where children have been harmed. Any system requires independent analysis but perhaps none more so than the child protection system.

We have focused our evidence on those clauses that we believe need clarification or amendment and where we think there is a significant issue to raise.

Clause One

Barnardo’s are of the view that establishing the right membership for the Board is key to it delivering to its overall aim and purpose. We believe that it is better that the full range of agencies required are represented on the Board and that it can then work on the basis of smaller sub-committees rather than omit key agencies who have a role in child welfare and protection. We believe Clause One requires amendment to include
the following range of agencies: Department of Education, Department of Justice, DHSSPS, representative from Family Court.

Barnardo’s NI and NSPCC jointly produced a report entitled “Child Protection is No Accident”. In this report we considered the crucial role of A and E medical staff in detecting and addressing child abuse. This continues to be a pertinent issue and therefore Barnardo’s believe the membership of the Board should be amended to make it necessary for at least one of the HSCTrust representatives to be a senior Paediatric Practitioner in an A and E setting.

We are concerned at the minimal proposal for representatives from the voluntary sector. Barnardo’s NI works with over 5,000 children and their families every year in NI. We are contracted by Health and Social Care Trusts to deliver both statutory child protection services and family support and intervention services. We provide over 30 services which include the only service specifically focused on children who run away or go missing from care and the only residential based service specifically for young mothers whose children are at risk. We do not believe the upper number of agencies should be specified in this manner as it is unhelpful to ensuring the Board has the membership it requires to deliver most effectively to its remit. We are of the view that the upper limit should be removed.

We further are of the view that the Department should give a commitment to specifying in regulations the process by which it will nominate and select voluntary sector representatives.

Clause 1 (2) (a) Barnardo’s recommend inserting ‘An Independent’ chair.

We also believe it would be helpful to address in regulations that the Chair should be someone with expertise, knowledge and experience in child safeguarding and welfare.

Barnardo’s believe that the independence of the Safeguarding Board could be enhanced by the inclusion of elected representatives and would point to the positive and effective role that elected representatives play on the Policing Board. We would support the inclusion of political representatives drawn from District Councils and believe the legislation should be amended to reflect this.

Clause 2

While Barnardo’s is in broad agreement with the overall objective of the Board as outlined in Clause 2 we do think it would be useful to clarify the relationship between the SBNI and the Health and Social Care Board, Health and Social Care Trusts and RQIA.
Clause 3 Functions of the Safeguarding Board

Barnardo’s welcomes Clause 3.1 and the function of the Board to develop policies and procedures for the safeguarding and promoting the welfare of children. We would emphasise the focus on broader role of the welfare of children and think it would be helpful to clarify which policies currently developed at Departmental level are likely to fall within this remit.

It remains the case, despite additional funding in recent years, that family and children’s social services are significantly underfunded compared to England, Scotland and Wales. This function would be strengthened if it were clarified that there is a specific role to review the level and nature of funding available for safeguarding and promoting the welfare of children in NI.

3.4 Undertaking effective case management reviews and ensuring that the lessons from them are effectively put into practice is a key aspect of ensuring continual improvement in safeguarding. This clause should be amended to clarify and specify the role of the Board in case management reviews, when they will be undertaken and that the lessons will be disseminated. It is currently too vague. Barnardo’s also believes the amendment should make reference to “other reviews” as it may be the case that the Board will undertake other reviews as necessary.

Clause 3.6 This should be amended to include the Health and Social Care Trusts.

Clause 3.7 Barnardo’s believes this clause should be amended to strengthen its provision and therefore the word ‘reasonable steps ’ should be removed and it should read “ The Safeguarding Board must promote communication and consultation with children and young people.”

3.9 Barnardo’s welcomes the broad intent of clause 3.9. We believe that it is crucial that the Board can compile and analyse information concerning the safeguarding and welfare of children and too often we are missing the baseline data against which we can measure whether there are distinct and specific improvements for children. However, clause 3.9.c does give us cause for concern and we believe it has the potential to undermine the perceived independence of the Board. The Safeguarding Board if it is to work effectively and make a difference must be both independent and be seen to be independent. The Board should be free to publish any information, report or advice that it believes is critical to the safeguarding and welfare of children and it should not be subject to Departmental approval. We would therefore suggest deleting “subject to the approval of the Department” from this clause.
Clause 4

Barnardo’s would emphasise again that the independence of the Board and the perception of that independence is critical to its effective working. We would, of course, acknowledge the need for any publicly funded body to have appropriate oversight and accountability. Indeed clear lines of accountability on the day to day decisions and running of the Board are vital. However this Clause seems very far reaching in its intent and the manner in which it is written is unhelpful. We would encourage the further clarification and amendment of this clause as it could be unhelpfully interpreted as impinging on the independent role of the Board.

Clause 5

This Clause again raises issues regarding the independence of the Board. It is unclear what we mean by “due regard to any guidance given to it for the purpose by the Department”. It would be helpful to clarify the specifics of when the Department believes this would be required and to reword the Clause so that it is clear that such ‘due regard’ would not impinge on independence.

Clause 6

We welcome the Duty to produce an annual report and lay this before the Assembly. However we would suggest this Clause is amended to read; “The Department must lay a copy of the report before the Assembly within six weeks of receipt of such report.”

Clause 8

Barnardo’s believe that for the Committees and Sub-committees to have two lines of accountability and guidance from both SBNI and the Department is potentially unworkable. The line of accountability should be amended so there is a single line of accountability from the Department to the SBNI and from SBNI to its constituent committees.

Clause 9

The annual report of each Committee of the SBNI should form part of the overall annual report to the Department and the report that will be laid before the Assembly.

Clause 11

Barnardo’s believe this is an important clause in enabling the Safeguarding Board to effectively fulfil its purpose. We think there should be an identified timescale for the provision of such information.
Clause 12

Barnardo’s have some concern regarding the reach of this clause and whether or not it is a re-statement of clause 4. There is a risk it could be interpreted as a stand alone duty and ultimately make a range of other agencies and organisations accountable too directly in other aspects of their work to the Safeguarding Board. We believe this Clause does need amended and would suggest that it makes clear that this duty applies in-relation to the membership of SBNI and its sub-groups and is not stand alone.

Conclusion

Barnardo’s NI welcomes the creation of the SBNI and the positive and effective role it can playing in ensuring both the welfare and greater protection of children. In order for it to do so the independence of the Board is essential and needs to be fully reflected in the legislation.

Barnardo’s Northern Ireland, September 2010

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