



Northern Ireland
Assembly

COMMITTEE FOR
HEALTH, SOCIAL SERVICES AND
PUBLIC SAFETY

OFFICIAL REPORT
(Hansard)

**Departmental Briefing on the
Safeguarding Board for Northern Ireland**

22 April 2010

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Alex Easton (Acting Chairperson)
Dr Kieran Deeny
Mr Sam Gardiner
Mrs Dolores Kelly
Mr John McCallister
Mr Conall McDevitt
Mrs Claire McGill
Mr Jim Wells

Witnesses:

Mr Fergal Bradley)
Mr Sean Holland) Department of Health, Social Services and Public Safety
Ms Patricia Nicholl)
Ms Isobel Riddell)

The Acting Chairperson (Mr Easton):

We now have an evidence session with officials from the Department of Health, Social Services and Public Safety (DHSSPS) on the proposed safeguarding board for Northern Ireland (SBNI). I welcome Mr Sean Holland, the acting chief social services officer; Mr Fergal Bradley, the head of the childcare policy directorate; Ms Patricia Nicholl, the leader of the SBNI Bill team; and Ms Isobel Riddell, who is also on the SBNI Bill team.

Mr Sean Holland (Department of Health, Social Services and Public Safety):

All those involved in safeguarding with whom I have recently spoken, welcome, and are impressed by, the attention that the Committee for Health, Social Services and Public Safety has afforded the issue.

Sometimes, commentators complain that, in our integrated health and social care system, social services can be overlooked against the demands of looking at the health sector in general and acute services in particular. The number of hearings that the Committee has held on this issue and the amount of evidence that it has taken is welcome, and I am grateful for that.

Members will be aware that, since 2006, we have been engaged in a comprehensive programme of reforming child protection services in Northern Ireland. We accomplished a number of significant milestones as part of that process, including the establishment of gateway teams in every health and social care trust, which has strengthened the resources and the expertise that are available on the front line of child protection services. The introduction of a common assessment tool — understanding the needs of children in Northern Ireland (UNOCINI), which I mentioned to the Committee previously — has ensured a better and earlier identification of the needs of children. In close partnership with the voluntary sector, we have invested significantly in a greater range of preventative family support services. We are, I hope, reaching another significant milestone, probably the most significant milestone so far in the process, which is bringing forward legislation to establish the safeguarding board for Northern Ireland.

Historically, each of the former health and social services boards and, more recently, the Health and Social Care Board operated area child protection committees; that was done on a non-statutory basis. Those committees worked to disseminate the findings of case management reviews (CMRs), to raise awareness of child protection issues and to promote compliance with child protection procedures. Those committees did much good work, and I thank those who participated for their efforts. Nonetheless, the experience of operating those committees identified a number of areas in which performance could be improved. Those included inconsistency, both in the approach of the various area child protection committees and how they approached their task and in the composition of those committees. In particular, some member organisations delegated people to attend who were not of sufficient seniority to make decisions on behalf of the organisation that they represented.

Those were non-statutory arrangements. At times, it was felt that that was reflected in a lack of commitment on the part of some participants about the extent of their engagement. Those deficits were confirmed in an overview report that was undertaken by the Social Services Inspectorate and published in 2007. Taking those and other issues into account, including developments in England following Lord Laming's inquiry into the death of Victoria Climbié, the Department undertook a consultation in January 2007 on proposals to reform the arrangements, which has led us to where we are now on the establishment of the SBNI.

The consultation exercise revealed a high level of support for the establishment of the SBNI. Subsequently, we developed detailed policy proposals that were submitted to the Committee in October 2009, and a draft paper was submitted to the Executive the following month. As of today, Minister Michael McGimpsey has approved an updated policy paper and a first draft of a Bill for consideration by the Executive. We are now at the point where we can, we hope, introduce a Bill and take it to its Second Stage before the summer recess.

The safeguarding board Bill will provide the legislative framework for the creation of a new regional safeguarding board for Northern Ireland, hosted within the Public Health Agency, with five safeguarding panels in each of the five health and social care trust areas. Those arrangements will, for the first time, bring together, on a statutory basis, the key agencies from the voluntary and statutory sectors to work together to safeguard children and promote their welfare.

The SBNI will develop policies and procedures for safeguarding and promoting the welfare of children in Northern Ireland; it will promote awareness of the need to safeguard and promote the welfare of children; it will keep under review the adequacy and effectiveness of what is done by member agencies in their work to safeguard and promote welfare; and it will undertake case management reviews and disseminate learning from those reviews to support continuous improvement in safeguarding practice. It will also advise those who commission services to safeguard children, particularly the Health and Social Care Board, on safeguarding and the promotion of welfare. It will also review all child deaths in Northern Ireland and identify any learning, particularly from sudden or unexpected deaths, with a particular focus on trying to identify avoidable factors that contributed to the death of any child. Perhaps most importantly, the functions will be underpinned by a statutory duty to co-operate to safeguard and promote the

welfare of children. That duty will apply to all members of the SBNI.

I welcome the opportunity to talk to the Committee about developments. This is an important day on the journey towards the improvement of safeguarding arrangements for Northern Ireland children. I look forward to working closely with the Committee as we take the Bill through the necessary stages in its development. I am happy to take questions.

The Acting Chairperson:

Thank you for your presentation. How will you ensure the independence of the SBNI and its chairperson? Will the chairperson and the board be independent and beyond the reach of the Minister and his Department? Will the commitment that Lord Laming indicated be part of the legislation?

Your briefing paper mentions funding of £750,000. Will that be enough to set up the board and keep it going? Paragraph 11 of your briefing paper places a duty on bodies to supply information. Will you be able to force them to give information? I am a bit disappointed that there will not be one database that is connected to the PSNI and other statutory agencies. Why have you not considered that? It seems that you have a range of analysis information. I am concerned that there will be a mishmash of information instead of having it all collated onto one computer database.

Mr Holland:

Forgive me if I refer back to you as we go through the questions. I am not sure that I have a note of all of them, but the first question concerned independence. In my presentation, I talked about the former arrangements and the deficits that were identified. There was a perceived, if not a real, lack of independence in the former arrangements. The former area child protection committees were run through the health and social services boards, which also commissioned child protection services. It was felt that that was not sufficiently independent from the delivery system of child protection services. Lord Laming identified that feature. The arrangements seek to ensure that the chairperson of the SBNI is independent of the people who provide and commission the services that the SBNI will consider and review. That is where independence is crucial.

Your question concerned whether the board will be sufficiently independent from the Department. Our Minister will be ultimately accountable for the SBNI, and that is a standard

requirement of any body that the Department establishes. The body will be publicly funded and will spend funds that are dispersed through the Department of Health, Social Services and Public Safety, so there has to be a line of accountability through to a Minister. Equally, that mechanism will allow the Committee to scrutinise the activity of the SBNI.

There may be occasions when the Department needs to direct the SBNI. However, we anticipate that, rather than fettering the board's independence, it will be a situation in which we want the SBNI to respond to an emerging situation. We envisage that the SBNI will have a work plan for each year of its operation and that it will forward plan its activities.

Safeguarding children is a complex area of work, and situations could arise that were not foreseen. Therefore, the Minister, in his desire to ensure that all is being done to safeguard children, may direct the SBNI to do exceptional work that falls outside its programme of work. That is how we envisage that the power to direct will be used, rather than to fetter the board's independence. We envisage that that power will be used only in exceptional circumstances, as is the case with other bodies. For example, on occasion, the Minister has directed the Northern Ireland Social Care Council to undertake a particular piece of work because a need has emerged. That is not the same as directing it in its day-to-day work and fettering its independence.

Forgive me if I paraphrase your question on funding: you asked whether £750,000 is enough. As with every aspect of safeguarding and child protection, I can always spend more money if it is made available, and I can find uses for it. However, if we consider how we arrived at the figure of £750,000, it might be useful to compare it with the level of funding that tends to be available for local safeguarding children boards (LSCBs) in England. The SBNI will have significantly more than is available to most LSCBs. I believe that it is roughly to a factor of four or five, although I will defer to my colleagues on that. I believe that the average funding for an LSCB in England is around £150,000.

That is not the only resource that those boards use. They also rely on support in kind from their member agencies, and we intend that to be the case with the SBNI. However, I have spoken to colleagues in England who have said that they sometimes experience difficulty in getting support in kind from member agencies and that it can be squeezed. That is why we have tried to ensure that it is funded robustly and arrived at the figure of £750,000.

The Acting Chairperson:

Will that funding be ring-fenced?

Mr Holland:

That is the discrete budget for the SBNI. That is the allocation that we have received.

The Acting Chairperson:

Therefore, it will be ring-fenced and will not be cut?

Mr Holland:

As the Acting Chairperson will be aware, I do not have the authority to give future guarantees about any funding. However, that is the funding for which we bid and the allocation that we received. That is the money that we plan to allocate. Certainly, we are developing our proposals and plans based on that figure, which is currently available to us. It has not been cut.

A key reason why we felt that we needed that money was to ensure, for example, that we have an independent chairperson. Again, the Acting Chairperson will be aware that that practice varies in England. Some boards have gone for an independent chairperson, and some have not. A cost is associated with that. We wanted to ensure that we went for an independent chairperson. That will be hard-wired into the legislation, and we have had to resource it. In conclusion, I believe that the money is sufficient.

The Acting Chairperson:

Will you be able to force other bodies to provide information under the legislation? You have stated that it will place a duty on them.

Mr Holland:

Information is one aspect of the statutory duty that we have included in the provision for the SBNI. There is a duty on organisations to provide information that will assist the SBNI to analyse safeguarding issues, identify lessons to be learned and support the guidance and advice that it provides.

You asked whether we can force organisations to provide information. It will be a duty under legislation. Members will agree to participate with the understanding that that duty will be placed

on them. As with any of those statutory duties, there are no actual sanctions associated with them. We cannot fine an organisation that does not comply with any aspect of a statutory duty. However, from my own experience as someone who has to exercise statutory responsibilities, I know that people take them incredibly seriously. Organisations in which I have worked, such as the health and social care trusts, which have statutory duties, particularly with regard to safeguarding, do not need the threat of any sanction to want to comply with a statutory duty.

As public bodies, those organisations will be subject to governance and accountability arrangements internally, and a key feature of such arrangements is the extent to which organisations will comply with the statutory duty. More importantly, the organisations that will be members of the SBNI share the objective of wanting to improve safeguarding arrangements for children in Northern Ireland. There is no reason, therefore, why they would not contribute to a process that helps to achieve that objective.

Mr McDevitt:

I thank Mr Holland and his team for the work they have put into this issue and many related child protection issues over recent months. Although we do not always agree, that is appreciated.

On a point of procedure: is it acceptable to refer to the draft Bill that we received today? I had a chance only to glance through it during the meeting. Although I hear what you are saying about independence, Mr Holland, I see no reference in the draft Bill to the independence of the chairperson. If that is there, will you point it out to me?

Mr Holland:

The chairperson will be appointed through the public appointments process, which is a mechanism to ensure that chairpersons are independent. The chairperson will be appointed by the Department.

Ms Isobel Riddell (Department of Health, Social Services and Public Safety):

Clause 1(2) states:

“The Safeguarding Board must include—
(a) a Chair appointed by the Department;”.

Mr McDevitt:

I understand that, but that means simply that a chairperson will be appointed in accordance with normal public appointment procedures. It does not state that the chairperson cannot be from within the system. The clause does not provide a statutory duty for the chairperson to be independent, and I cannot see anything in the draft Bill that does.

Mr Holland:

My colleague will look through the draft Bill. The intention is that the chairperson will not be appointed from anywhere in the existing system. There is a balance in the qualities that one seeks from a chairperson. The Department is looking for independence, but also expertise. The chairperson may be someone who has experience of the Northern Ireland system, but the policy intention, which is definitely in the policy paper, is that the chairperson will be independent of the system.

Mr McDevitt:

The policy paper makes it clear that the Department is talking about an independent chairperson, but there is no specific statutory requirement for independence. Clause 1(5) refers to the possibility of regulations. The Committee would need to see those regulations.

Mr Holland:

We take your point, but that will be prescribed by regulation, and the policy intent will be reflected in the regulations.

Mr McDevitt:

I have a further question on the issue of independence. Clause 3(9) states:

“The Safeguarding Board may—

...

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

The board will have many independent powers. However, departmental approval is then required before the board could publish any matter concerning safeguarding and promoting the welfare of children. That could sound like a controlling mechanism from within the Department. One could think of a scenario in which the safeguarding board has to report on a particularly unfortunate set of circumstances. The Department is giving itself a veto on what would go into the public domain. You are taking on a power of censor over the safeguarding board. How is that

consistent with fulfilling the ambition of a fully independent board?

Mr Holland:

The primary objective of independence for the Department is the delivery system. However, I take your point. It is proposed that the SBNI will report to the Minister about the exercise of its functions every 12 months. The Department must lay a copy of that report before the Assembly. The SBNI is an arm's-length body, known as a non-incorporated statutory body, of the Department. That reporting arrangement, whereby an annual report or any report for publication is shared with the Department in advance of publication, is normal practice. That allows for an explanation of the contents to ensure that there is clarity of understanding and an opportunity to check for factual accuracy. It would be impossible for the Department to withhold publication indefinitely, because there is a requirement that the annual report is laid before the Assembly. All that we are saying is that the report comes to the Department first for a discussion to ensure that we understand the contents; it is also a quality assurance process. That is certainly not intended to be a veto or a censoring mechanism.

That is not the experience of how the provision operates with other bodies. I will give a parallel: I am the sponsor for another arm's-length body, the Northern Ireland Guardian Ad Litem Agency, which is fiercely independent. Its role is to provide an independent voice for children and young people who are going through the court system in care proceedings. It provides us with its material before it is published, but it is published. Sometimes it is published with information that may cause us some discomfort, but there is no question of us vetoing or censoring it.

Mr McDevitt:

I accept that. Clause 3 of the draft Bill does not relate to the annual report; that is included in clause 6. Clause 3 relates to the functions of the board. Clause 3(8) relates to arrangements for consultation and discussion in relation to safeguarding, so they are substantive issues. I assume that clause 9(c) is about publishing reports that relate to policy, practice or inquiries.

Mr Holland:

The same principle applies —

Mr McDevitt:

You are reserving the power to prevent the board from publishing something.

Mr Holland:

The same principle applies in that it is normal practice for all arm's-length bodies to share documents with the sponsor branch in the Department before they are published. It does not operate as a veto or censor.

Mr McDevitt:

The National Society for the Prevention of Cruelty to Children (NSPCC) is named as one of the non-governmental organisations (NGOs) that have a seat at the board, but others are not. I wonder why not more than one of the major voluntary sector organisations that are active in safeguarding are not named in the legislation.

Mr Holland:

We envisage that a large number of voluntary organisations will be actively involved in the operation of the SBNI. The organisations that are named relate only to the core membership of the board. Research indicates that a key factor that determines how successfully one of those boards will operate is the size of the board. We identified that the ideal size of the board is about 20 members. Given that identification, and given that the number of organisations and stakeholders that are involved in safeguarding far exceeds 20, decisions have to be made about which to involve at that level.

The decision that we made about the NSPCC reflects the unique position that it has among voluntary sector organisations in relation to safeguarding. By provision of its royal charter, it has the authority to exercise a statutory function for protecting children. That is not shared by any other voluntary organisation. It was on that basis that we named the NSPCC on the face of the draft Bill. We anticipate that all other major organisations that represent safeguarding issues and those that pertain to the lives of children in Northern Ireland will be involved fully in the work of the SBNI. However, I suspect that the majority of that work will be done through the operation of subcommittees. That is not an attempt to exclude the voluntary sector. Indeed, the successful operation of the SBNI will depend on the participation and inclusion of the voluntary sector.

Dr Deeny:

Thank you, ladies and gentlemen, for coming to the Committee to give evidence. The SBNI will be important. Paragraph 8 of your briefing paper rightly states:

“Core membership of the SBNI will be derived from key agencies with statutory responsibility for safeguarding children, and the NSPCC and will be set out in the legislation which will include a provision to enable additional membership of the SBNI from the statutory or voluntary sector.”

My point is perhaps connected to Claire’s earlier comments. I do not want to individualise cases, but one that stands out in all our recent memories is the Omagh case. It certainly appears that a number of agencies were involved but that there was a lack of communication among them. As a Committee, we feel that it is quite right that the board have representatives from all agencies, including the court system and the judicial system, which have a major impact on children who get into trouble. Do you think that the board should have representation from the Courts and Tribunals Service and the judicial system?

As you know, Sean, many people were horrified to hear that the individual deemed responsible for the awful fire in Omagh had a record, was well known to the judicial system and had been through the courts. People were asking how in God’s name that individual was allowed to care for children. That is just one case, but it highlights the importance of having representation on the board from all the important agencies and not just from medical and social care.

Mr Holland:

It is important to recognise the fact that the judiciary would not have had knowledge of someone’s previous offending history. That knowledge is made available through the police, and the police have been identified as a core member of the proposed SBNI.

You are right to say that the judiciary plays a key role in safeguarding children and making key decisions about the care of children who are at risk of harm and who may need to come into care. However, the independence of the judiciary is a key constitutional feature of the arrangements of government in the United Kingdom. I suspect that that is what lies behind the response that the Committee received from the judiciary in relation to the proposal as to whether its representatives should sit on the SBNI. It is primarily for that reason that the judiciary has not been identified as a core member. It is important to realise that the independence of the judiciary is fundamental to the welfare of children who come before the courts. Within our constitutional understanding of arrangements in the UK, it would not be possible to have a judge on the SBNI.

Apart from anything else, the representatives who make up the SBNI will be expected to be able to represent their organisations. By the judiciary's very nature, it is independent, and, therefore, no one judge could represent its views.

Dr Deeny:

I am sorry to interrupt you, Sean. The representative would not necessarily have to be a judge. As was mentioned by the Chairperson during the previous evidence session, the presence of a judge on the board may be off-putting and intimidating. However, I am suggesting that it could be someone who represents the court system, is answerable and can feed into the other agencies that are involved in this important work.

Mr Holland:

Your point is well made, and it is important that we have an interface between the judiciary, the court system and those who are concerned with children's services.

Dr Deeny:

Rather than call it the judiciary, should we say that a representative from the courts system should be on the board?

Mr Holland:

Representatives of organisations that are related to the judiciary will be on the board. For example, the Youth Justice Agency will be a core member of the SBNI.

I will come back to your original point: there is a mechanism whereby those concerned with the well-being of children can and do liaise with the judiciary to exchange views. That includes the Courts and Tribunals Service and actual judges. The mechanism is the Children Order Advisory Committee (COAC), which is chaired by Mr Justice Weir, the head of the family division of the court of judicature. The official solicitor, the master of the court, the Courts and Tribunals Service and the voluntary sector are represented on COAC, as are the trusts, the Health and Social Care Board and the Department. One way to achieve the objective that you have clearly identified is to explore the possibility of the SBNI being represented on the Children Order Advisory Committee. I would be happy to take up that issue with Mr Justice Weir, and I imagine that I would meet no resistance.

Mr Gardiner:

Some research in England suggests that smaller boards are more successful. However, the number of organisations that need to be on the SBNI seems very large. How do you square that?

Secondly, what qualities and skills should the chairperson have?

Mr Holland:

You are absolutely right. Loughborough University's research into the effectiveness of local safeguarding children boards has shown that smaller boards are successful. In taking that into account, we have identified membership at around 20. It is a balance of trying to have the smallest board possible while ensuring that those organisations that we feel must be represented on the board are included; that is how we identified the figure of 20 members. We have to see how it works, and it should be reviewed over time. If, after a period of operation, we find that a board of 20 members is unwieldy or that crucial interests are not included, we can revisit that number.

Mr Gardiner:

When would the review take place?

Mr Holland:

Given the constituency of the board, I imagine that 12 months would be the point at which we would seek to review the situation.

We are looking for two key characteristics in the chairperson: a combination of independence and expert knowledge. To a certain extent, there is a balance to be traded between those two factors. The person's expertise may have come from his or her knowledge and understanding of the system that he or she is scrutinising. Beyond that, we would look for those qualities in the chairperson of any public body such as the SBNI. The public appointments process through which that person will be appointed is well experienced in trying to seek out and identify people who have those qualities.

Sound leadership qualities will be important. We want someone who has authority and a commanding presence and who can also command respect. It is important that the person can ensure that the views, perspectives, knowledge, experience and expertise of all those who are

represented on the SBNI are fully utilised, that those views are heard and that they contribute to any decisions that the SBNI takes. Wherever possible, we should have a chairperson who can arrive at a consensus in the decision-making process. Where that is not possible, we want a chairperson who can ensure that a majority decision is informed clearly by the views of any dissenting voices who would be in the minority. Those are the qualities that I would be looking for in a chairperson.

Mrs McGill:

One of my questions is similar to the question asked by Mr Gardiner about the number of board members, and I welcome your response about having a review. How will co-operation among board members be monitored? Members might or might not be at a board meeting. The Committee heard evidence from Professor Alan France, who said that non-attendance at board meetings in England had a detrimental effect. You are talking about having 20 members on the board, and the non-attendance of members could be an issue.

How meaningful will co-operation be among board members? Experience has shown that there are all manner of agencies among the membership. Sadly, reference has been made to co-operation in the Western Health and Social Care Trust. Even if it is on paper, co-operation does not always follow through, especially when it should.

Paragraphs 16, 17 and 18 of your briefing paper refer to the options for the number of committees that might follow the establishment of the SBNI. I might have some concerns about that. There could be an increase in the number of bodies that would be responsible.

Mr Holland:

Claire, your first point gets right to the heart of why we felt that we had to reform the former arrangements. Those arrangements were non-statutory, and the varying levels of engagement in participation were a big problem. That is why the establishment of a statutory duty to co-operate is at the heart of the new arrangements. That being said, sanctions will not be imposed on people. For example, we cannot fine an organisation for not turning up to meetings. However, when it comes to a statutory function, my experience is that a responsible organisation will take that duty seriously. If accountability and governance arrangements for such organisations are considered, it will normally be seen that failure to discharge a statutory function adequately is a serious breach that cannot be casually disregarded. In addition, it is envisaged that people will be asked

to enter into a specific partnership agreement, which, in effect, will be a contract setting out the expectations and obligations to participate in the co-operative working of the board. I will ask my colleague Patricia Nicholl to expand on the nature of that partnership agreement.

Ms Patricia Nicholl (Department of Health, Social Services and Public Safety):

The partnership agreement will set out clearly the nature of the expectations and the mandate for the agencies involved in relation to the seniority of the individual who is nominated to represent an organisation, the agreements across organisations on their duty to co-operate and what that co-operation will look like. That will include the requirements for attendance, any arrangements for deputising and, more particularly, will place on a statutory footing a requirement prescribing the level of attendance for the member organisations of the SBNI.

Through normal performance management arrangements, and supported by the partnership agreement, it will be a function of the chairperson to challenge member organisations if there is evidence to support regular non-attendance or that an organisation is failing to discharge effectively its statutory duty to co-operate or provide and pay due regard for the safeguarding and welfare of children in all that it does. Likewise, that may form part of the annual report to the Minister in relation to accountability. It is incumbent on the chairperson to make sure that the SBNI effectively ensures that all member organisations discharge their duties.

Mr Holland:

One great benefit of the changes to our overall administrative arrangements in recent years has been the greater levels of scrutiny in all aspects of public life. I imagine that if an organisation on the SBNI was seriously derelict in its duty to participate, that matter would quickly be brought to the Committee's attention. The power of naming and shaming can be forceful, and I cannot imagine that such conduct would be tolerated by other members of the SBNI without a bright light being shone on it.

Mrs McGill:

This is an important issue. There will be many people on the board, and it will, perhaps, be easier for individual organisations to absent themselves. That would need to be monitored, and, therefore, I welcome what you said.

Paragraphs 16, 17 and 18 of your briefing paper mention the establishment of committees,

which could mushroom, and that may not be a good thing. The case management review panel and the child death review panel are also mentioned. Paragraph 18 also states:

“The Bill will provide the power for the SBNI to establish other committees as necessary to assist the SBNI in achieving its functions.”

What other committees do you have in mind?

Mr Holland:

The case management review panel and the child death review panel are two crucial areas of work that we would expect the SBNI to address almost as its first order of business, and we have specifically identified those committees as being priorities. However, the SBNI may have to respond to a range of issues, so the Department would also need to give it the flexibility to establish committees and to stand down committees as required to progress certain pieces of work.

Mr McCallister:

In today’s first evidence session, we heard how important it is to keep the committees tightly focused so that they not go off in too many directions. I am concerned about that, and it may come down to the person who is appointed as chairperson and his or her direction and leadership. It has become clear from previous evidence sessions that the chairperson will be a critical appointment to set the focus. How do you envisage keeping the committees tightly focused on their agenda and not allowing them to stray off into other areas?

Mr Holland:

The activities of committees will have to be clearly linked to the roles and functions of the SBNI that are stated in the legislation. That certainly puts a parameter around it. You are also right about there being an effective chairperson. A task of any chairperson is to ensure that the degree to which an organisation extends itself is reasonable and compatible with getting the job done. It will be a requirement to produce an annual report detailing activities and progress, and that report will be laid before the Assembly. That should focus the minds of SBNI members and the chairperson to ensure that they manage their workload effectively and deliver products. The organisation will be closely scrutinised and its progress closely monitored, not least by this Committee.

Mr McCallister

Are you confident that that is defined tightly in the legislation?

Mr Holland:

We have set out clearly what we believe to be the core functions of the SBNI: the development of policies and procedures in relation to safeguarding and promoting the welfare of children; promoting awareness of safeguarding; reviewing the effectiveness of the actions of member organisations in relation to safeguarding arrangements; undertaking case management reviews; and reviewing information on child deaths, and so on. We have specified those areas of activity that we expect the SBNI to proceed against. I do not think that the board can ever exponentially expand its areas of interest. There are functions for the SBNI, and we expect that the committees will develop and work against those functions.

Mrs D Kelly:

I apologise for being late. The independence of the chairperson has been mentioned already. I do not know whether there is sufficient confidence among the Committee members as to whether you have answered the questions. Experience in England has shown that a chairperson will be one of three types: the critical friend who is effective in telling the board about concerns; the glove puppet, which could be called the nodding dog; and the passive chairperson, who just reacts. What type of chairperson does the Department want?

Mr Holland:

We want a chairperson who is independent — not just technically independent but independent in character and stature; that relates to your critical friend comment. However, we also want a chairperson who is an expert. Total independence could be guaranteed by engaging someone who had never had any connection with safeguarding services, but that would be at the expense of expertise. Therefore, there is a balance between independence and expertise.

We would also look for someone who could provide leadership and is confident about challenging the system. A key feature of the SBNI, and why we have insisted on the appointment of an independent chairperson rather than leaving it to the board to make that choice, is that we want a board that can challenge robustly, in the manner of a critical friend, what it sees in the provision of safeguarding services and practice.

The chairperson should be someone who inspires confidence. A great difficulty in that entire area of work is a limited understanding on the part of the public and, certainly, the media about what the business involves. Therefore, it is especially important that the chairperson inspires confidence so that when he or she explains, interprets and talks about safeguarding matters, people take him or her seriously and understand the issues. Sometimes, there are unrealistic expectations of what people can do in that area of work. To have someone of stature as chairperson would go some way on the journey towards ensuring that people had more realistic expectations. I have one final point, which is probably the most important of all: the chairperson must be focused and centred on children and motivated by delivering better outcomes for them, above all else, morning, noon and night.

Mrs D Kelly:

How would you define the chairperson's area of expertise?

Mr Holland:

The chairperson's area of expertise will be an understanding of the theory and practice of safeguarding and protecting children. He or she will have an understanding of legislative and organisational arrangements for the delivery of services and will also have the ability to extract learning from experience.

When I appeared before the Committee on 10 December 2009, members questioned me robustly on the idea of learning from past mistakes. We talked a great deal about whether we ever learned from past mistakes or that learning moves on. It is extremely important that the chairperson knows how to learn, can identify lessons and communicate them. That requires a certain degree of expertise.

Mrs D Kelly:

Will there be a role for elected members on the board?

Mr Holland:

There is a role for lay members. I will defer to my colleague. Two lay members are identified: two district council chief executive officers — not councillors — have been identified.

Mrs D Kelly:

Why would you have chief executive officers on the board?

Mr Holland:

Our key aim is to look for people who have executive responsibility for organisations that deliver services that impact on children's lives. We seek to ensure that all organisations that are involved in children's lives work collaboratively and also reflect internally on how best their services safeguard children and promote welfare.

Mrs D Kelly:

Given that children and young people are not the responsibility of local authorities in the North, why would you assume that chief executives would have any particular expertise over and above that of elected members?

Mr Holland:

You are absolutely correct: local authorities here do not have the same responsibilities with regard to statutory child protection services. Although those responsibilities are carried by local authorities in England, that is not the case here. However, the activities of local authorities impact significantly on children's lives here. You highlighted another ambition of the legislation. It seeks to broaden the focus from purely child protection issues, which are not the concern of local authorities, to safeguarding, for which local authorities have significant responsibilities, such as the provision of play facilities in their areas, sporting amenities, and so on; almost any aspect of their services can impact on children's lives. We are not considering child protection matters only.

Mrs D Kelly:

I must express concern, and some surprise, that it is assumed that district council chief executives would be better informed than some elected representatives on those matters.

Mr Holland:

I will return to the concern that was expressed about the size of the SBNI: if we were to seek to have elected representatives on the board, I cannot imagine that we would restrict that to one or two parties. I am not quite sure how we could meet that requirement while trying to maintain a reasonable size.

Mrs D Kelly:

No doubt we will have an opportunity to comment further.

The Acting Chairperson:

Thank you for your presentation. The Committee has some issues that will have to be ironed out as we progress with the draft Bill. I am sure that we will see you again. Members, the issues in the Committee Clerk's brief that were not addressed will be sent to the Department for a written reply.