



Northern Ireland  
Assembly

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COMMITTEE FOR  
HEALTH, SOCIAL SERVICES AND  
PUBLIC SAFETY

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**OFFICIAL REPORT**  
(Hansard)

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**Safeguarding Board Bill: Clause-by-  
Clause Scrutiny**

11 November 2010

**NORTHERN IRELAND ASSEMBLY**

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**Members present for all or part of the proceedings:**

Mr Jim Wells (Chairperson)

Mr Mickey Brady

Mr Alex Easton

Mr Tommy Gallagher

Mr Sam Gardiner

**The Chairperson (Mr Wells):**

We now come to the formal clause-by-clause scrutiny of the Safeguarding Board Bill.

***Clause 1 (Safeguarding Board for Northern Ireland)***

**The Chairperson:**

Clause 1 provides for the establishment of a safeguarding board for Northern Ireland (SBNI) and places a duty on the Department of Health, Social Services and Public Safety to establish the SBNI. The Committee is generally content with the clause and the proposed amendments. The Department has proposed the following amendments: amend clause 1(5)(a) to deal with circumstances in which the chair or members of the SBNI may be removed or suspended from office; and amend clause 1(5)(c) to specify the host body for the SBNI. This is the last opportunity to discuss clause 1.

*Question,* That the Committee is content with the clause, subject to the proposed amendments

agreed with the Department, *put and agreed to.*

*Clause 1, subject to the proposed amendments agreed with the Department, agreed to.*

***Clause 2 (Objective of the Safeguarding Board)***

**The Chairperson:**

Clause 2 sets out the principal objective of the SBNI, which is to co-ordinate and ensure the effectiveness of what is done by each body represented on the SBNI to safeguard and promote the welfare of children. The Committee is generally content with the clause, and the Department has proposed no amendments. This is the last opportunity to discuss clause 2.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 2 agreed to.*

***Clause 3 (Functions of the Safeguarding Board)***

**The Chairperson:**

Clause 3 describes the main duties and powers of the SBNI. The Committee is generally content with the clause and the proposed amendments. The Minister of Health, Social Services and Public Safety agreed that he would make a statement to the House at Consideration Stage to confirm that clause 3(10) gives the SBNI the power to do anything else that facilitates or is conducive to the achievement of its objective. That clarifies an issue that was raised by many witnesses.

The Department has proposed the following amendments: amend clause 3(7) by taking out the words “reasonable steps”; and amend clause 3(9)(c) to allow for consultation with the Department rather than the SBNI requiring the Department’s approval to publish documents. That was a burning issue for many witnesses, and it has been clarified to everyone’s satisfaction. This is the last opportunity to discuss clause 3.

*Question, That the Committee is content with the clause, subject to the proposed amendments agreed with the Department, put and agreed to.*

*Clause 3, subject to the proposed amendments agreed with the Department, agreed to.*

***Clause 4 (Directions to the Safeguarding Board)***

**The Chairperson:**

Clause 4 provides a power for the Department to give directions, either general or specific, to the SBNI as to how the SBNI should carry out its functions. The Department is also required to consult with the SBNI before issuing directions. Clause 4 also provides the Department with the ability to give directions without consulting in cases where the urgency of the matter necessitates it but requires the Department, in cases where the duty to consult has been set aside because of the urgency of the matter, to report retrospectively to the SBNI with reasons for taking this course of action. The Committee is generally content with the clause, and the Department has proposed no amendments.

However, the Department proposes to amend clause 6 — annual report of the safeguarding board — so that its form and content will be prescribed in regulations. Under the regulations, the report will have to include details of any directions issued. The Minister agreed that he will make a statement to the House at Consideration Stage to confirm that the regulations relating to the annual report will state that any directions have to be published in the annual report. In other words, there will be no ambiguity: we will know exactly what directions the Department has issued to the SBNI. This is the last opportunity to discuss clause 4.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 4 agreed to.*

**Clause 5 (Functions of Safeguarding Board – general)**

**The Chairperson:**

Clause 5 provides that the way in which the SBNI exercises its functions may be prescribed in subordinate legislation. It places a duty on the SBNI to have due regard to any guidance provided by the Department in relation to the exercise of SBNI functions. The Committee was generally content with the clause and the proposed amendment. The Department has proposed the following amendment: amend clause 5(1) to ensure that regulations can address the procedure as well as the manner in which the SBNI is to exercise its functions. This is the last opportunity to discuss clause 5.

*Question, That the Committee is content with the clause, subject to the proposed amendment agreed with the Department, put and agreed to.*

*Clause 5, subject to the proposed amendment agreed with the Department, agreed to.*

***Clause 6 (Annual report of Safeguarding Board)***

**The Chairperson:**

Clause 6 places a duty on the SBNI to produce an annual report for the Department. The Department must lay a copy of that report before the Assembly. The Committee was generally content with the clause and the proposed amendment. The Minister agreed that he will make a statement to the House at Consideration Stage to confirm that the regulations relating to the annual report will state that any directions have to be published in the annual report. We referred to that when we dealt with clause 4. The Department has proposed the following amendment: amend clause 6(1) to provide a power for the Department to prescribe the content of the annual report in regulations. This is the last opportunity to discuss clause 6.

*Question*, That the Committee is content with the clause, subject to the proposed amendment agreed with the Department, *put and agreed to*.

*Clause 6, subject to the proposed amendment agreed with the Department, agreed to.*

***Clause 7 (Committees and sub-committees)***

**The Chairperson:**

Clause 7 places a duty on the SBNI to establish: a prescribed number of committees that will be known as safeguarding panels; a committee that will be known as the child death overview panel; and a committee that will be known as the case management review panel. It also gives the SBNI the power to establish other committees. In addition, it gives the SBNI or a committee a power to establish one or more subcommittees. It provides that aspects such as the procedure, functions, staff, premises and expenses of committees and subcommittees may be prescribed in subordinate legislation.

Clause 7 further provides that the Department may pay the chairs of committees and subcommittees such remuneration and expenses as the Department may, with the approval of the Department of Finance and Personnel, determine. It also provides for who may be members of committees and subcommittees. Clause 7 is relatively non-contentious. The Committee was generally content with the clause and the proposed amendments. The Department has proposed the following amendments: amend clause 7 to allow for issues relating to the membership of committees and subcommittees to be prescribed in regulations. This is the last opportunity to discuss clause 7.

*Question,* That the Committee is content with the clause, subject to the proposed amendments agreed with the Department, *put and agreed to.*

*Clause 7, subject to the proposed amendments agreed with the Department, agreed to.*

***Clause 8 (Functions of committees and sub-committees)***

**The Chairperson:**

We are motoring well; perhaps not as fast as the Deputy Chairperson, but we are getting there. Not too much concern was expressed about clause 8. It provides that the way in which each committee and subcommittee exercises its functions may be prescribed in subordinate legislation. It also places a duty on each committee and subcommittee to have due regard to any guidance provided by the Department or the SBNI in relation to the exercise of its functions. The Committee was generally content with the clause and the proposed amendment. The Department has proposed the following amendment: amend clause 8(2) to give the committee and subcommittee regulations to address the manner and procedure in which they are to exercise their functions. This is the last opportunity to discuss clause 8.

*Question,* That the Committee is content with the clause, subject to the proposed amendment agreed with the Department, *put and agreed to.*

*Clause 8, subject to the proposed amendment agreed with the Department, agreed to.*

***Clause 9 (Annual report of committees)***

**The Chairperson:**

Clause 9 places a duty on each committee to produce an annual report for the SBNI. The clause did not cause the Committee too many problems, and it was generally content with the clause and the proposed amendment. The Department has proposed the following amendment: amend clause 9 to allow for the form and content of the annual report of committees to be prescribed in regulations. This is the last opportunity to discuss clause 9.

*Question,* That the Committee is content with the clause, subject to the proposed amendment agreed with the Department, *put and agreed to.*

*Clause 9, subject to the proposed amendment agreed with the Department, agreed to.*

**The Chairperson:**

I know that the excitement is getting too much for folk, but we will keep going. The bulk of the problems were with the first four clauses in the Bill, and, from here on in, the Committee will be dealing with clauses that caused it few difficulties. Therefore, we will rattle through the rest of the Bill.

***Clause 10 (Duty to co-operate)***

**The Chairperson:**

Clause 10 places a reciprocal duty of co-operation on the SBNI, its constituent bodies and other bodies that may be included in the SBNI. The Committee was generally content with the clause and the proposed amendments. The Department has proposed the following amendments: amend clause 10 to make explicit reference to committees and subcommittees, as well as the board of the SBNI. This is the last opportunity to discuss clause 10.

*Question,* That the Committee is content with the clause, subject to the proposed amendments agreed with the Department, *put and agreed to.*

*Clause 10, subject to the proposed amendments agreed with the Department, agreed to.*

***Clause 11 (Supply of information requested by Safeguarding Board)***

**The Chairperson:**

Clause 11 places a duty on bodies or persons to supply information requested by the SBNI but sets out the specific conditions to be satisfied before such requests for information can be met. The Committee was generally content with the clause and the proposed amendments. The Department has proposed the following amendments: amend clause 11(1) to include a time frame; and amend other subsections to include references to committees and subcommittees. This is the last opportunity to discuss clause 11.

*Question,* That the Committee is content with the clause, subject to the proposed amendments agreed with the Department, *put and agreed to.*

*Clause 11, subject to the proposed amendments agreed with the Department, agreed to.*

***Clause 12 (Arrangements to safeguard and promote welfare of children)***

**The Chairperson:**

Only one major change was made to clause 12. The clause places a duty on bodies to which the

clause applies to ensure that they have due regard to the need to safeguard and promote the welfare of children when exercising their functions. It also places a requirement on the bodies to have due regard to any guidance provided by the Department in relation to the exercise of their duty under the clause. The Committee was generally content with the clause. The Department has proposed an amendment to make consequential amendments that are of a technical nature. Again, the Minister has agreed to make a statement at Consideration Stage to confirm that the Department will develop guidance for member agencies regarding clause 12. We will all be listening to the Minister's statement with great interest to ensure that he makes all those comments. This is the last opportunity to discuss clause 12.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 12 agreed to.*

***Clause 13 (Ancillary and transitional provisions etc.)***

**The Chairperson:**

We are making good progress. Clause 13 allows the Department to make further provisions in connection with implementing the Bill. The Committee was generally content with the clause, and the Department has proposed no amendments. This is the last opportunity to discuss clause 13.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 13 agreed to.*

***Clause 14 (Regulations)***

**The Chairperson:**

We are getting into the minor clauses now. Clause 14 contains provision about the required procedures for making subordinate legislation under the Bill. The Committee was generally content with the clause, and the Department has proposed no amendments. This is the last opportunity to discuss clause 14.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 14 agreed to.*

***Clause 15 (Interpretation)***



**The Chairperson:**

Clause 15 defines the terms that are used in the Bill. The Committee was generally content with the clause, and the Department has proposed no amendments. Indeed, there was really no discussion on clause 15 at all. This is the last opportunity to discuss clause 15.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 15 agreed to.*

**Clause 16 (Commencement)**

**The Chairperson:**

Clause 16 caused no interest whatsoever and is a formality. It provides for the main provisions of the Bill to come into operation on a later date as appointed by the Department. The Committee was generally content with the clause, and the Department has proposed no amendments. This is the last opportunity to discuss clause 16.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 16 agreed to.*

**Clause 17 (Short title)**

**The Chairperson:**

Clause 17 is a one-liner. The Committee was generally content with the clause, and the Department has proposed no amendments. This is the last opportunity to discuss clause 17.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 17 agreed to.*

*Long title agreed to.*

**The Chairperson:**

Thank you very much; that was a lot less painful than I had expected. As a result of the flexibility shown by the Department and the Minister's willingness to make the appropriate statements at Consideration Stage, we have been able to overcome many of the difficulties that we perceived that we were heading towards. That is good news.

We now move on to the preparation of the Committee report and Consideration Stage, and we all hope and pray that the Bill will lead to better protection for our children. I thank the Department for its co-operation; it has been a pleasure. I am sure that a few Bills down the line will not be a pleasure, but this one has gone well.

**Mr Gardiner:**

You should write to the Minister to thank him personally, Chairman.

**The Chairperson:**

Now that is going a bit far. I thank the officials, and we will record on the Floor of the House that there has been good co-operation between the Department and the Committee on the Bill. We will, I hope, pass the Bill before the next election and get it onto the statute book.