

## **DEVELOPING NEW CHILD PROTECTION SAFEGUARDING STRUCTURES IN NORTHERN IRELAND**

### **1. INTRODUCTION**

Now is the time to prove that the well-being of every child and young person really does matter, not least because the UN Convention on the Rights of the Child (Article 6) states, 'Parties recognise that every child has the right to life. Parties shall ensure to the maximum extent possible the survival and development of the child.' It has been put to me that it is inevitable that some adults, for whatever reason, will deliberately harm children. That may well be so. Nevertheless, it cannot be beyond our wit to put in place ways of identifying early those children at risk of deliberate harm, and to put in place the means of securing their safety and proper development.<sup>1</sup>

The single most important change in the future must be the drawing of a clear line of responsibility and accountability from top to bottom without doubt or ambiguity about who is responsible at every level for the wellbeing of vulnerable children.<sup>2</sup>

The comment above by Lord Laming was made in his March 2009 report commissioned by the UK Government's Minister for Children, Schools and Families, which had the remit of providing an update on progress being made to implement arrangements for safeguarding children following the events surrounding the 'Baby Peter' case. A significant point made by Lord Laming in this report is that while it is essential to ensure policies, structures and legislation are firmly established, it is vitally important that policies and procedures are robustly and consistently implemented to keep children and young people safe.<sup>3</sup>

The central aim of this research briefing is to provide an overview of the DHSSPS's policy proposals relating to the pending introduction of safeguarding legislation and the establishment of new safeguarding structures in Northern Ireland. In doing so, this briefing seeks to provide useful commentary and analysis around a number of the proposed key features and areas of operation which the SBNI will be responsible. It also refers to a number of the key findings and recommendations that emerged from evaluations of Local Safeguarding Children Boards in England and Wales in recent years. These pieces of research present a valuable source of comparative information which can be built into the early development and operation of the proposed new safeguarding structures in Northern Ireland.

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<sup>1</sup> The Lord Laming (2009) *The Protection of Children in England: A Progress Report*, TSO, March: 10.

<sup>2</sup> The Lord Laming (2003) *The Victoria Climbié Inquiry Report*, TSO: 5.

<sup>3</sup> The Lord Laming (2009) *The Protection of Children in England: A Progress Report*, TSO, March: 10.  
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## 2. BACKGROUND INFORMATION

The DHSSPS's policy paper entitled *Safeguarding Board for Northern Ireland (SBNI)*<sup>4</sup> (herein referred to as the 'DHSSPS's Policy Paper') was last amended in August 2009. It provides a detailed plan of the proposals and policy framework for the implementation of new safeguarding structures in Northern Ireland including the establishment of a regional, independent Safeguarding Board (SBNI) and five Safeguarding Panels located within each of the five Health and Social Care Trust areas. Significantly, the proposed Bill will place the SBNI on a statutory footing. In doing so, it will strengthen the legal basis on which the SBNI will act as the key statutory body facilitating enhanced interagency cooperation through improving the effectiveness of the key organisations responsible for safeguarding children in Northern Ireland. The drafting of the DHSSPS's Policy Paper followed the completion of a consultation process which received 47 responses most of which, according to the Department, are supportive of the creation of a new independent Safeguarding Board.<sup>5</sup>

The policy framework which defines the core functions of the SBNI and the Safeguarding Panels draws on the experience in England and Wales where, in recent years, significant legislative and policy reforms have underpinned the new safeguarding structures and guidance. As will be discussed further here, the arrangements proposed in the Department's policy proposal paper, while taking cognisance of safeguarding structures in England and Wales, are also customised to reflect particular needs in Northern Ireland including the RPA-related structural reforms in the wider health and social care sector.

The Department's policy paper and the pending introduction of Safeguarding legislation in Northern Ireland are being considered within the context of substantive reform and review of front line child protection and safeguarding services. The drivers for change are both those exclusive to Northern Ireland as well as a reaction to structural reforms and incidences of serious system failings in other UK jurisdictions and the Republic of Ireland. For example, the Department's policy proposal paper refers to the need to include the findings from Lord Laming's reports into the deaths of Victoria Climbié (January 2003) and 'Baby Peter' (May 2009).

The Department has noted that the significant number of recommendations that emerged from the reports into the system failings in these and other cases will be given serious consideration and will, where applicable, be integrated into the new safeguarding arrangements in Northern Ireland. Equally, the findings and recommendations from reports investigating a number of high profile cases in Northern Ireland in recent years will be closely integrated into the on-going reform of child protection services across all Health and Social Care Trust (HSCT) areas. For instance, the HSSPS Minister has insisted that all of the recommendations contained within the Toner Independent Review Report, which examined the events surrounding the tragic house fire in Omagh in November 2007 involving the McElhill and McGovern families, will be implemented as soon as possible.<sup>6</sup>

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<sup>4</sup> Full title of the DHSSPS paper is *Safeguarding Board for Northern Ireland (SBNI) – Children in Northern Ireland deserve the right to be safe, healthy, and happy and achieve their full potential within Safeguarding Communities – Policy Proposal Paper*.

<sup>5</sup> DHSSPS (2009) *Safeguarding Board for Northern Ireland (SBNI) – Children in Northern Ireland deserve the right to be safe, healthy, and happy and achieve their full potential within Safeguarding Communities – Policy Proposal Paper*: 1.1.

<sup>6</sup> According to a DHSSPS press release dated the 10 December 2009, the Western Health and Social Care Trust has already implemented 54 of its 55 recommendations detailed within the Toner Report (which itself was published in June 2008). A total of 63 recommendations were contained within the

### 3. NORTHERN IRELAND

#### 3.1 GROWING DEMAND FOR CHILD PROTECTION SERVICES

The reform and delivery of child protection services in Northern Ireland in recent years is occurring within the context of a significant rise in demand partly reflected in the increase in referrals to children's services across the HSC Trust areas. In his statement to the Assembly during a debate on Neglect of Children and Young People on 24 November 2009, the HSSPS Minister highlighted that, 'more than 21,000 children are referred to social services each year [and] at any point, more than 2,500 are on the child protection register.'<sup>7</sup> The Minister went on to state that,

Historically services to families and children in Northern Ireland have been under-resourced by some 30 per cent compared with those in other parts of the UK. Although I inherited that situation, demand for social services does not stop; in fact, it continues to grow. Over the past five years, the number of children who have been referred to social services has increased by 24 per cent.

In terms of a comparison with other parts of the UK, it is difficult to analyse child protection statistics across different jurisdictions due to the lack of uniformity of available data<sup>8</sup> and because the arrangements under which data is collected operate under different legislative frameworks. Nevertheless, in the area of child protection registration (where comparisons can be made) the available data suggests that there is a higher number of children in Northern Ireland on the child protection register than any other part of the UK. According to figures published by the DHSSPS, 'for the year ending 31 March 2008, Northern Ireland had the highest number (48.0) of children on the child protection register per 10,000 population aged under 18, compared with Wales (36.4), England (26.6), and Scotland (23.3).'<sup>9</sup> Additionally, in research conducted by the Centre for UK-wide Learning in Child Protection (CLiP), there appears to have been an increase in the number of registrations across the UK and in all four parts of the UK neglect is the most common category for registration. Moreover, there are some differences between Northern Ireland and other parts of the UK – the average age of children on the register is older than elsewhere; children stay on the register for longer; children are more likely to be registered under more than one category of abuse and more likely to be registered for sexual abuse.<sup>10</sup>

In addressing the increase in demand, the Minister has commented that by March 2010 his Department will have increased expenditure on family and children's services by 14 per cent in two years. According to the Minister, this sum includes some £20 million investment in 2008-09 to 2010-11 in child protection teams and family support services.<sup>11</sup>

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report most of which were directed at the WHSCT, the DHSSPS and the PSNI. The full DHSSPS press release, 'McGimpsey to ensure that recommendations are fully implemented' is accessible electronically at: <http://www.northernireland.gov.uk/news/news-dhssps/news-dhssps-101209-mcgimpsey-to-ensure.htm>

<sup>7</sup> Northern Ireland Assembly (2009) Official Report (Hansard), 24<sup>th</sup> November.

<sup>8</sup> Vincent, S. (2008) 'Child protection statistics: A UK comparison', *Centre for UK-wide Learning in Child Protection (CLiP)*, No. 3, June: 6.

<sup>9</sup> DHSSPS (2009) *Children Order Statistical Bulletin 2008*, DHSSPS: 1.

<sup>10</sup> Vincent, S. (2008) 'Child protection statistics: A UK comparison', *Centre for UK-wide Learning in Child Protection (CLiP)*, No. 3, June: 6.

<sup>11</sup> DHSSPS (2009) 'McGimpsey to ensure that Toner recommendations are fully implemented', Press Release.

### 3.2 KEY DEVELOPMENTS IN CHILD PROTECTION AND SAFEGUARDING SERVICES

In recent years there has been a significant amount of work undertaken by the OFMDFM and particularly the DHSSPS to strengthen levels of support and protection for vulnerable children and young people in Northern Ireland. Recognising the centrality of the issue as a priority for the Executive and the wider Government Departments in Northern Ireland, the OFMDFM published *Safeguarding Children – A cross-department statement on the protection of children and young people* in June 2009.

This comprehensive policy statement forms an important part of the OFMDFM's *10 Year Strategy, Our Children and Young People – Our Pledge* which has the primary aim of ensuring that 'all children fulfil their potential by 2016'.<sup>12</sup> Government has pledged in the Strategy to deliver a shared vision for all children and young people over the next ten years through improved outcomes for them. The purpose of *Safeguarding Children* is to take forward and develop the 'living in safety and with stability' outcome of the *10 Year Strategy for Children and Young People*, in particular elements relating to the safeguarding of children and young people.<sup>13</sup> In doing so, *Safeguarding Children* provides a high-level review of the Northern Ireland Executive and Northern Ireland Office (NIO) commitment to the safeguarding and protection of children across the devolved government departments and includes input from the Northern Ireland Court Service. Accordingly, the policy statement aims to construct a safeguarding framework across government that 'examines measures and initiatives relevant to the safeguarding of children and young people, including North/South and UK-wide initiatives as they apply [to Northern Ireland] as well as setting out new areas of policy development.'<sup>14</sup>

Consequently, *Safeguarding Children* outlines a number of cross-government policy developments and initiatives put in place to strengthen safeguarding arrangements and practices. The establishment or reinforcement of a number of child protection and safeguarding procedures and policies followed the last inspection of the child protection system in Northern Ireland in 2006. The inspection was critical of elements of front line safeguarding practices across a range of agencies and professions. A number of the key cross-government initiatives highlighted below are contained within the *Safeguarding Children* policy statement.<sup>15</sup>

#### 3.2.1 Development of new safeguarding structures

Following consultation the DHSSPS plan to introduce a new Safeguarding Bill in the Assembly in 2010 that will provide statutory provision for a regional Safeguarding Board for Northern Ireland (SBNI). It is proposed that the SBNI will be independently chaired and operate in conjunction with independently chaired Safeguarding Panels in each of the Health and Social Care Trust areas. In the interim period, prior to the introduction and enactment of the new Safeguarding Bill it is planned that the SBNI will be established on a shadow basis to work with the existing 4 Area Child

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<sup>12</sup> OFMDFM (2006) *Our Children and Young People – Our Pledge – A Ten Year Strategy for Children and Young People in Northern Ireland 2006-2016*, OFMDFM.

<sup>13</sup> OFMDFM (2009) *Safeguarding Children – A cross-departmental statement on the protection of children and young people by the Northern Ireland Executive*, OFMDFM, June: 6.

<sup>14</sup> OFMDFM (2009) *Safeguarding Children – A cross-departmental statement on the protection of children and young people by the Northern Ireland Executive*, OFMDFM, June: 7.

<sup>15</sup> Information in the following summary is selectively extracted from OFMDFM (2009) *Safeguarding Children – A cross-departmental statement on the protection of children and young people by the Northern Ireland Executive*, OFMDFM, June: 16-57. Where the information is extracted from elsewhere it is referenced accordingly.

Protection Committees (ACPCs) to assist preparation for the transition to new arrangements.

The DHSSPS is working closely with helpline providers to assist the development of telephone-based and online counselling and text services and to make them more accessible to children, young people and their parents. This work is being complemented by the Treasury's release of £30 million to improve the development of Childline which has two bases in Northern Ireland.

### 3.2.2 Reform of children's social care

The DHSSPS's Office of Social Services is currently leading the implementation of a regional reform programme of social services in Northern Ireland managed by the Reform Implementation Team (RIT). In addition to the planned creation of a SBNI, the work of the RIT is focusing on the implementation of regional standards and revision of policies and practices. A key change will be that young people will be involved in the development of new arrangements established under the SBNI.

New Gateway teams have been established in each Health and Social Care Trust to act as a point of first contact for referrals and this will help develop a regional approach. There has also been investment in new Principal Practitioner posts to ensure expertise is retained in front line roles. This will help ensure that the most experienced staff deal with the more complex cases.

Following on from the publication of its regional inspection into child protection, *Our Children and Young People – Our Shared Responsibility (2007)*, the DHSSPS published new regional child protection standards.<sup>16</sup> These are applicable to all public bodies, organisations and persons who provide statutory services to children and young people and establish a framework of best practice in child protection for voluntary, community and independent sector organisations and practitioners.

To help professionals identify those children who need to be safeguarded and protected, and indeed children in need of additional services, the DHSSPS have developed a regional assessment model, "Understanding the Needs of Children in Northern Ireland (UNOCINI)". This model and approach helps professionals across a range of disciplines to analyse and take a systematic approach to the assessment of children's needs against agreed areas and provides a common format for referral information to social services. UNOCINI is designed to help those professionals working with children and families to make better evidence-based assessment of their needs and the appropriate services to meet these. The SBNI will have a lead role in ensuring that UNOCINI is implemented and updated in light of research and best practice.<sup>17</sup>

### 3.2.3 Safeguarding across jurisdictions

It is recognised that the effective safeguarding of children requires excellent co-ordination with neighbouring jurisdictions as those who pose a risk of harm may not be restricted by borders or national boundaries. Increasingly in a world of fast moving technology these include borders in the virtual online world. Cooperation and

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<sup>16</sup> DHSSPS (2008) 'Standards for Child Protection', DHSSPS, June – available electronically at: [http://www.dhsspsni.gov.uk/standards\\_for\\_child\\_protection\\_services.pdf](http://www.dhsspsni.gov.uk/standards_for_child_protection_services.pdf)

<sup>17</sup> DHSSPS (2009) *Safeguarding Board for Northern Ireland (SBNI) – Children in Northern Ireland deserve the right to be safe, healthy, and happy and achieve their full potential within Safeguarding Communities – Policy Proposal Paper*: 13.8.

coordination arrangements have been put in place across jurisdictions through the work of the North-South Ministerial Council and the British-Irish Council. For example, following an initial meeting of the North-South Ministerial Council on 20 June 2008, five work streams were established to oversee various developments in the area of safeguarding and child protection including: information sharing – children and families; media awareness – child protection; internet safety; vetting and barring; and research.

### 3.2.4 Enhancing Public Protection Arrangements and Safeguarding Vulnerable Groups

Public Protection Arrangements Northern Ireland (PPANI) were created by the *Criminal Justice (NI) Order 2008*. The arrangements build on the previous Multi-Agency Sex Offender Risk Assessment and Management (MASRAM) procedures, but the multi-agency dimension now has statutory backing and requires agencies to share information and work together to manage the risk posed by both sex offenders and certain violent offenders.

With the enactment of the *Safeguarding Vulnerable Groups (NI) Order 2007*, there has been a significant strengthening of the vetting and barring arrangements in Northern Ireland. The new legislation reflected the Northern Ireland Executive endorsement of the *Safeguarding Vulnerable Groups Act 2006*, enacted by the UK Government following the 2004 Bichard Inquiry into the Soham murders.

### 3.2.5 Evaluation of Case Management Review

In June 2008, the DHSSPS commissioned the NSPCC and Queens' University Belfast to undertake an '*Evaluation of the Case Management Review (CMR) Process in Northern Ireland*' with the aim of providing an evaluation of the current CMR process and to propose refinements based on a consideration of other approaches to reviewing significant adverse incidents.<sup>18</sup> In January 2009, the findings of the evaluation were published identifying the strengths and limitations of the current CMR process. It put forward a number of significant recommendations in the context of the proposed changes to safeguarding structures in Northern Ireland.

## 3.3 CURRENT 'INTER-AGENCY' GUIDANCE AND PROPOSED NEW SAFEGUARDING STRUCTURES

The primary legislation governing the delivery of child protection services in Northern Ireland is *The Children (Northern Ireland) Order 1995*.<sup>19</sup> As well as placing a statutory duty on the key health agencies to deliver child protection services and despite a number of significant amendments, the 1995 Order is regarded as the single most important source of child law. It affects all who work for and care for children, whether as parents, paid carers or volunteers.

Meanwhile, the major policy document underpinning inter-agency guidance relating to child protection in Northern Ireland is *Cooperating to Safeguard Children 2003*. The guidance outlined the roles and functions of the key agencies responsible for child protection including the Health and Social Services Boards, the Trusts, local government, the police and probation service, children's charities and education services. In common with guidance documents governing the provision of child

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<sup>18</sup> Lazenbatt, A. Devaney, J. and Bunting L. (2009) *An Evaluation of the Case Management Review Process in Northern Ireland*, QUB/NSPCC, January: 8.

<sup>19</sup> The 1995 Order can be accessed electronically at:  
[http://www.opsi.gov.uk/si/si1995/uksi\\_19950755\\_en\\_1](http://www.opsi.gov.uk/si/si1995/uksi_19950755_en_1)

protection services in other UK jurisdictions, *Cooperating to Safeguarding Children* shares a number of key principles including: the child's welfare being paramount, the child's right to be involved in the process; and the need for agencies to work together.<sup>20</sup>

In facilitating inter-agency cooperation and developing a multi-disciplinary approach to child protection in Northern Ireland, *Cooperating to Safeguard Children* provides guidance on the operation of Area Child Protection Committees (ACPCs) and Child Protection Panels (CPP). ACPCs were set up within each of the four Health and Social Service Boards following guidance issued by the Department<sup>21</sup> with the role of configuring a strategy for safeguarding children and formulating and disseminating policies and procedures. This strategic responsibility of the ACPC was to be complemented by the focus of the community Trust-based CPPs to 'implement locally the ACPCs policy and procedures ensuring a high standard of professional practice.'<sup>22</sup>

### 3.3.1 Laming Report (2003) and the DHSSPS Social Services Inspectorate Overview Report (2006)

Despite the efforts to improve the planning and coordination of interagency working in the provision of child protection services in Northern Ireland (and England and Wales) through the use of ACPCs, the structures received significant criticism. For example, the Joint Chief Inspectors report on arrangements to safeguard children published by the Department of Health was highly critical of ACPCs. According to the report,

In the majority of areas the ACPC was a weak body that was not exercising effective leadership of the safeguarding agenda across agencies effectively...local agencies did not generally accept that they were accountable to the local ACPC for safeguarding arrangements.<sup>23</sup>

The ACPC structure and its capacity to competently deliver effective coordination and cooperation between the key agencies responsible for child protection and the wider safeguarding agenda was the focus of particular criticism in Lord Laming's report into the death of Victoria Climbié. Among the key concerns which Laming argued contributed to the serious system failures in the Climbié case was that the ACPCs were weak and lacking authority and unable to intervene in failing situations.

Many of these similar themes identifying the failure of the structure and operation of ACPCs were illuminated in the DHSSPS's Social Services Inspectorate 'Overview Report' published in December 2006. Entitled *Our Children and Young People – Our Shared Responsibility* the inspection of child protection service provision concluded that,

The importance of multi-disciplinary and interagency training for all staff with a role in child protection has been underestimated and under-

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<sup>20</sup> Vincent, S. (2008) 'Inter-agency Guidance in Relation to Child Protection: A UK Comparison', *Centre for UK-wide Learning in Child Protection: 2*.

<sup>21</sup> DHSS (1989) *Cooperating to Protect Children*, DHSS.

<sup>22</sup> DHSSPS (2003) *Cooperating to Safeguard*, DHSSPS: 40.

<sup>23</sup> Department of Health (2002) *Safeguarding children – a joint Chief Inspections report on arrangements to safeguard children*, The Stationary Office cited in S. Vincent (2008) 'Mechanism for the strategic implementation, development and monitoring of inter-agency child protection policy and practice in the UK: the role of Local Safeguarding Children Boards (LSCBs) and (Area) Child Protection Committees ((A)CPCS): 2.

resourced. Similarly, ownership of ACPCs and Trust CPPs and their effectiveness in discharging their corporate role was limited. Consequently arrangements for interagency communication and effective engagement at both Board and Trust level between PSNI, Education and Social Services and other significant stakeholders need to be significantly strengthened.

In understanding the weaknesses within the former safeguarding structures in Northern Ireland it is worth identifying a number of the specific criticisms and recommendations highlighted within the Overview Report.<sup>24</sup>

- Representation on ACPCs should be at a more senior level
- Inconsistent attendance by some members of ACPCs and CPPs was common making it difficult to build an effective working forum and when serious issues of interagency significance arose, the relevant representatives were not always in attendance.
- Evidence of considerable drift with items remaining on the agenda for some time without ever reaching resolution.
- While ACPCs produced annual reports containing broad statements about the strategy envisaged, some reports contained little comment on how outcomes achieved would be measured, who has lead responsibility for actions and how the overall process would be audited and monitored.
- Staff in all disciplines and agencies who participated in focus groups reflected a lack of awareness of ACPCs and CPPs generally and were unclear as to the membership, responsibilities and relevance of ACPC/ CPP work for frontline child protection practitioners. There was little evidence of minutes being circulated or of attempts to regularly apprise staff of the activities and business of ACPCs and CPPs.
- ACPC and CPP activities had a strong emphasis on Board and Trust business, and particularly on the children's social services agenda, with less focus on the inter-disciplinary and interagency responsibilities or the corporate nature of child protection envisaged in *Cooperating to Safeguard Children*.
- The inspection revealed significant deficits regarding ACPCs and CPPs in keeping their Area Boards or Trust boards informed about the demands and complexity involved in safeguarding children.
- Auditing and monitoring was not consistent. Not all ACPCs had an auditing or monitoring sub-group and there was little evidence of a programme for monitoring, particularly in regard to how agencies and disciplines were working together.
- All ACPCs faced challenges in relation to training. These included the identification of training needs across disciplines and agencies; funding the necessary training; and securing attendance at relevant courses. The uptake

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<sup>24</sup> Selected Information below is directly extracted from DHSSPS (2006) *Our Children and Young People – Our Shared Responsibility – Inspection of Child Protection in Northern Ireland (Overview Report)*, Social Services Inspectorate: 56-58.

of places on courses was variable and there was little evidence of monitoring attendance at training courses. There was also limited evaluation of the impact of training or how learning is incorporated into practice.

In acknowledging these considerable deficiencies, the DHSSPS decided to ameliorate the planning and coordination of interagency working in Northern Ireland through 'evolving' the ACPCs along the lines of the safeguarding structural reforms adopted in England and Wales in recent years. The culmination of this evolutionary process, as indicated in the Overview Report was the proposed replacement of the ACPCs with a regional safeguarding board. The key functions and responsibilities of the proposed regional safeguarding board and those of the proposed safeguarding panels will be outlined in the following sub-section. It is however important to note that the Overview Report put forward several recommendations to address a number of concerns highlighted earlier relating to the ineffective operation of ACPCs and CPPs.

In addition to creating a new regional safeguarding board, the Overview Report recommended that,

- Representatives of the agencies sitting on ACPCs and CPPs including the HSS Boards and HSC Trusts are of sufficient seniority in their own organisations and disciplines to fully discharge the responsibilities of membership.
- ACPC and CPP chairs regularly apprise themselves of safeguarding developments, immediately reporting issues which have the potential to compromise governance and "corporate parenting" responsibilities.
- ACPC and CPP business and action plans conform to *Cooperating to Safeguard Children* as well as reflect the interagency nature of child protection work; have specific targets and outcomes which are measurable and time bounded; include the development and implementation of a robust and ongoing programme of auditing and monitoring which ensure that the safeguarding strategy for the area is working; and identify the multi-agency training requirement and funding arrangements.<sup>25</sup>

### 3.4 REGIONAL SAFEGUARDING BOARD (SBNI) AND SAFEGUARDING PANELS

In implementing a central recommendation within the Overview Report and following a consultation, the DHSSPS Minister intends to introduce the *Safeguarding Bill (Northern Ireland) Bill 2009* in early 2010. The Bill will provide the legislative framework for the establishment of the new Regional Safeguarding Board for Northern Ireland (SBNI) which it is proposed will be based in the Public Health Agency. The legislation will also provide for the creation of five Safeguarding Panels which will sit within each of the Health and Social Care Trust areas while a series of statutory regulations and statutory guidance will underpin their operational arrangements.

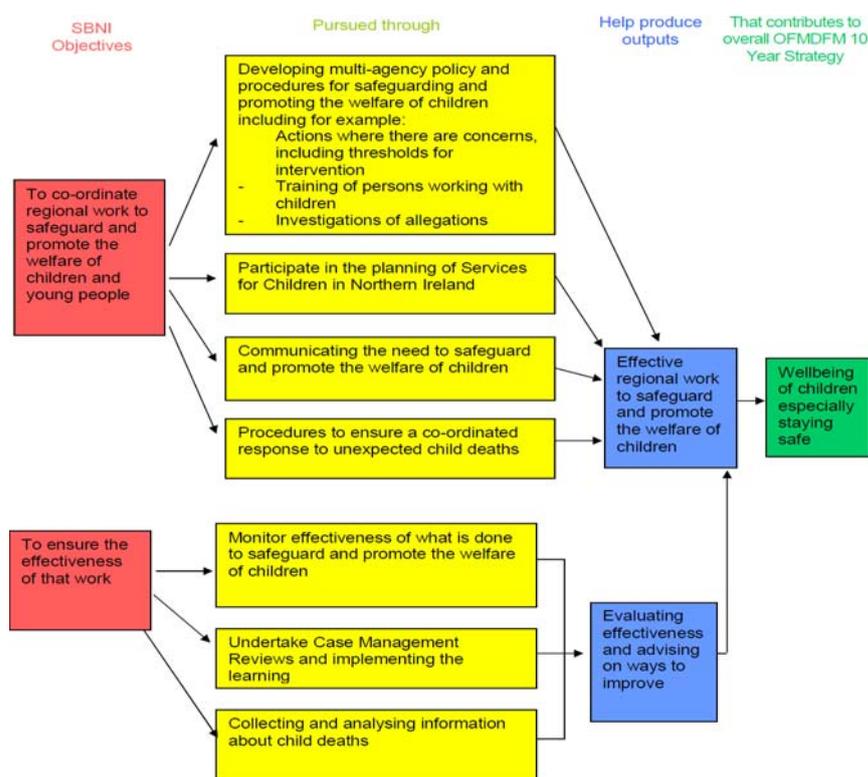
According to the DHSSPS, 'the SBNI and Safeguarding Panels will have a strategic and operational responsibility for promoting interagency work to safeguard children, ensuring that individuals and organisations are aware of their child protection

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<sup>25</sup> DHSSPS (2006) *Our Children and Young People – Our Shared Responsibility – Inspection of Child Protection in Northern Ireland (Overview Report)*, Social Services Inspectorate: 58-59.

responsibilities and how to fulfil them.<sup>26</sup> Following an outline of the proposed functions of the SBNI, this sub-section will highlight the current transitional safeguarding arrangements prior to the implementation of the legislation. Subsequently, it will go on to briefly identify a number of other key responsibilities, features and priorities of the Department's proposals relating to the SBNI and the Safeguarding Panels.

**Figure 1: SBNI Functions and Objectives<sup>27</sup>**



### 3.4.1 Functions and Operational Remit of SBNI and SG Panels

According to the DHSSPS's proposals, upon its formation the Safeguarding Board (SBNI) will develop systems to address its cores functions outlined below:<sup>28</sup>

- i. Revise policies and procedures for safeguarding and promote the welfare of children in Northern Ireland, which will complement or build upon the existing regionally agreed ACPC's policy and procedures which will be adopted in the first instance by the SBNI.

<sup>26</sup> DHSSPS (2009) *Safeguarding Board for Northern Ireland (SBNI) – Children in Northern Ireland deserve the right to be safe, healthy, and happy and achieve their full potential within Safeguarding Communities – Policy Proposal Paper*: 7.3.

<sup>27</sup> DHSSPS (2009) *Safeguarding Board for Northern Ireland (SBNI) – Children in Northern Ireland deserve the right to be safe, healthy, and happy and achieve their full potential within Safeguarding Communities – Policy Proposal Paper*.

<sup>28</sup> DHSSPS (2009) *Safeguarding Board for Northern Ireland (SBNI) – Children in Northern Ireland deserve the right to be safe, healthy, and happy and achieve their full potential within Safeguarding Communities – Policy Proposal Paper*: 3.1.

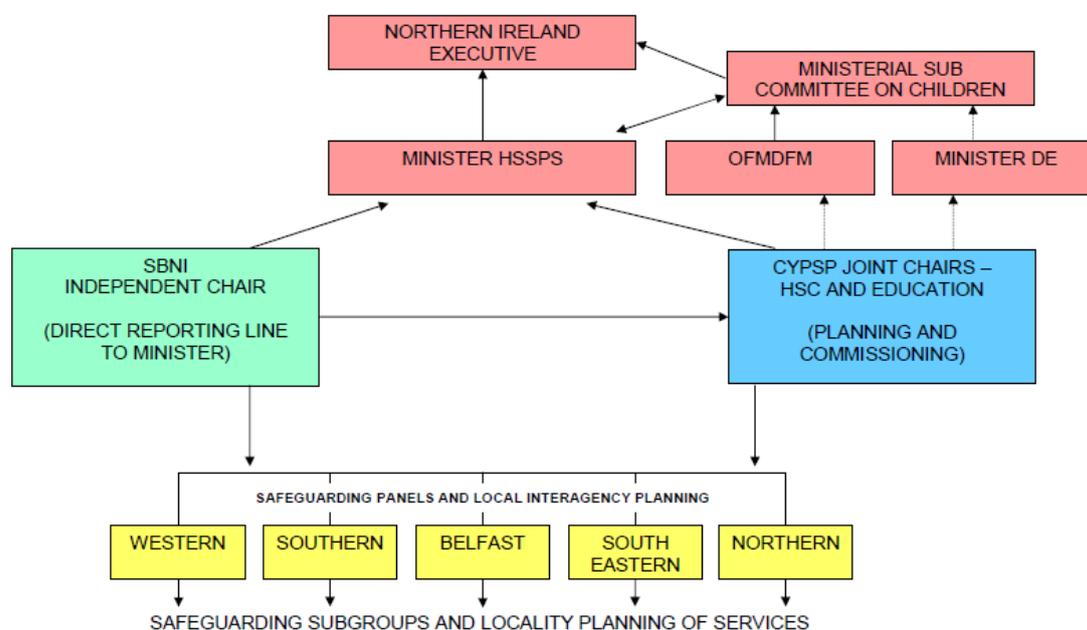
- ii. Develop a communication strategy to inform members of the public, statutory, voluntary and community groups in Northern Ireland about the need to safeguard and promote the welfare of children and raise awareness about how best this can be done and encourage participation on a cross agency, professional and statutory/voluntary basis.
- iii. Monitor and evaluate what is done by the partners in the SBNI individually and collectively to safeguard and promote the welfare of children and advise them of ways to improve.
- iv. Participate in the planning arrangements to commission children services to ensure that this takes safeguarding into account and promotes the welfare of children.
- v. Undertake case management reviews (CMRs) as prescribed under chapter 10 of *Cooperating to Safeguard* or in light of amended guidance in relation to Serious Case Reviews that may subsequently be issued by the DHSSPS. The SBNI will take lead responsibility for coordinating the dissemination and implementation of the Regional findings of Case Management Reviews on a multi-agency and sectoral basis
- vi. Consider how best to engage with young people which ensures that the young person's voice is heard in all that the SBNI do.
- vii. Develop a regional safeguarding forum that provides a platform for a wide group of interested bodies to share their understanding of safeguarding and influence the SBNI and in particular provide a voice for those with a disability, from different ethnic backgrounds, marginalised groups including young people who are homeless and those subject to the justice system and the general population within Northern Ireland.
- viii. Address the development of a single database to record key information on all children whose names are placed on the Child Protection Register maintained by HSC Trusts.
- ix. Develop key outcome measures and child protection and safeguarding.

The work of the SBNI will be closely supported by the 5 Safeguarding Panels operating within each of the HSC Trust geographical areas. In this way, the structure will be similar to the current arrangements between the ACPC and the Trust Children Protection Panels (TCCP). The primary role of the Panels will be to cooperate and action the local safeguarding arrangements within their area. They will progress the strategic directions established by the SBNI and take forward work plans addressing the specific safeguarding needs in their locality. Deriving membership from a wide range of interests, disciplines, agencies and providers of children's services,<sup>29</sup> it is expected that the Panels will act as the 'eyes and ears of the SBNI' working closely with people on the ground.

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<sup>29</sup> DHSSPS (2009) *Safeguarding Board for Northern Ireland (SBNI) – Children in Northern Ireland deserve the right to be safe, healthy, and happy and achieve their full potential within Safeguarding Communities – Policy Proposal Paper*: 9.1.

**Figure 2: Link between the Children and Young People’s Strategic Partnership (CYPSP) and the SBNI Structures**<sup>30</sup>



It is intended that the Panels will meet every two months (to alternate with the SBNI meetings) and will provide an update to the SBNI on trends and developments within the remit of their local operation. This close cooperation of the regional and local structures will be further enhanced by the requirement of the Panel Chairs to hold regularly planned meetings with the SBNI Chair to coordinate the work programme of the Panel.<sup>31</sup> In this way, the Panels will both take direction from and feed back into the work of the SBNI. According to a DHSSPS official, ‘it is all about communication...trying to work at a strategic and a local level to get the system to work, not only from the top down, but from the bottom up.’<sup>32</sup>

A primary role of the Panels, particularly in the formative phase of the operation of the new safeguarding structures will be to assist the SBNI to widen the safeguarding agenda from child protection under the ACPC arrangements to the enlarged safeguarding programme of work extending to prevention and promotional activities.

### 3.4.2 Transfer of Functions and Transitional Arrangements

<sup>30</sup> DHSSPS (2009) *Safeguarding Board for Northern Ireland (SBNI) – Children in Northern Ireland deserve the right to be safe, healthy, and happy and achieve their full potential within Safeguarding Communities – Policy Proposal Paper.*

<sup>31</sup> DHSSPS (2009) *Safeguarding Board for Northern Ireland (SBNI) – Children in Northern Ireland deserve the right to be safe, healthy, and happy and achieve their full potential within Safeguarding Communities – Policy Proposal Paper.* 9.2.

<sup>32</sup> Northern Ireland Assembly Official Report (2009) *Departmental Briefing on the Safeguarding Board Bill*, Evidence Session to the Committee for Health, Social Services and Public Safety, 1 October: 20-21.

Given both the delay in bringing forward the safeguarding legislation<sup>33</sup> and the period of time required for the Bill to proceed from introduction to enactment, the DHSSPS's Policy Paper indicates the transitional safeguarding arrangements in Northern Ireland. Reflecting the RPA-related structural reforms, notably the amalgamation of the four HSS Boards into one Regional Health and Social Care Board (RHSCB) the Department proposed to replace the four ACPCs with one Regional ACPC (RCPC) based in the RHSCB. This proposal has been implemented with the first meeting of the RCPC<sup>34</sup> on the 27<sup>th</sup> November 2009.

Through the establishment of one RCPC with a membership that will mirror the SBNI once it is established<sup>35</sup> it is intended to facilitate a smooth transition and continuity of service through to when the independently chaired regional Safeguarding Board becomes fully operational. Indeed, a primary consideration in creating these transitional structures is to guarantee the continued delivery of high standards in child protection services. To ensure this happens, the DHSSPS has pronounced that the Chair of each of the ACPCs (now the Chair of the RCPC) is required to submit a summary of the key issues and themes that have affected their work. This must include 'a summary of all existing Case Management Reviews and Case Managements Reviews that are currently being completed or can be anticipated.'<sup>36</sup> Clearly the central focus of these transitional safeguarding arrangements is the continued delivery of effective interagency coordination and cooperation in protecting children.

There are however a number of concerns which can be highlighted in connection with these new arrangements. In the absence of new safeguarding legislation, there is an issue around how the criticisms within the SSI Overview Report can be addressed particularly in terms of the responsibilities and relationship between the ACPC and the CPPs. At the outset, it remains unclear what the role of the CPPs will be in the transitional arrangements. Apart from an outline of the establishment of one Regional ACPC, there is little detail provided on how the CPPs will support the implementation of RCPC child protection policies and procedures in the localities. Furthermore, it would be helpful to clarify the continued role of the CPPs in relation to disseminating and if needed progressing the findings to emerge from Case Management Reviews. According to the Department's guidance, *Cooperating to Safeguard Children* (2003) a key role of the CPP is 'to monitor and evaluate how well local services work together to protect children [and that] this should be done in partnership with ACPC'.<sup>37</sup> Given the SSI Overview report's finding that there were 'deficits in the capability of both ACPCs and CPPs to brief Area and Trust Boards about the demands and complexity involved in safeguarding children' there needs to

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<sup>33</sup> According to the NI Executive Programme for Government 'Delivery Report for Period 1 April 2008 – 31 March 2009' (published in June 2009) under PSA 6 (9) target the Safeguarding Board should have been established in 2009. This particular target was identified as 'amber' within the report which according to the report's definition indicates that, 'Some measurable progress has been made but the rate of progress is less than anticipated or falling appreciably short of interim milestones'.

<sup>34</sup> It was also agreed at this meeting that the legacy four ACPCs would be stood down. For more information on the Regional Child Protection Committee see website link – <http://www.rcpc.hscni.net/index.html>

<sup>35</sup> DHSSPS (2009) *Safeguarding Board for Northern Ireland (SBNI) – Children in Northern Ireland deserve the right to be safe, healthy, and happy and achieve their full potential within Safeguarding Communities – Policy Proposal Paper*: 19.2.

<sup>36</sup> DHSSPS (2009) *Safeguarding Board for Northern Ireland (SBNI) – Children in Northern Ireland deserve the right to be safe, healthy, and happy and achieve their full potential within Safeguarding Communities – Policy Proposal Paper*: 19.3.

<sup>37</sup> DHSSPS (2003) *Cooperating to Safeguard Children*, DHSSPS: 40.

be clarification about how this issue is being addressed in particular and generally the continued RCPC-CPP relationship within the transitional arrangements.

### 3.4.3 Case Management Reviews

As the Safeguarding Board replaces the RCPC, it will take on lead responsibility for coordinating the dissemination and implementation of the regional findings of Case Management Reviews on a multi-agency and sectoral basis. Consequently, it will be the SBNI that in accordance with *Cooperating to Safeguard* will decide if a Case Management Review should go ahead or not. The Chair of the SBNI will be required to meet with ACPC chairs to review existing case management reviews in the system and decide on how best to proceed in the interim. Meanwhile, the Chair will also be required to coordinate a regional plan on existing CMR action plans and how these are to be taken forward on a local or regional basis.<sup>38</sup>

As part of the wider programme of reforming the safeguarding structures, the DHSSPS commissioned Queens University Belfast and the NSPCC to undertake a review of the CMR process in June 2008. The aim of the research was to provide an evaluation of the current CMR process and to propose refinements based on a consideration of other approaches to reviewing significant adverse incidents.<sup>39</sup> The report that was published in January 2009 made a number of important recommendations that could be implemented within the context of new safeguarding structures becoming operational.

A significant issue that was highlighted within the report related to the responsibility for case management reviews being split between the Department and the ACPCs. The ACPC Chair and their Committee are responsible for commissioning and overseeing the conduct of a CMR and produce an action plan from the final report. Meanwhile, it is the DHSSPS who consider action plan recommendations and ensure lessons for policy and practice are acted on. According to a majority of those interviewed as part of the evaluation this has the propensity to create tensions between the Department and the ACPCs/RCPC. According to the report, 'Chairs of ACPCs had felt that the commentary had the potential to conflict with the conclusions arrived at by the independent chair and panel, leaving ACPCs in a difficult position.'<sup>40</sup>

The majority of interviewees who participated in the evaluation stated that the forthcoming move from four ACPCs to one Safeguarding Board provided an opportunity for these split functions to be amalgamated, thus reducing the potential for conflict, and capitalising on the SBNI's new statutory mandate.<sup>41</sup>

### 3.4.4 Chairing arrangements and Membership of the SBNI

In the DHSSPS Policy Paper, it is proposed that the SBNI will have an Independent Chair who will have a direct line to the Minister, thus ensuring that the SBNI can

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<sup>38</sup> DHSSPS (2009) *Safeguarding Board for Northern Ireland (SBNI) – Children in Northern Ireland deserve the right to be safe, healthy, and happy and achieve their full potential within Safeguarding Communities – Policy Proposal Paper*. 13.14.

<sup>39</sup> Lazenbatt, A. Devaney, J. and Bunting L. (2009) *An Evaluation of the Case Management Review Process in Northern Ireland*, QUB/NSPCC, January: 8.

<sup>40</sup> Lazenbatt, A. Devaney, J. and Bunting L. (2009) *An Evaluation of the Case Management Review Process in Northern Ireland*, QUB/NSPCC, January: 42.

<sup>41</sup> Lazenbatt, A. Devaney, J. and Bunting L. (2009) *An Evaluation of the Case Management Review Process in Northern Ireland*, QUB/NSPCC, January: 42.

maintain its independence even whilst existing as part of the Public Health Agency.<sup>42</sup> The decision to propose an independent chair is congruent with the thinking of Lord Laming who recognised in his 2009 review that having Independent Chairs who are 'sufficiently experienced in statutory safeguarding and child protection services' is critical.<sup>43</sup> Meanwhile, in a piece of research evaluating the operation of Local Safeguarding Children Boards in England, a number of important points were made in relation to the employment of Independent Chairs. According to the study, to ensure they can work effectively at local level, Independent Chairs must be seen as independent and 'beyond reach' by any agency. Moreover, line management systems need to be clear and should not conflict or threaten to undermine the Chair's capacity to 'challenge' agencies.<sup>44</sup>

In the DHSSPS' Policy Paper, it is proposed to make membership of the SBNI a statutory requirement for a number of bodies and organisations, underpinned by a statutory duty to both make arrangements to safeguard and promote welfare of children, and to cooperate in these arrangements. Individual agencies will be held accountable by the SBNI through the chair, and ultimately by the HSSPS Minister and Executive for the discharge of those responsibilities.

In his 2009 review, Lord Laming reiterated the importance of recognising that delivering child protection services and the wider safeguarding agenda must be viewed as a shared responsibility among member agencies represented on Local Safeguarding Children Boards. Furthermore, he continued to emphasise the importance of requiring the regular attendance from all Board members and active involvement from senior decision makers.

### 3.4.5 Children Services Planning and the SBNI

A key function of the proposed SBNI is to participate in the children's services planning process in Northern Ireland. The inclusion of this responsibility into the operational remit of the SBNI mirrors the role of LSCBs in England as an integral part of their endeavour to broaden the safeguarding agenda beyond the traditional focus on child protection. According to the DHSSPS's Policy Paper,

A critical lesson arising out of the English experience is ensuring that the children's services planning process within Northern Ireland has an explicit multi-agency base from its beginnings...It will therefore be necessary and appropriate for the SBNI to participate directly in the children's services planning process to ensure that the issue of safeguarding children and young people within Northern Ireland is highlighted and acted upon accordingly.<sup>45</sup>

Beyond this firm commitment to ensure the SBNI will participate directly with the children's services planning process there are few further details provided in the

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<sup>42</sup> DHSSPS (2009) *Safeguarding Board for Northern Ireland (SBNI) – Children in Northern Ireland deserve the right to be safe, healthy, and happy and achieve their full potential within Safeguarding Communities – Policy Proposal Paper*: 1.10 (iii).

<sup>43</sup> The Lord Laming (2009) *The Protection of Children in England: A Progress Report*, TSO, March: 74

<sup>44</sup> France, A et al (2009) *Effectiveness of the New Local Safeguarding Boards in England – Interim Report*, DCSF: 67.

<sup>45</sup> DHSSPS (2009) *Safeguarding Board for Northern Ireland (SBNI) – Children in Northern Ireland deserve the right to be safe, healthy, and happy and achieve their full potential within Safeguarding Communities – Policy Proposal Paper*: 12.3.

Department's proposals. One area requiring further elucidation is the level and extent of integrated working between the SBNI and the Children and Young People's Committees in the drafting of children and young people's plans. Children and Young People's Committees which were established in 1998 and based within each of the former HSS Boards have already completed a significant amount of work. This work has involved overseeing a planning process based on interagency and inter-sectoral needs assessment to support children in need and vulnerable children.<sup>46</sup> As of the 1<sup>st</sup> April 2009, the responsibilities of the four Area Children and Young Peoples Committees transferred to the Regional Health and Social care Board (RHSCB). Once it becomes operational, an important role for the SBNI will be to collaborate with the Children and Young Peoples Committee (within the RHSCB) to develop a single strategic, overarching plan on how all agencies will work together towards achieving the outcomes for all children and young people. This regional plan would replace a number of existing plans and provide a more integrated approach, which will facilitate the SBNI delivering on its core responsibilities.<sup>47</sup>

In their response to the DHSSPS's Safeguarding Proposals, Children in Northern Ireland (CiNI) have supported the role of the proposed SBNI in participating in the planning arrangements to commission children's services. According to CiNI, the 'SBNI must be effectively linked into the wider planning and commissioning of all services for children and young people.' They argue that linking the SBNI into the planning and commissioning of children's services will ensure safeguarding responsibilities are mainstreamed across the delivery of all services for children and young people.<sup>48</sup> To address the limitations within the current planning arrangements, CiNI recommends that in the statutory provision to establish the SBNI a strong and explicit link is made between the proposed Children and Young People's Strategic Partnership (see Figure 2) and the Safeguarding Board.<sup>49</sup> Furthermore, CiNI also recommend that to support and facilitate the creation of this link between the SBNI and the Strategic Partnership, the chairman of the SBNI sit on the Strategic Partnership. According to CiNI, it is essential that the work of the SBNI is promoted within and across the Strategic Partnership in order to embed safeguarding responsibilities within agencies and across the planning and commissioning of all services for children and young people.<sup>50</sup>

#### **4. LOCAL SAFEGUARDING CHILDREN BOARDS (LSCB)**

The DHSSPS proposals for the creation of new safeguarding structures in Northern Ireland have both been influenced by and are a source of influence for the operation of Local Safeguarding Children Boards in England and Wales. Representing a significant component of the wider reform of children's services in England and Wales, the local authority areas have provided an excellent testing ground for the continued operation of LSCBs since April 2006. There is a shared understanding

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<sup>46</sup> DHSSPS (2009) *Safeguarding Board for Northern Ireland (SBNI) – Children in Northern Ireland deserve the right to be safe, healthy, and happy and achieve their full potential within Safeguarding Communities – Policy Proposal Paper*: 12.2.

<sup>47</sup> DHSSPS (2009) *Safeguarding Board for Northern Ireland (SBNI) – Children in Northern Ireland deserve the right to be safe, healthy, and happy and achieve their full potential within Safeguarding Communities – Policy Proposal Paper*: Appendix 1: 7.

<sup>48</sup> Children in Northern Ireland (CiNI) (2009) *Response to the Safeguarding Board for Northern Ireland - DHSSPS Consultation Paper*, CiNI: 3.

<sup>49</sup> Children in Northern Ireland (CiNI) (2009) *Response to the Safeguarding Board for Northern Ireland - DHSSPS Consultation Paper*, CiNI: 3.

<sup>50</sup> Children in Northern Ireland (CiNI) (2009) *Response to the Safeguarding Board for Northern Ireland - DHSSPS Consultation Paper*, CiNI: 3.

and endeavour across England, Wales and Northern Ireland to address the ineffectiveness of the ACPC structures and broaden the safeguarding agenda with the creation of statutory safeguarding boards. Meanwhile, once the safeguarding board and panels in Northern Ireland become operational, Scotland will be the only part of the UK which has not replaced non statutory Child Protection Committees (CPC) with statutory processes. In common with the rest of the UK, Scotland has extended the functions and membership of its CPCs and strengthened lines of accountability and performance management arrangements but has not introduced Safeguarding Boards.<sup>51</sup>

Responding to the long standing criticism of the function and composition of ACPCs, magnified by the Climbié case in 2003 and the subsequent Laming Report, the *Children Act 2004* was passed by the UK Parliament establishing Local Safeguarding Children Boards throughout local authority areas in England.<sup>52</sup> Like the SBNI, the central responsibility of LSCBs is to coordinate and ensure the effectiveness of partner agencies and bodies to safeguard and promote the welfare of children. In undertaking this responsibility, each of the 144 LSCBs currently situated within and across local authority areas<sup>53</sup> in England perform a number of key functions including: the development of policies and procedures for safeguarding children; reviewing the deaths of children; serious case reviews; communicating and raising awareness of safeguarding issues, participating in the planning and commissioning of children's services; and monitoring and evaluating the safeguarding work being carried out within their area.<sup>54</sup>

According to *Working Together to Safeguard Children (2006)*, the guidance underpinning the operation of LSCBs in England, the scope of the enhanced role of the LSCBs in safeguarding and promoting children's welfare covers work in three broad areas of activity:

- *Responsive work* to protect children who are suffering, or at risk of suffering harm, including, children abused and neglected within families, outside families by adults known to them, strangers or other young people.
- *Proactive work* that aims to target particular groups of children in need or who are vulnerable, for example, children living away from home, children who have run away from home, children in custody, or disabled children.
- *Preventative work* affecting children and young people to identify and prevent maltreatment of health or development, and ensure children are growing up in circumstances consistent with safe and effective care.<sup>55</sup>

#### 4.1 EVALUATION OF LSCBS

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<sup>51</sup> Vincent, S. (2008) 'Mechanisms for the strategic implementation, development and monitoring of inter-agency child protection policy and practice in the UK: the role of Local Safeguarding Children Boards (LSCBs) and (Area) Child Protection Committees ((A)CPCs)', *Centre for UK-wide Learning in Child Protection*: 16.

<sup>52</sup> The *Children Act 2004* also contains the legal provision for the establishment of Local Safeguarding Children Boards in Wales.

<sup>53</sup> Some Local Authorities share an LSCB with one or more neighbouring areas.

<sup>54</sup> HM Government (2006) *Working Together to Safeguard Children – A guide to inter-agency working to safeguard and promote the welfare of children*, HM Government: 13.

<sup>55</sup> HM Government (2006) *Working Together to Safeguard Children – A guide to inter-agency working to safeguard and promote the welfare of children*, HM Government: 76-77.

LSCBs in England and Wales are still within the formative phase of development but while it is difficult to assess the full impact of their child protection and wider safeguarding work, there have been a number of important early evaluations conducted in recent years.

#### 4.1.1. 'Local Safeguarding Children Boards: A Review of Progress' (2007) (DfES)

One of the first evaluations of the operational performance of LSCBs in England was conducted as part of a Priority Review<sup>56</sup> led by the Department for Education and Skills (DfES) in 2006-07. The report provided evidence on the operation of the eight LSCBs that were visited and included interviews with the range of stakeholders working directly with each of the Boards. Additionally, the Priority Review was complemented by further evidence gathering taken by the DfES in the form of a national survey of LSCBs. The survey in which 109 LSCBs participated collated detailed information on financial resources, non-financial resources, membership and the relationship between the LSCB and the children's trusts arrangements.<sup>57</sup> A number of the key findings that emerged from the review are summarised below:

- The launch of LSCBs has given local cooperation on safeguarding a new energy. In some areas the statutory footing for LSCBs appears to be raising the profile and ownership of safeguarding across local agencies. It is also being used locally as a lever to ensure statutory partners provide resources and attend board meetings.<sup>58</sup>
- Structures and arrangements that some LSCBs have adopted suggested they were at varying stages of making the transition from child protection to the wider safeguarding agenda covering prevention and promotional activity.<sup>59</sup>

The significance of these findings lie in highlighting both the initial positive impact and the potential difficulties a fledgling safeguarding board can experience in the formative phase of operation. On the one hand, there is evidence that by placing LSCBs on a statutory footing it has raised the profile of safeguarding within the local authority area and encouraged key agencies to take greater ownership of their safeguarding responsibilities. This is clearly an important objective that it is envisaged the SBNI will be able to deliver while addressing some of the weaknesses of the ACPCs including inconsistent attendance at board meetings and insufficient representation of senior level staff. On the other hand, there was evidence of variation in the pace of development among LSCBs consulted during the review in expanding their safeguarding agenda beyond traditional child protection responsibilities. The review team discovered that a reason explaining the slow development of the safeguarding agendas among some LSCBs was that there was a wish to get child protection right before moving on to the wider agenda as required by the guidance (*Working Together to Safeguard Children (2006)*).<sup>60</sup> Moreover, a Welsh review of LSCBs<sup>61</sup> conducted found that all the Boards were aware that their

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<sup>56</sup> The report defines a Priority Review as 'a quick non-scientific way of gathering evidence about how an important Government objective is being delivered at a particular point in time' (5).

<sup>57</sup> DfES (2007) *Local Safeguarding Children Boards: A Review of Progress*, DfES: 6.

<sup>58</sup> DfES (2007) *Local Safeguarding Children Boards: A Review of Progress*, DfES: 12-13.

<sup>59</sup> DfES (2007) *Local Safeguarding Children Boards: A Review of Progress*, DfES: 6.

<sup>60</sup> DfES (2007) *Local Safeguarding Children Boards: A Review of Progress*, DfES: 19.

<sup>61</sup> Local Safeguarding Children Boards, Wales (2008) *Review of Regulations and Guidance – Report of the Review Group*, March.

responsibilities for safeguarding were much wider than the previous focus on child protection prevention and intervention. However, many expressed concern that the safeguarding agenda was too broad to be effective.

The DHSSPS proposal paper highlights the point that given the integration of health and social care in Northern Ireland and the different role of local government in England it is not appropriate to replicate all the provisions of *Every Child Matters*<sup>62</sup> or the *Children Act 2004*. However, as noted earlier one of the main similarities that the proposed SBNI shares with the LSCB is its key responsibility to broaden the safeguarding agenda beyond traditional child protection duties. The Department's proposal paper does stress the importance of ensuring that 'the SBNI should not focus on the wider Safeguarding role if the basic standards of its core business [i.e. child protection responsibilities] are inadequate.' From the concerns expressed in early evaluations of LSCBs in England and Wales, it is important to ensure that the SBNI focuses on strengthening its delivery of 'core business' activity before broadening the safeguarding agenda.

#### 4.1.2 'Effectiveness of the New Local Safeguarding Children Boards in England' – Interim Report (DCSF) (2009)

Following the early reviews of the new safeguarding structures in England and Wales, the DCSF and the Department of Health (DoH) commissioned Professor Alan France and a research team at Loughborough University to comprehensively evaluate the effectiveness of LSCBs. The study involves detailed analysis of how LSCBs are operating and explores the successes and challenges that they have confronted in safeguarding and promoting the welfare of children.<sup>63</sup>

An interim report was published in June 2009 and its contribution was identified by its authors as providing a benchmark on how LSCBs have developed after two and a half years of operation. It provides valuable insights into some of the issues that Boards are addressing to ensure they work effectively. The final report which is due to be published in 2010 will present further data from a wider range of sources to fully explore the effectiveness of LSCBs and whether they have overcome identified weaknesses of ACPCs.<sup>64</sup>

This interim report presents initial findings from research conducted over the first twelve months (January 2008-January 2009) of the study and is based on three data sources:

- A national mapping exercise of LSCBs, providing data on the size, membership and organisational structures that have been put in place;

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<sup>62</sup> Safeguarding is a major policy area of 'Every Child Matters', the Department for Children, Schools and Families overarching shared programme of change to improve outcomes for all children. It takes forward the UK Government vision of radical reform for children, young people and families. For more information access the Every Child Matters website at: <http://www.dcsf.gov.uk/everychildmatters/>

<sup>63</sup> France, A *et al* (2009) *Effectiveness of the New Local Safeguarding Boards in England – Interim Report*, DCSF: 7.

<sup>64</sup> France, A *et al* (2009) *Effectiveness of the New Local Safeguarding Boards in England – Interim Report*, DCSF: 8.

- A survey of LSCB Chairs, designed to explore the different approaches that LSCBs have adopted to fulfil their core functions and how arrangements are working in practice; and
- In-depth qualitative interviews with Chairs and Business Managers from six case study areas (12 in total).

The 'final report' will draw from these six case study areas, including: interviews with Chairs and Directors of Children's Services (follow-up interviews); interviews with 49 Board members from social care, health, education, the police and others; interviews with 180 frontline professionals; and social networks analysis (in two areas). The final report will provide further exploration into the extent to which LSCBs have been able to engender change as well as improve their overall effectiveness.<sup>65</sup> Consequently, the final report will consider the following:

- the types of partnership arrangements implemented and their effectiveness in delivering services to improve outcomes for children and their families;
- how LSCBs manage and evaluate their role in safeguarding and promoting the welfare of children and the effectiveness of lines of accountability;
- how partners transfer knowledge and information across the Safeguarding network;
- how LSCBs work alongside other local strategic bodies and partnerships;
- if the new systems and arrangements are 'fit for purpose' and whether they safeguard and promote the welfare of children; and
- how far the new arrangements are influencing and improving frontline practice.<sup>66</sup>

#### Key findings from Interim Report

The following section provides a summary of the key findings that emerged from the interim report into the effectiveness of LSCBs in England.

#### *Chairing Arrangements*

- In responding to Lord Laming's (2009) review, the Government has signalled that in light of concerns about conflicts of interest that *may* arise when LSCBs are chaired by Directors of Children's Services, that Independent Chairs should be appointed. As Laming recognised having Independent Chairs who are 'sufficiently experienced in statutory safeguarding and child protection services'<sup>67</sup> is critical.
- In appointing and using Independent Chairs a number of issues need to be resolved to ensure they can work effectively at local level. These are: Chairs must be seen as independent and 'beyond reach' by any agency; line

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<sup>65</sup> France, A *et al* (2009) *Effectiveness of the New Local Safeguarding Boards in England – Interim Report*, DCSF: 6.

<sup>66</sup> France, A *et al* (2009) *Effectiveness of the New Local Safeguarding Boards in England – Interim Report*, DCSF: 6.

<sup>67</sup> The Lord Laming (2009) *The Protection of Children in England: A Progress Report*, TSO, March: 74.

management systems need to be clear and should not conflict or threaten to undermine the Chair's capacity to 'challenge' agencies.

- Independent Chairs need to have access to, opportunities to gain a clear understanding of: strategic development in the local area; existing networks and partnerships; and a full understanding of the infrastructure that is in place to support service delivery and meet local needs.

#### *Resources and Delivery*

- A large proportion of Chairs felt that the budget for LSCBs remains inadequate and has the potential to impact on the delivery of activities and responsibilities necessary to meet their statutory duties. While this may be unsurprising, it is important to recognise that the demand on LSCBs to deliver on a wide range of responsibilities and widen their focus beyond child protection is challenging.
- Undertaking Serious Case Reviews, which is recognised as an important core activity requires significant resources which may then impact on delivery of other areas of work. Making sure an appropriately funded infrastructure is in place is critical if LSCBs are to be effective.

#### *Board Structure and Representation (Membership, seniority and bringing about change)*

- LSCBs have made substantial progress on ensuring the level of representation required however gaps seem to remain in some areas. For example, Primary Care Trusts are missing from 7 per cent of LSCBs. While this figure is not significant, the expectation and requirement is that 100 per cent of Boards have representatives from PCTs.
- Evidence from the report raises questions about what the appropriate size of a LSCB is or should be. It is clear from the mapping data that there is a large variation in the size of LSCBs throughout the country. While each area is developing a model of work reflecting local need and interest, there are concerns amongst Chairs and Business Managers that the large size of Boards can pose difficulties.
- LSCBs are catalysts for bringing about a sea change in professional practice. The importance of safeguarding children as a shared responsibility was re-emphasised by Lord Laming's 2009 Review. Laming highlighted that membership and regular attendance and active involvement are required from senior decision makers.

#### *Communication and Information Sharing*

- The transfer of information from LSCB to agencies is critical to their effectiveness and primarily this is seen to be the responsibility of individual Board members.
- In practice, Chairs and Business Managers were uncertain about the extent to which Board Members were conveying information to their own agencies and whether this was being filtered down to the appropriate staff.
- It was evident from survey data that communication and links between some organisations and groups could be better developed and are currently weak. This includes relationships with the independent health sector, GPs, faith groups and independent and non-maintained schools.

### *Overall conclusion*

- The research in the interim report suggests that substantial progress has been made and that implementation of the LSCBs in England seems to be progressing in a positive way. All local authorities have set up a Board with an infrastructure to support their operation. Chairing arrangements are in place and a broad representation of agencies has been achieved by the majority of Boards. Most Boards have 'travelled far' in this respect and are focusing attention on ensuring that safeguarding partners attend regularly.

It is important to stress the interim nature of these findings contained with the first report to be produced as part of a wider programme of evaluation of LSCBs in England. In order to establish a more complete and up to date representation of the issues affecting the operation of LSCBs, it will be useful to analyse the key findings and recommendations of the final report. Critically, in presenting further qualitative and quantitative data and with the benefit of appraising all of the information analysed throughout the research study, the report will yield greater insight into the overall effectiveness of LSCBs compared to ACPCs. Nevertheless, these findings do provide a useful contribution to an understanding of the efficacy of the LSCB as a new local statutory agency strengthening child protection services and delivering a wider safeguarding agenda. More significantly, the findings present a valuable source of comparative information which can be built into the SBNI's early development around a number of the key areas of operational performance outlined above.

## **5. CONCLUDING SUMMARY**

The central aim of this paper was to provide an overview of the DHSSPS's policy proposals relating to the pending introduction of safeguarding legislation and the establishment of new safeguarding structures in Northern Ireland. In doing so, the paper has provided commentary and analysis around a number of the key departmental proposals including the functions and operational remit of the new Regional Safeguarding Board and the Safeguarding Panels. In offering a useful comparative perspective and based on the Departmental proposals to evolve safeguarding structures in Northern Ireland in a similar way to England and Wales, the paper provides commentary and analysis relating to Local Safeguarding Children Boards. The following summary provides an overview of a number of the key observations identified within the paper.

- The *Safeguarding Bill (Northern Ireland) Bill 2009* is due to be introduced by the HSSPS Minister in early 2010. The Bill will provide the legislative framework for the establishment of the new Regional Safeguarding Board for Northern Ireland (SBNI) which it is proposed will be based in the Public Health Agency.
- The legislation will also provide for the creation of five Safeguarding Panels which will sit within each of the Health and Social Care Trust areas while a series of statutory regulations and statutory guidance will underpin their operational arrangements.
- The Department's safeguarding proposals and the pending introduction of Safeguarding legislation in Northern Ireland are being considered within the context of substantive reform and review of frontline child protection and safeguarding services.
- The reform and delivery of child protection services is occurring against the background of a significant rise in demand partly reflected in the increase in referrals to children's services across the Health and Social Care Trust areas.

According to the HSSPS Minister, 'more than 21,000 children are referred to social services each year [and] any point, more than 2,500 are on the child protection register.'

- The introduction of safeguarding legislation and establishment of a new Regional Safeguarding Board is in response to significant criticism of the effectiveness of Area Child Protection Committees.
- The DHSSPS proposals for the creation of new safeguarding structures in Northern Ireland have both been influenced by and are a source of influence for the operation of Local Safeguarding Children Boards in England and Wales.
- The evaluations of the early operation of LSCBs in England provide a useful contribution to an understanding of the efficacy of the LSCB as a new local statutory agency strengthening child protection services and delivering a wider safeguarding agenda. More significantly, the findings present a valuable source of comparative information which can be built into the SBNI's early development and a number of important operational areas.

**February 2010**