

SAFEGUARDING CHILDREN BETWEEN THE JURISDICTIONS OF NORTHERN IRELAND, GREAT BRITAIN AND THE REPUBLIC OF IRELAND

Introduction

Cases of the abuse of children reported in the media in recent years have driven some of the key developments in dealing with sex offenders and public protection arrangements in GB and in Ireland north and south. Northern Ireland has tended to track developments in safeguarding practice that have occurred in Great Britain – developments which have been underpinned by legislation and policy.¹ In the UK there now exists a multi-agency procedure for the assessment and management of sex offenders, much more stringent vetting procedures and new UK wide websites have helped deal with the problem of internet offenders and identify convicted sex offenders who have evaded police oversight.

With regard to NI and the Republic, however, although progress has been made, it is recognised that much greater harmonisation of administrative and legislative arrangements for investigating, detaining and managing abusers of children is needed and that there is a real need to strengthen vetting laws in the Republic. This briefing paper shows some of the examples of collaboration and co-operation between government departments, police and probation services in the two jurisdictions that have occurred and some of the key developments.

This paper does not provide a detailed comparison of the similarities and differences in the working of the child protection provisions between each of the jurisdictions but highlights some of the key work that has taken place over recent years to improve the safeguarding of children across the jurisdictions.

Section 1: Northern Ireland and the Republic of Ireland

2006

- A key development occurred in November 2006 when the British and Irish Governments signed a Memorandum of Understanding on the sharing of information on sex offenders between the Gardai and British police forces, including the Police Service of Northern Ireland (PSNI). As a result, issues

¹ *Two Countries, one border: the challenges and opportunities for protecting children on an all island basis – a critical turning point.* Dr John Devaney QUB, Colin Reid NSPCC, October 2009.
http://www.nspcc.org.uk/Inform/newsandevents/ConferenceReports/two_countries_one_border_wdf69316.pdf

such as the alignment of IT systems and databases and staff exchanges began to be examined.

- Also in 2006, a Protocol for the sharing of information on the management of sex offenders between the Probation Service (RoI) and the Probation Board for Northern Ireland (PBNI) was signed by the heads of both organisations. The Protocol established mutual arrangements for the management of sex offenders who are subject to supervision by the respective Services. The Protocol aims to facilitate best practice and effective management of offenders between jurisdictions by enabling exchange of relevant information on a structured and agreed basis.
- Officials from DHSSPS (NI) and the Department of Health and Children (RoI) participated in a seminar in Dundalk in 2006 on cross-border child protection run by NSPCC and Barnardo's. Topics discussed included vetting and barring, sex offender management, cross-border exchange of information and ways of achieving closer north south policy and legislative developments.

2007

- Operation *Pentameter 2* was launched in October 2007 (see page 9 of this paper for further information). *Pentameter 2* was a national multi-agency operation to identify, disrupt and bring to justice those involved in human trafficking. Northern Ireland worked closely with all police forces and other law enforcement agencies throughout the UK and in the Republic of Ireland. Prior to the commencement of *Pentameter 2* the DHSSPS had developed a protocol between the PSNI and Health and Social Care Trusts to be implemented for all children and young people who were identified by the Operation as having been trafficked or as potential victims of trafficking. It is anticipated that the *Pentameter 2* operation will be repeated periodically.

2008

- February. The Northern Ireland Ministerial Council (NIMC) directed that a cross border co-ordinating group be set up and chaired by officials from NI (DHSSPS) and RoI (Department of Health and Children) to develop a North-South programme on child protection.
- February. The Plenary of the British Irish Council (BIC) agreed that as part of its review officials should consider the inclusion of child protection in the BIC work programme.
- February. Launch of the *makeITsecure* campaign - a public-private partnership aimed at raising awareness of IT security amongst Irish internet users. Spearheaded by the Department of Communications, Energy and Natural Resources in the Republic and the Department of Finance and Personnel in the North, the campaign brought together a coalition of representative organisations and private companies to promote safe and secure use of the internet.
- June. First meeting of the Cross-Border officials group established by the NIMC. It agreed to oversee five work streams associated with safeguarding children:

1. Development of a joint protocol to deal with children in care or on the child protection register who move between jurisdictions;
 2. Development of a joint communications strategy and communiqué along with advice and guidance material for parents/carers and employers;
 3. Exchange of information on initiatives around internet safety;
 4. Establishment of the North-South Child Protection Network: an internet database which brings together all child protection research in Ireland and the UK, all published policy, inquiry and guidance documents as well as all child protection related news items; and
 5. Sharing of information and learning on developments in relation to Vetting and Barring within respective jurisdictions.
- In September 2008 the NSPCC made a submission to the House of Commons Select Committee's Inquiry into co-operation between the Northern Ireland Office and the Government of the Republic of Ireland in relation to law enforcement and criminal justice.

In its submission, the NSPCC confirmed that it had observed a growing tendency for the Gardai to attend sex offender management meetings in the north where there is a cross-border element. It also confirmed increasing co-operation in areas relating to probation and other criminal justice matters.

- September 2008. In the Republic of Ireland the Interim Report of the Joint Committee on the Constitutional Amendment on Children was presented to the Oireachtas recommending that the Government should prepare and publish legislation to establish a statutory scheme:
 - for the vetting of all persons involved in working in any capacity with children;
 - for the statutory regulation of the manner in which information in relation to records of criminal prosecutions, criminal convictions and 'soft' information may be collated, exchanged and deployed by An Garda Síochána or other Statutory Agencies for the purpose of ensuring the highest standards of child protection within the State; and
 - to require that all agencies, organisations, bodies, clubs, educational and childcare establishments and groups working with or involved with children ensure that all of those working under their aegis either in a paid or voluntary capacity with children are subject to vetting.

2009

- January. Establishment by the NIO and Department of Justice, Equality and Law Reform in the Republic, of a North-South Registered sex offenders advisory group to investigate current arrangements for returning sex offenders who travel to another jurisdiction in breach of notification and other requirements. The group consists of representatives from the Department of

Justice, Equality and Law Reform, Garda Síochána, NIO and PSNI and will make recommendations for improvements where necessary.

- January. The Minister for Justice, Equality and Law Reform in the Republic, published a report on the management of convicted sex offenders, providing a comprehensive overview of the current position and future policy options. The Minister highlighted the establishment and remit of the North South Registered sex offender advisory group which was established the previous year.
- In June 2009 the Office of the First Minister and deputy First Minister (OFMDFM) published *Safeguarding Children*², the Northern Ireland Government's policy statement on child protection. It endorsed the cross-border work recently initiated by the NIMC and the work of national bodies and charities working in NI to promote better internet safety for children and young people such as the Child Exploitation and On-line Protection (CEOP) Centre³.

In *Safeguarding Children* the OFMDFM stressed the need for greater integration of UK-wide and cross-jurisdiction bodies that have responsibility for policing, regulation and public awareness-raising around Internet use. It stated that it will be asking the new Safeguarding Board for Northern Ireland (SBNI) ... *to seek to develop improved and more formalised linkages with these bodies; and as part of its strategic objectives develop an 'e safety strategy' to protect children and young people on line which will include measures for parents.*

The *Safeguarding Children* document also highlighted the need for better safeguards for children coming into the jurisdiction as Northern Ireland has seen increasing numbers of immigrants from a variety of countries both inside and outside the EU. It is known that some children are entering or leaving the country against their will and that some are being trafficked for sexual or labour exploitation. The OFMDFM pointed to the work of the UK Border Agency (UKBA)⁴ which has a presence in Northern Ireland. The UKBA has trained all staff in child protection and has completed work on a code of practice on Safeguarding. OFMDFM is to oversee that the DHSSPS and the new SBNI will work closely with the UKBA to raise awareness of crossborder issues such as forced marriage, trafficked children and child abduction.

- In 2009 the Northern Ireland Department for Health Social Services and Public Safety and the NIO met with COSC⁵ the National Office for the Prevention of Domestic, Sexual and Gender-based Violence in the Republic, to consult on areas of common concern – including opportunities for cross-border working and the development of policy and awareness-raising. There has been informal and positive contact since this meeting and it is intended this co-operation will continue. The consultations should be completed later

² http://www.allchildrenni.gov.uk/safeguarding_children_statement-3.doc

³ <http://www.ceop.gov.uk/>

⁴ <http://www.ukba.homeoffice.gov.uk/>

⁵ <http://www.cosc.ie/en/COSC/Pages/WP08000097?OpenDocument&start=11&year=2009>

this year. After this specific projects will be considered between COSC and NI counterparts.

2010

- February. The NSPCC made a written submission to the Northern Ireland Assembly Health Committee on the Safeguarding Board for Northern Ireland⁶. In relation to cross-border safeguarding NSPCC recommended that the SBNI monitor closely developments in GB and those on a cross-border basis. NSPCC also reported on work it has been undertaking on improving sex offender and public prosecution arrangements, vetting and barring and cross border information exchange.
- March. The Republic's Minister for Justice and Law Reform stated in relation to sexual offences:

It is the desire of the government, the British Government and the Northern Ireland Executive to have greater harmonisation of the law on both sides of the Border. ..We operate in two different jurisdictions, however, and the legislation on both areas is somewhat different. Nonetheless, we must harmonise as much as possible not only the administrative arrangements but also the legislative ones. Work will continue in that respect and hopefully it will accelerate when devolution [of Policing and Justice in NI] takes place.⁷

- The Minister for Justice, Equality and Law in the Republic also reported that the Republic's Probation Board is working in close collaboration with the Probation Board for Northern Ireland (PBNI). He stated:

In addition, the probation service works in close collaboration with the Probation Board for Northern Ireland to ensure that effective communication is maintained about sex offenders who move between the two jurisdictions. Protocols to this effect have been in place since 2006 and are currently being reviewed.⁸

Section 2 : Northern Ireland and Great Britain:

2006

- The Safeguarding Vulnerable Groups Act⁹ was passed in 2006 making it a crime not to vet potential employees in the UK. This was because the Bichard Inquiry¹⁰ into the Soham murders had recommended that all who work with vulnerable groups should be registered and that there should be a single agency for this purpose.

⁶ http://www.nspcc.org.uk/Inform/policyandpublicaffairs/NorthernIreland/briefings/safeguarding_board_northern_ireland_wdf73624.pdf

⁷ Dail Debate 25 March 2010
<http://debates.oireachtas.ie/DDebate.aspx?F=DAL20100325.xml&Node=H9-3&Page=11>

⁸ *ibid*

⁹ http://www.opsi.gov.uk/acts/acts2006/pdf/ukpga_20060047_en.pdf

¹⁰ <http://police.homeoffice.gov.uk/publications/operational-policing/bichard-inquiry-report.html>

- November. The *Most Wanted*¹¹ website was launched in the UK by the Child Exploitation and Online Protection Centre (CEOP). The website publishes the names and photographs of convicted sex offenders who are missing.

2007

In September 2007, the UK Prime Minister asked Dr Tanya Byron to lead an independent review to help parents and their children get the most from new technologies while protecting children from inappropriate or harmful material. The focus was on the internet and video games. Her report, *Safer Children in a Digital World*¹² was published in March 2008. The Government accepted all Dr Byron's recommendations and published the *Byron Review Action Plan* in June 2008 to set out how the Government intends to implement the recommendations. The report commended the all Ireland *makeITsecure* campaign (see page 4 of this paper).

- October. Operation *Pentameter 2*¹³ was launched. This was a national multi-agency operation to identify, disrupt and bring to justice those involved in human trafficking. It was launched in October 2007 and finished on 31 March 2008. It involved all police forces in the UK, including the PSNI and in the Republic of Ireland plus the UK Human Trafficking Centre (UKHTC)¹⁴. A Chief Inspector from the PSNI, attached to the Immigration Service, headed a team of detectives based at Templepatrick, who were involved in *Pentameter 2*.

A key feature was the use of a national intelligence infrastructure which supported police operations. Intelligence reports were collated and placed onto a specifically created database on the HOLMES 2 system. This supported regional intelligence units and local forces and highlighted organised crime links across the UK and beyond.

2008

- September. The UK Council on Internet Safety was established by the UK government. Four working groups and an Experts Research Panel were set up and have been meeting regularly since March 2009. The Council is a forum enabling Government Departments and stakeholders - including industry and the third and public sectors - to contribute jointly to the development and delivery of the strategy for Child Internet Safety. It has a large and broad membership.

2009

- A report from Child Exploitation and Online Protection (CEOP) examined Child Trafficking in the UK and detailed the work it has been carrying out to profile the victims, the traffickers/offenders and their methods. The Child Exploitation and Online Protection (CEOP) Centre¹⁵ is a UK wide police

¹¹ <http://www.ceop.gov.uk/wanted/>

¹² <http://www.dcsf.gov.uk/byronreview/>

¹³ <http://www.pentameter.police.uk/>

¹⁴ The United Kingdom Human Trafficking Centre (UKHTC) is a multi-agency centre that provides a central point for the development of expertise and cooperation in relation to the trafficking of human beings, working together with other stakeholders from the governmental, non-governmental and inter governmental sectors in the UK and abroad.

¹⁵ www.ceop.gov.uk

organisation with the objective of eradicating the sexual abuse of children. It tracks and brings offenders to account either directly or in partnership with local and international forces.

The report revealed that exploitation of children is taking place throughout the UK noting that *“this form of internal trafficking is not any less serious or harmful than the trafficking and exploitation of children from abroad”*.

2009

- A new UK Vetting and Barring Scheme (VBS) was established in the UK following the 2006 Act. The VBS applies to Northern Ireland and England and Wales; Scotland is intending to create its own vetting and barring scheme. It is accepted however, that the two schemes will be linked and information shared so that a person barred anywhere in the UK will be barred across the UK. The Vetting and Barring Scheme will cover an estimated 11.3 million positions– including around 600,000 in Northern Ireland. The Scheme was launched on 12 October 2009 and individuals will be able to register with the Independent Safeguarding Authority (ISA) from July 2010 (see below).
- The Independent Safeguarding Authority (ISA) was specifically created as part of the new VBS and has the task of deciding who should be barred from working with children and vulnerable adults. The ISA is an independent non-departmental public body sponsored by the Home Office. The lead department in NI is the DHSSPS and in England and Wales the DCSF leads on policy and legislation. In addition to its vetting and barring role, the ISA has sole responsibility for the maintenance of two barred lists. The ISA will use information from a number of sources including the Police, Health and Social Care bodies, Education and Library Boards, Local Authorities in England and Wales and employers.

Summary and conclusions

Many key developments in safeguarding policy and practice have taken place in the wake of reports into cases of child abuse in recent years. As this briefing paper shows, there has been increasing collaboration and co-operation between government departments and police and probation services in the jurisdictions of Northern Ireland, the Republic and GB. NGOs such as NSPCC, ISPCC and Barnardos have also played an important role in helping the governments develop a safeguarding agenda within the UK and on a cross-border basis in Ireland.

It is acknowledged that child protection across the jurisdictions of NI and GB has greatly improved since the genesis of formalised and streamlined systems in recent years. The Republic is recognised as lagging behind NI and GB in this respect and whilst progress has been acknowledged, government, statutory agencies and NGOs are all agreed that that much more can and needs to be done.

April 2010