

48th Meeting of the Safeguarding Board for Northern Ireland

Wednesday 15th September 2021

3.00pm – 4.30pm Zoom Virtual Platform

P u b l i c M i n u t e s

R E C O R D O F A T T E N D A N C E

Name	Title & Organisation	Present	Apology
Ms Bernie McNally	Independent Chair Safeguarding Board for Northern Ireland	✓	
Mr Tom Cassidy	Interim Director of Women & Children's Services, WHSCT		✓
Ms Suzanne Mahon	Assistant Director, Children's Services, WHSCT Deputising on behalf on Mr Tom Cassidy	✓	
Dr Martin Cunningham	GP representative of N.I. General Practice Committee	✓	
Mr Rodney Morton	Director of Nursing and Allied Health Professionals		✓
Ms Bronagh Muldoon	NSPCC Head of Services NI		✓
Mr Stephen Martin	CEO Youth Justice Agency		✓
Mr Paul McStravick	Director YJA Deputising obo Mr Stephen Martin	✓	
D/Chief Superintendent Anthony McNally	Head of Public Protection Branch, PSNI	✓	
Ms Paddy Kelly	Director, Children's Law Centre		✓
Ms Pauline Leeson	Chief Executive, Children in Ireland		✓
Mr Hugh Hamill	Interim CEO, Probation Board NI	✓	
Ms Una Turbitt	Director (Interim) Children and Young Peoples Services, EANI		✓
Ms Shauna Collinson	AD, Education Authority Deputising obo Ms Una Turbitt	✓	
Mr Brendan Whittle	Director of Social Care and Children, HSCB		✓

Ms Catherine Cassidy	Deputy Director of Social Care and Children, HSCB Deputising on behalf of Mr Brendan Whittle	✓	
Mr Paul Morgan	Director of Children & Young People's Services SHSCT	✓	
Ms Emily Roberts	Designated Nurse for Safeguarding Children and Young People, PHA	✓	
Ms Lorna Ballard	Director NI, Action for Children	✓	
Ms Maura Dargan	Director of Women, Children & Families Division/Executive Director of Social Work, NHSCT	✓	
Ms Michele Janes	Head of Barnardo's NI		✓
Ms Pamela Kirk	Assistant Director, Barnardo's NI, deputising on behalf of Ms Michele Janes	✓	
Mr Stephen Bergin	Director of Public Health and Medical Director		✓
Ms Barbara Campbell	Director of Social Work/Children's Community Services - SEHSCT	✓	
Ms Carol Diffin	Director of Social Work/Children's Community Services, - BHSCT	✓	
Mr Paddy Mooney	Director, Include Youth		✓
Mr Lindsey Conway	Chair of Interfaith Committee, Secretary to the Council for Social Witness, Presbyterian Church	✓	
Ms Dawn Shaw	Chief Executive Officer -NIGALA	✓	
Ms Heather Moore	Director of Environmental Services, Lisburn & Castlereagh Borough Council	✓	
Mr Andrew Thomson	Independent Chair of the CMR Panel	✓	
Ms Yvonne Adair	Independent Safeguarding Panel Chair, Southern, South Eastern and Belfast Areas	✓	
Ms Mary Rafferty	Independent Safeguarding Panel Chair, Western and Northern areas	✓	
Mr Simon Rogers	Non-Executive (Lay) Member	✓	

Mr Gerard Guckian	Non-Executive (Lay) Member	✓	
In Attendance			
Ms Teresa McAllister	Professional Officer SBNI		
Ms Caitriona Livingstone	Administration Support SBNI		
Ms Helen McKenzie	Director of Operations SBNI		
Ms Joanna Brown	Professional Officer SBNI		
Mr Allister Woods	Disclosure and Barring Service		

Summary of Actions

Action No.	Action:	To be completed by:
1	The SBNI will forward the Disclosure & Barring Service Regional Presentation to Board members with contact details for Mr Woods included therein.	SBNI CST
2	Board members to forward any responses in respect of the Annual Report to caitriona.livingstone@hscni.net by 22 nd September 2021.	Board Members
3	PSNI to liaise with Maura Dargan and the Policy and Procedure Committee ref: the Information Sharing Guidance and work already underway between HSCB, PSNI and PBNI.	
4	The Harmful Sexual Behaviour Policy was approved subject to the addition of 'Record Keeping' narrative into the document	SBNI CST
5	Board members to forward any comments regarding the content of the Board Development Day to caitriona.livingstone@hscni.net by 29 th September 2021.	Board Members

Summary of Board Approval

The minutes from Board Meeting on 15th June 2021 were approved as an accurate record of the meeting.

The SBNI Engagement with Children & Young People 2021 Strategy was Approved

The Harmful Sexual Behaviour Policy was Approved.

The SBNI Response to the Sexual Offences and Trafficking Bill 2021 was Approved.

The Declaration of Mid-Year Assurance statement was Approved

Preliminaries: Apologies, Quorum, Conflict of Interest, Complaints

The Chair welcomed SBNI members to the meeting. Ms McNally noted apologies from Mr Stephen Martin, Mr Rodney Morton, Mr Stephen Bergin, Ms Una Turbitt, Mr Tom Cassidy and Ms Bronagh Muldoon, The Chair noted, Mr Paul McStravick was deputising on behalf of Mr Stephen Martin, Ms Suzanne Mahon was deputising on behalf of Mr Tom Cassidy, Ms Shauna Collinson was deputising on behalf of Ms Una Turbitt, Ms Catherine Cassidy was deputising on behalf of Mr Brendan Whittle and Ms Pamela Kirk was deputising on behalf of Ms Michele Janes.

Conflict of Interest

The Chair requested that members declare any Conflicts of Interest as and when they arise throughout the meeting.

Chairs Business

The Chair expressed her deepest sympathy on the recent death of Fionnuala McAndrew and asked the Board Members for a minute's silence.

The Chair noted the retirement of Mr Morgan. The Chair thanked Mr Morgan for his work over the years and commitment to the SBNI. She wished Mr Morgan well in his forthcoming retirement and new ventures. The Chair welcomed Mr Stephen Martin as the CEO JYA however advised Paul McStravick will continue to deputise for Mr Martin in the interim.

The Chair updated the Board regarding the SBNI support for removal of the defence of reasonable chastisement and provided the following summary;

The Justice (Sexual Offences and Trafficking Victims) Bill, as agreed by the Executive for introduction to the Assembly, does not contain provisions relating to the removal of the defence of reasonable chastisement. It is the Chair's understanding, following consultation with DOJ, that there is currently no legislation being progressed that could provide for such provision. The Chair outlined an explanation of where the 'defence of reasonable chastisement' sits in respect of the Justice (Sexual Offences and Trafficking Victims) Bill which was introduced to the Assembly on 5 July 2021.

1. Removal of the defence of reasonable chastisement.
 - There is currently no legislative vehicle that could facilitate this

2. There was no cross Executive agreement to include a provision on the removal of the defence of reasonable chastisement from the Sexual Offences and Criminal Justice Bill. Nor was it included in changes contained within the Miscellaneous Provisions Bill.
 - The earlier Justice (Miscellaneous Provisions) Bill has been narrowed in scope to human trafficking and sexual offences provisions – now known as the Justice (Sexual Offences and Trafficking Victims) Bill, which was introduced to the Assembly on 5 July 2021. It does not contain any provisions around removal of the defence of reasonable chastisement. Any amendments to that Bill will have to relate to sexual offences of trafficking victims which removal of the defence of reasonable chastisement could not fall under.

3. Are there other actions currently being put forward by DOJ or individual members in an effort to remove the defence of reasonable chastisement from law?
 - The DOJ is not aware of any. If MLAs were to bring forward an amendment it would have to be deemed to be within the scope of legislation that is currently before the Assembly. To note, the wider Justice (Miscellaneous Provisions) Bill which was originally envisaged could potentially have facilitated such an amendment from an MLA during its passage – is separate from Executive approval to introduce, has not happened to date.

In this situation however following the discussion with DOJ Officials it appears there is no current proposed amendment pathway, as outlined above.

Ms Kirk indicated Barnardo's would advocate for the removal of the 'Reasonable Chastisement Clause' and was not aware there was no imminent opportunity within the current revision of legislation to remove this Clause.

The Chair revisited discussion from the previous Board meeting regarding the need for the SBNI members to be unanimous in their opinion on any subject in order for her to represent the views of the SBNI. She stressed the equality of each individual Board members view and position on particular matters and as such in this instance the SBNI could not make a collective comment regarding the removal of the defence of reasonable chastisement.

1 48/21P Previous Minutes

- 1.1 Members agreed the minutes from the last Board Meeting on 15th June 2021 were factual and accurate.
- 1.2 The minutes were subsequently approved as an accurate record of the meeting.

2 48/21P Matters Arising

- 2.1 Completed
- 2.2 Update from Chair
- 2.3 Ongoing

3 48/21P Disclosure and Barring Scheme (please refer to Presentation)

- 3.1 The Chair welcomed Mr Allister Woods to the meeting.
- 3.2 Mr Woods presented to the Board information in respect of the Disclosure and Barring Service (DBS).
- 3.2 The DBS is an executive non-departmental public body, sponsored by the Home Office which helps employers make safer recruitment decisions.
- 3.3 The DBS maintains the adults' and children's Barred Lists and makes considered decisions as to whether an individual should be included on one or both of these lists and barred from engaging in regulated activity.

- 3.4 Mr Woods outlined information in respect of the Regional Safeguarding Outreach Service and DBS Barring Workshop
- 3.5 The Chair thanked Mr Woods for his presentation

Action 1

The SBNI will forward the Disclosure & Barring Service Regional Presentation to Board members with contact details for Mr Woods included therein.

Action By: SBNI CST

4 48/21P Engagement with Children & Young People Strategy 2021 (please refer to Board Paper BM48-09.21P1)

- 4.1 Ms McKenzie provided an overview of the Engagement with Children & Young People.
- 4.2 Ms McKenzie advised Barnardo's NI was commissioned by the Safeguarding Board for Northern Ireland (SBNI) to develop and produce a three-year strategy detailing how the SBNI will engage with children and young people in Northern Ireland. The work was also to identify the best practice methods for capturing these views across a wide and varied audience base.
- 4.3 Ms McKenzie commented the purpose of the strategy is to ensure that the views and voices of children and young people are heard and responded to in relation to the safeguarding and child protection system in Northern Ireland. The strategy encompasses the strategic aims, intentions and priorities agreed by the SBNI in its Strategic Plan 2018-2022 and beyond.

The strategy was developed based on the following criteria;

- The representative sample of children and young people engaged with included coverage of Section 75 categories, where applicable
- The above also included those children and young people who may be difficult to reach due to their vulnerability and / or marginalisation
- Ensured a rural / urban representation of children and young people

- Utilised a range of opportunities for eliciting their views on how the SBNI should engage with them to realise the purpose of the strategy.

4.4 The SBNI Engagement with Children & Young People 2021 Strategy was approved by the Board.

5 48/21P Annual Report 2020 – 2021 (please refer to Board Paper BM48-09.21P2)

- 5.1 Ms McKenzie confirmed the Annual Report is now in a final draft version and it is anticipated the report shall be available to be presented to the Assembly within the designated DOH timescale.
- 3.2 Ms McKenzie invited Board Members to forward any responses regarding the Annual Report.

Action 2

Board members to forward any responses in respect of the Annual Report to caitrona.livingstone@hscni.net by 22nd September 2021.

Action By: Board Members

6 48/21P SBNI Finance Update Report (please refer to Board Paper BM48-09.21 P3)

- 6.1 Ms McKenzie presented the SBNI Finance Update Report. The paper is prepared from the information received from PHA Finance Department as part of its financial management and oversight provided under the memorandum of understanding between the SBNI and the Public Health Agency (PHA).
- 6.2 Ms McKenzie commented the budget has been profiled for spend and a break even position is anticipated for the financial year end.

7 48/21P SBNI Declaration of Assurance Mid-Year September 2021 (please refer to Board Paper BM48-02.21 P4)

- 7.1 Ms McKenzie presented the SBNI Declaration of Assurance Mid-Year September 2021 paper.
- 7.2 Ms McKenzie advised the Declaration of Assurance Mid-Year Statement was presented and approved by the Governance Committee.
- 7.3 The Board approved the Declaration of Assurance Mid-Year Statement

8 48/21P Publication of Guidance on Information Sharing for Child Protection Purposes (please refer to Board Paper BM48-02.21P5)

- 8.1 The Chair advised Board members of the DoH publication of Guidance on Information Sharing for Child Protection Purposes.

Action 3

PSNI to liaise with Maura Dargan and the Policy and Procedure Committee ref: the Information Sharing Guidance and work already underway between HSCB, PSNI and PBNI.

Action By: Chief Supt Anthony McNally

9 48/21P Adoption and Children Bill Consultation (please refer to Board Paper BM48-09.21P6)

- 9.1 The Chair advised members of the Adoption and Children Bill Consultation.
- 9.2 The Chair advised the NI Assembly Committee for Health would now like to hear views on the Adoption and Children Bill and encouraged members to respond to the Consultation.

10 48/21P Call for Evidence – Justice Sexual Offences and Trafficking Bill 2021 SBNI Response (please refer to Board Paper BM48-09.21P7)

- 10.1 The Chair presented the SBNI draft response to the Call for Evidence – Justice Sexual Offences and Trafficking Bill 2021.
- 10.2 The Chair commented the Bill intends to improve the effectiveness of the Justice System. Its' two key aims are:
- To enhance public safety by implementing certain elements of the Report of the Gillen review of serious sexual offence cases and from a review of the law on child sexual exploitation and sexual offences against children; and
 - To improve services for victims of trafficking and exploitation.
- 10.3 The Board approved the SBNI response to the Call for Evidence – Justice Sexual Offences and Trafficking Bill 2021

11 48/21P Harmful Sexual Behaviour Child Protection Policy – April 2021
(please refer to Board Paper BM48-09.21P8)

- 11.1 Ms Dargan advised a Regional review of operational responses to Harmful Sexual Behaviour (HSB) in childhood was undertaken prompted by judicial commentary following an application for Judicial Review combined with the learning emerging from the 'Pyper' CMR.
- 11.2 Ms Dargan commented that the Regional Harmful Sexual Behaviour Group chaired by HSCB has developed the attached guidance. This guidance was discussed at the Children's Services Improvement Board (CSIB) on 16 April 2021 and approved by the Trust Directors of Social Work. The paper was subsequently presented to the Policy and Procedure Committee on 30 June 2021 and agreement achieved to present this to the Board in September 2021.
- 11.3 The Chair thanked Ms Dargan for the update on the policy and advised the Board that the guidance document will be uploaded onto the Tri.x platform which hosts the Core Policy and Procedures on the SBNI Website
- 11.4 The Harmful Sexual Behaviour Policy was approved subject to the addition of a 'Record Keeping insertion into the document'.

Action 4

The Harmful Sexual Behaviour Policy was approved subject to the addition of 'Record Keeping Narrative' into the document

Action By: SBNI CST

12 48/21P Board Development Day (please refer to Board Paper BM48-09.21P)

- 12.1 The Chair discussed the arrangements for the SBNI Board Development Day. Most members indicated they would be content to meet in person provided a risk assessment was undertaken.
- 12.2 The Chair advised the Board members all Health & Safety policies will be implemented at the venue.
- 12.3 The Chair discussed the draft Agenda for the Board Development Day and welcomed any additional comments regarding the content of the Board Development Day.

Action 5

Board members to forward any comments regarding the content of the Board Development Day to caitrona.livingstone@hscni.net by 29th September 2021.

Action By: Board Members

The next Board meeting will be held on Wednesday 8th December 2021.

The Chair closed the public section of the meeting at 4.30pm.

Bernie McNally

Independent Chair SBNI