

**GUIDANCE TO SAFEGUARDING BOARD FOR NORTHERN
IRELAND (SBNI)**

Amended May 2014

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GLOSSARY OF TERMS

DHSSPS	Department of Health, Social Services and Public Safety (the Department)
HPSS	Health and Personal Social Services
SBNI	Safeguarding Board Northern Ireland
HSC Board	Health and Social Care Board
PHA	Regional Agency for Public Health and Social Well-being
HSC Trusts	Health and Social Care Trusts
PSNI	Police Service of Northern Ireland
PBNI	Probation Board for Northern Ireland
YJA	Youth Justice Agency
ELBs	Education and Library Boards
NSPCC	National Society for the Prevention of Cruelty to Children
LCGs	Local Commissioning Groups
NIGPC	Northern Ireland General Practitioners Committee
BMA	British Medical Association
NIASP	Northern Ireland Adult Safeguarding Partnership
PPANI	Public Protection Arrangements for Northern Ireland
UNCRC	United Nations Convention on the Rights of the Child
ECHR	European Convention on Human Rights
DPA	Data Protection Act 1998
MoU	Memorandum of Understanding
UNOCiNI	Understanding the Needs of Children in Northern Ireland
CtSC	Co-operating to Safeguard Children 2003
RCPC	Regional Child Protection Committee
CMR	Case Management Review
CDR	Child Death Review
CDOP	Child Death Overview Panel
GPs	General Practitioners
Panel	Safeguarding Panel
PPI	Personal and Public Involvement
HR	Human Resources
GFRM	Government Financial Reporting Manual
LSCBs	Local Safeguarding Children's Boards

Section 1

Introduction to SBNI Guidance

- 1.1 Statutory Framework and Status of this Guidance**
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1. Introduction

1.1 Statutory Framework and Status of this Guidance

The [Safeguarding Board for Northern Ireland \(SBNI\)](#) is established under [Section 1](#) of the [Safeguarding Board \(Northern Ireland\) Act 2011](#) (the [Act](#)).¹ The duties placed on the [SBNI](#) are stipulated in the [Act](#). Further prescription of the membership, functions and procedure is provided for in the [Safeguarding Board for Northern Ireland \(Membership, Procedure, Functions and Committee\) Regulations \(Northern Ireland\) 2012](#) (the [SBNI Regulations](#)) and [The Safeguarding Board for Northern Ireland \(Membership, Procedure, Functions and Committee\) \(Amendment\) Regulations \(Northern Ireland\) 2014](#) (the [Amendment Regulations](#)).

This guidance is issued by the [Department of Health, Social Services and Public Safety](#) (the [Department](#)) under [Section 5](#) of the [Act](#). [Section 12](#) requires SBNI Represented Bodies to have due regard² to this guidance when exercising its functions under [Section 3](#) of the [Act](#).

Functions of the Safeguarding Board

“5.-(2) The Safeguarding Board must, in exercising its functions, have due regard to any guidance given to it for the purpose by the Department.”

Arrangements to safeguard and promote the welfare of children

“12(3) Each person and body to whom this section applies must, in exercising their duty under this section, have due regard to any guidance given to them for the purpose by the Department.”

The guidance has been written in the understanding that the [SBNI](#) will retain a focus on child protection while it gradually develops a wider safeguarding remit. In addition to adhering to the requirements of the [Act](#), the [SBNI Regulations](#), the Amendment Regulations and the terms of this guidance, the represented bodies of the [SBNI](#) are required to take due account of and adhere to legislation, policy and guidance relevant to their particular sector. It is the responsibility of each Northern Ireland Department to ensure that legal and policy requirements do not conflict and, where they do, to resolve any conflict.

The statutory roles and functions of the represented bodies should not be compromised by the requirements of the SBNI legislation, directions issued under the legislation, or by this guidance.

[The United Nations Convention on the Rights of the Child \(UNCRC\)](#) is of particular relevance. In accordance with the [UNCRC](#), the [SBNI](#) must act at all times in the best interests of the child ([Article 3](#)), in a manner which is non-discriminatory ([Article 2](#)), in a way which respects the views of the child ([Article 12](#)), and for the

¹ The [Act](#) can be accessed at [Safeguarding Board Act \(Northern Ireland\) 2011](#)

² In the context of [Section 12](#) of the [Act](#), prefacing the word "regard" with "due" reinforces the duty incumbent on the Represented Bodies listed in [Section 12\(1\)](#) to have cognisance of any guidance issued by the [Department](#) in accordance with [Subsection 3](#).

purpose of protecting the child's inherent right to life, survival and development to the maximum extent possible ([Article 6](#)).

Other Articles of the [UNCRC](#) of particular relevance to the work of the [SBNI](#) are Articles [19](#), [34](#), [36](#), [37](#) and [39](#). The text of these Articles³ is set out at **Annex A** to this guidance.

The Hague Children's Conventions⁴; [the Human Rights Act 1998](#) and [the European Convention on Human Rights \(ECHR\)](#); and [The Children \(Northern Ireland\) Order 1995](#) are also considered relevant to the work of the [SBNI](#).

1.2 SBNI Members

Under Section 1(2)(b) of the Act, the SBNI must include representatives from the following persons or bodies specified in section 1(3) -

“(3) The persons or bodies referred to in subsection (2) are –

- (a) the Regional Health and Social Care Board;*
- (b) the Regional Agency for Public Health and Social Well-being;*
- (c) Health and Social Care Trusts;*
- (d) the Police Service of Northern Ireland;*
- (e) the Probation Board for Northern Ireland;*
- (f) the Youth Justice Agency;*
- (g) education and library boards;*
- (h) district councils;*
- (i) the National Society for the Prevention of Cruelty to Children;*
- (j) such other relevant persons or bodies as may be prescribed.”*

In accordance with Regulation 3 of the SBNI Regulations the SBNI must include representatives from the following -

- “(j) the British Medical Association; and*
- (k) any voluntary organisation.”*

In addition, under section 1(2)(c), the SBNI must also include –

“(c) at least 2 but not more than 4 other persons (who are not representatives of the persons or bodies specified in subsection (3) or of any other relevant persons or bodies) appointed by the Department.”

Representatives from the bodies listed in [Section 1\(3\)](#) of the [Act](#) have been selected because of the capacity of each organisation to safeguard and promote

³ UNCRC Articles can be accessed at

<http://webarchive.nationalarchives.gov.uk/20100415085344/http://www.dcsf.gov.uk/everychildmatters/strategy/strategyandgovernance/uncrc/unitednationsarticles/uncrcarticles/>

⁴ Three Hague Children's Conventions have been developed to provide the practical machinery to enable States which share a common interest in protecting children to co-operate together to do so - 1980 *Convention on the Civil Aspects of International Child Abduction*; 1993 *Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*; and 1996 *Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children*.

children's welfare in the context of the services which they currently provide to them. Their role is set out in [Section 1.3](#) below.

1.3 Role of Bodies Represented on the SBNI (Represented Bodies)

For the purposes of this guidance, the following are referred to as "represented bodies" –

Health and Social Care Board (HSC Board)

The [HSC Board](#) together with its [Local Commissioning Groups \(LCGs\)](#) is accountable to the Minister for translating his vision for health and social care into a range of services that deliver high quality and safe outcomes for users, good value for the taxpayer and compliance with statutory obligations.

Regional Agency for Public Health and Social Well-Being (PHA)

The [PHA](#) is the major regional organisation for health protection and health and social wellbeing improvement. It is also committed to addressing the causes and associated inequalities of preventable ill-health and lack of wellbeing.

Health and Social Care Trusts (HSC Trusts)

[HSC Trusts](#) have responsibility for providing a range of hospital and community-based health and social care services including Family and Childcare Services.

Police Service of Northern Ireland (PSNI)

The mission of the [Police Service of Northern Ireland \(PSNI\)](#) is to make Northern Ireland safer. Working together in partnership, the [PSNI](#) shares a commitment to ensure the continued delivery of high quality policing to all the communities in Northern Ireland. The [PSNI](#) is committed to providing the reassurance demanded by the people of Northern Ireland.

Probation Board for Northern Ireland (PBNI)

The aim of the [Probation Board for Northern Ireland \(PBNI\)](#) is to help reduce crime and the harm it causes. [PBNI](#) is committed to working effectively, in partnership with a number of voluntary, private and statutory organisations. This function contributes to the public protection arrangements, which is also complemented by [PBNI](#)'s professionally based case management approach to offenders.

Youth Justice Agency (YJA)

The [Youth Justice Agency \(YJA\)](#) has responsibility for providing a range of statutory services for under 18s in the community and custody including:

- monitoring and supervising court and diversionary Youth Conference Orders;
- supervising other Court Orders;
- managing a secure residential centre for sentenced or remand young persons in custody;
- providing family services; and
- providing victim services.

Education and Library Boards (ELBs)

The vision of the education system is to ensure that every learner fulfils his/her potential at each stage of development. Realising this vision requires co-ordination across the education sector and recognition that for children and young people to

achieve their potential they need to be educated in a safe and caring environment where they are respected and receive the support they need.

District Councils

District Councils are responsible for providing a wide variety of quality services including Building Control; Leisure and Development; Corporate Services; Environmental Health and Technical Services.

NSPCC

The [NSPCC](#) has authorised status under [The Children \(Northern Ireland\) Order 1995](#) and the Society's vision is to end cruelty to children through the provision of a wide range of services including the [NSPCC Helpline](#) and [Childline](#) service, campaigning, policy development and research.

Northern Ireland General Practitioners Committee

The Northern Ireland General Practitioners Committee (NIGPC) is a British Medical Association (BMA) committee with authority to deal with all matters affecting GPs working within Health and Personal Social Services (HPSS), whether or not a GP is a member of the BMA.

The Voluntary and Community Sector

The Voluntary and Community sector makes a significant contribution to the life of children in Northern Ireland, spanning a wide sphere of activities and interests, ranging from small community interest groups through to larger voluntary and community sector organisations.

1.4 Prescribed Representatives included in the SBNI

Regulation 3 of the SBNI Regulations states -

“3.- (2) For the purposes of section 1(2)(b) of the Act the prescribed representatives shall be-

- (a) the Director of Social Care and Children from the Regional Health and Social Care Board;*
- (b) from the Regional Agency for Public Health and Social Well-being–
 - (i) the Designated Nurse for Safeguarding Children;*
 - (ii) the Director of Nursing and Allied Health Professionals; and*
 - (iii) the Director of Public Health;**
- (c) an Executive Director of Social Work from each of the following HSC trusts-
 - (i) the Belfast HSC Trust;*
 - (ii) the South Eastern HSC Trust;*
 - (iii) the Southern HSC Trust;*
 - (iv) the Northern HSC Trust;*
 - (v) the Western HSC Trust;**
- (d) an Assistant Chief Constable of the Police Service of Northern Ireland with responsibility for safeguarding and promoting the welfare of children;*
- (e) the Director of the Probation Board for Northern Ireland;*
- (f) the Chief Executive of the Youth Justice Agency*
- (g) the Chief Executive of an Education and Library Board*
- (h) two Chief Executives of district councils;*
- (i) the National Head of Service for Northern Ireland of the National Society for the Prevention of Cruelty to Children;*
- (j) a member of the Northern Ireland General Practitioners Committee of the British Medical Association; and*
- (k) at least three but not more than five persons from voluntary organisations.”*

The prescribed representatives of the persons or bodies specified in [Section 1\(3\)](#) of the [Act](#) are at a level of seniority considered necessary for strategic decision making by the [SBNI](#) and to facilitate commitment on behalf of their agencies.

1.5 Selection of Voluntary Sector Representatives of SBNI

A mechanism for selecting voluntary/community sector SBNI representation has been established by the [SBNI](#) and approved by the [Department](#). The mechanism has established selection criteria and a scoring system, and seeks nominations from voluntary and community sector organisations across Northern Ireland. Applications are accepted from organisations which meet the criteria. Proposals to alter the selection mechanism must be submitted to the [Department](#) by the Chair of the SBNI for further approval.

1.6 Inclusion of Additional SBNI Representatives

In accordance with [Section 1\(3\)\(j\)](#) of the [Act](#) the [Department](#) may prescribe by Regulations “*such other relevant persons or bodies...*”, to be included in the [SBNI](#). The [Department](#) has exercised its power under this provision of the [Act](#) to prescribe at [Regulation 3\(2\)\(j\)](#) and [\(k\)](#) of the [SBNI Regulations](#) for representatives from the

[British Medical Association](#) and any voluntary organisation to be included in the [SBNI](#).

Should the [SBNI](#) wish to extend its existing membership, it can do so by prescribing additional members in accordance with [Section 1\(3\)\(j\)](#) of the [Act](#). The SBNI Chair will write to the [Department](#) setting out the rationale for extending the membership of the [SBNI](#). Subject to Ministerial and Executive approval the [Regulations](#) will be amended to include the additional Member.

1.7 Inclusion of time-bound SBNI Representatives

Section 1 of the Act states -

“1.-(4) Subject to the approval of the Department, the Safeguarding Board may also include representatives of such relevant persons or bodies (other than the persons or bodies specified in subsection (3)) as the members of the Board consider should be represented on it. “

An individual may become a member of the [SBNI](#) for a time-limited period. This might arise if, for example, the [SBNI](#) has a need for particular specialist or expert knowledge. The Chair of the SBNI will write to the [Department](#) setting out the rationale for the inclusion of the new member and the proposed time period for membership and seeking the [Department's](#) approval. This arrangement does not require amendments to the [SBNI Regulations](#).

1.8 Links with Other Strategic Partnerships

The [SBNI](#) has been established because of a [Northern Ireland Executive](#) commitment to safeguard children and in keeping with the Executive's 10 year strategy for Children and Young People, [Our Children and Young People – Our Pledge](#), which seeks to achieve the following outcomes for all children and young people:

- Being healthy;
- Enjoying, learning and achieving;
- Living in safety and with stability;
- Experience economic and environmental wellbeing;
- Contributing positively to community and society; and
- Living in a society which respects their rights.

The [Children and Young People's Strategic Partnership \(CYPSP\)](#) carries out integrated planning and commissioning of supports and services to improve all six outcomes for children in Northern Ireland and to address the rights and needs of specific groups of vulnerable children and young people such as looked-after children or disabled children and young people.

The [SBNI](#) will agree arrangements with the [CYPSP](#) to ensure that safeguarding issues can be raised and properly addressed within the Partnership's planning and commissioning mechanisms. Under these arrangements, each Partnership will take account of the role, objective and function of the other to ensure that they are sufficiently differentiated and that duplication of effort is avoided.

To ensure a joined-up approach to safeguarding and to promote cooperative working, the [SBNI](#) should also establish links with the [Northern Ireland Adult Safeguarding Partnership \(NIASP\)](#), the [Public Protection Arrangements for Northern Ireland \(PPANI\)](#) and with other strategic partnerships such as those dealing with regeneration, community safety, policing, domestic violence and drug and alcohol matters.

SECTION 2

Statutory Objective, Duties and Functions

- 2.1 Statutory Objective of the Safeguarding Board**
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 - 2.3.2 Promote an awareness of the need to safeguard and promote the welfare of children**
 - 2.3.3 Keep under review the effectiveness of what is done by each person or body represented on the Board**
 - 2.3.4 Undertake Case Management Reviews (see also Annex B - Case Management Reviews - Learning from Practice)**
 - 2.3.5 Review such information as may be prescribed in relation to the deaths of children in Northern Ireland**
 - 2.3.6 Advise the Regional Health and Social Care Board and local commissioning groups in relation to safeguarding and promoting the welfare of children**
 - 2.3.7 Promote communication between the Board and children and young people**
 - 2.3.8 Make Arrangements for Consultation and Discussion in relation to Safeguarding and Promoting the Welfare of Children**
 - 2.3.9 Other functions**

2.1 Statutory Objective of the Safeguarding Board

Section 2 of the Act states –

“2.–(1)The objective of the SBNI is to coordinate and ensure the effectiveness of what is done by each person or body represented on the Board (by virtue of section 1(2)(b) and (4)) for the purposes of safeguarding and promoting the welfare of children.”

The term safeguarding is intended to be used in its widest sense, that is, to encompass both prevention and protection activity. Therefore, safeguarding children is the process of preventing impairment of children’s health and development, and of ensuring they are growing up safely and securely and provided with effective care, all of which collectively enables them to attain greater success in adulthood. Safeguarding also extends to protecting children from abuse or neglect when it occurs, including the promotion and protection of children’s rights. For the purpose of this guidance, welfare relates to the physical, intellectual, social or behavioural development of children.

Whilst the [SBNI](#) has a role in co-ordinating and ensuring the effectiveness of the work of its member agencies to safeguard and promote the welfare of children, it is not accountable for their day to day operational work.

2.2 Statutory Duties of the Safeguarding Board

2.2.1 Duty to Co-operate

Section 10 of the Act sets out the duty to co-operate –

“10.- (1) The Safeguarding Board and each committee and sub-committee must co-operate with the persons or bodies specified in section 1(3) and with any persons or bodies referred to in section 1(4) in the exercise by the Board or a committee or sub-committee of its functions.

(2) The persons or bodies specified in section 1(3) and any persons or bodies referred to in section 1(4) must co-operate with the Safeguarding Board, committees and sub-committees-

(a) in the exercise by the Board or a committee or sub-committee of its functions; and

(b) in the exercise by the person or body concerned of any of its functions relating to safeguarding or promoting the welfare of children.

(3) The disclosure of information to or by the Safeguarding Board or a committee or sub-committee in pursuance of a duty of co-operation under subsection (1) or (2) does not breach any restriction on the disclosure of information (however imposed); but this subsection does not authorise a disclosure of information which contravenes the Data Protection Act 1998 (c. 29).”

The duty to co-operate is fundamental to the work of the [SBNI](#) and its committees and sub-committees. Their work relies on the co-operation of the represented bodies and time-bound representatives.

The [SBNI](#) should ensure that this duty is reflected in the SBNI Membership Agreement which should be reviewed annually by the [SBNI](#).

The [Act](#) does not define how the persons or bodies represented on the [SBNI](#) should co-operate with the Board in relation to the exercise of its functions. Where a person or body represented on the [SBNI](#) identifies a conflict with an existing statutory duty, it will be the responsibility of that person or body to bring this immediately to the attention of the [SBNI](#) for resolution. However co-operation should require that represented persons or bodies work collaboratively with one another to meet the [SBNI](#) objective of safeguarding and promoting the welfare of children.

The extent to which the represented bodies and time-bound representatives have acted in accordance with the statutory duty to co-operate will be specifically referenced in the [SBNI's](#) annual report.

The disclosure of information to or by the [SBNI](#) or a committee or sub-committee in pursuance of the duty under [Section 10\(3\)](#) of the [Act](#) does not breach any restriction on the disclosure of information. However, it does not authorise a disclosure of information which would contravene the provisions of the [Data Protection Act 1998](#).

2.2.2 Duty to Supply Information Requested by Safeguarding Board

Section 11 of the Act deals with the supply of information requested by the Safeguarding Board.

“11.- (1) If the Safeguarding Board requests a person or body to supply information specified in the request to-

- (a) the Board or a committee or sub-committee (as the case may be), or*
- (b) another person or body specified in the request,*

the request must be complied with as soon as reasonably practicable after receipt of such a request if the first and second conditions are met and either the third or fourth condition is met.

(2) The first condition is that the request is made for the purpose of enabling or assisting the Safeguarding Board or a committee or sub-committee to exercise its functions.

(3) The second condition is that the request is made to a person or body whose functions or activities are considered by the Safeguarding Board to be such that the person or body is likely to have information relevant to the exercise of a function by the Board or a committee or sub-committee.

(4) The third condition is that the information relates to-

- (a) the person or body to whom the request is made,*
- (b) a function or activity of that person or body, or*
- (c) a person in respect of whom a function is exercisable, or an activity is engaged in, by that person or body.*

(5) The fourth condition is that the information-

- (a) is information requested by the Safeguarding Board from a person or body to whom information was supplied in compliance with another request under this section, and*
- (b) is the same as, or is derived from, information so supplied.*

(6) The information may be used by the Safeguarding Board or a committee or sub-committee, or other person or body to whom it is supplied under subsection (1), only for the purpose of enabling or assisting the Board or a committee or sub-committee to exercise its functions.”

In practice, this means that the need to share information to keep a child safe from harm takes precedence over the need to maintain confidentiality. It also alerts practitioners to the need to place children at the centre of their decision-making.

Sharing of information must be based on the following principles:

- have lawful authority;
- the request for information must satisfy the first and second condition set out in [Section 11\(2\)](#) and [\(3\)](#) of the [Act](#) and either the third or the fourth condition set out in [Section 11\(4\)](#) and [\(5\)](#) of the [Act](#), as set out above;
- be proportionate and shared in ways that ensure the safety and security of the information shared; and
- be accountable.

The [SBNl](#)'s power to request information does not supersede the [Data Protection Act 1998](#). Care, therefore, needs to be taken to ensure that [Data Protection Act](#) is

not breached and, where appropriate, that information is shared with regard to the [ECHR](#) rights of individuals.

While this provision in the legislation provides the [SBNI](#) with a power to obtain necessary information relevant to its functions, it should also provide practitioners with assurance that they can share certain sensitive information with the [SBNI](#), when the statutory criteria are met. This power should not constrain organisations from proactively sharing information.

It is expected that the [SBNI](#)'s power to request information should be exercised judiciously and only when it is necessary and proportionate to the purpose for which it is being sought. Where necessary, the SBNI Chair should seek legal advice in advance of exercising the power to request information under [Section 11](#) of the [Act](#).

The [SBNI](#) will routinely handle sensitive personal information and there will be safeguards in place within the [SBNI](#) to ensure that such information is held securely, handled appropriately and explanation and assurances are provided to the person/body from whom information is being sought.

The [SBNI](#) will develop Information Sharing Guidance (see Para 2.3.1 f) in conjunction with represented bodies, to assist in the sharing of information between those bodies, with the [SBNI](#) and its committees and sub-committees. In doing so, the [SBNI](#) will take into account the [Information Commissioner's Data Sharing Code of Practice](#) ([the Code](#)). Adopting the good practice recommendations of [the Code](#) will help to ensure that any sharing of personal information is undertaken in a manner that is fair, transparent and in line with the rights and expectations of the people whose information is being shared including rights to protection of privacy.

2.2.3 Duty to Make Arrangements to Safeguard and Promote the Welfare of Children

Section 12 of the Act states -

“12.-(2) Each person and body to whom this section applies must make arrangements for ensuring that –

- (a) their functions are exercised having due regard to the need to safeguard and promote the welfare of children; and*
- (b) any services provided by another person pursuant to arrangements made by the person or body in the exercise of their functions are provided having due regard to that need.*

(3) Each person and body to whom this section applies must, in exercising their duty under this section, have due regard to any guidance given to them for the purpose by the Department. “

Guidance in relation to this duty is developed under [Section 12\(3\)](#) of the Act. Relevant persons or bodies represented on the [SBNI](#) (see section 1.2) and voluntary, community and private sector organisations which are commissioned to

provide services on behalf of one of the member organisations, must comply with this guidance when discharging their functions.

The voluntary, community and independent sector organisations and practitioners (including counsellors and therapists working in a private capacity), who work with or have significant contact with children and young people otherwise than under contract with a person or body listed under [Section 12\(1\)](#), should follow this guidance as a matter of good practice.

Contributions to safeguarding and promoting the welfare of children will vary across organisations. For example, the main contribution of some organisations might be to identify and act on their concerns about the welfare of children with whom they come into contact, e.g. during or following completion of an [Understanding the Needs of Children in Northern Ireland \(UNOCINI\)](#) assessment. Others might be more involved in supporting a child once concerns have been identified.

The [SBNI](#) must assure itself that the [Section 12](#) duty is being adhered to by represented bodies. In practice this means that these bodies must make arrangements to ensure two things:

- firstly, that their functions are discharged having regard to the need to safeguard and promote the welfare of children. The duty does not give the represented bodies any new functions, nor does it over-ride their existing functions. It requires them to carry out their existing functions in a way that takes into account the need to safeguard and promote the welfare of children and;
- secondly, that the services they contract out to others are provided having regard to that need.

The [SBNI](#) will ensure that each represented body at an organisational or strategic level has the following in place:

- a) Senior management commitment to the importance of safeguarding and promoting children's welfare;
- b) A clear statement of the body's responsibilities to children which is available for all staff to access;
- c) A clear line of accountability within the organisation for work on safeguarding and promoting the welfare of children;
- d) Service development takes account of the need to safeguard and promote welfare and is informed, where appropriate, by the views of children and families;
- e) Staff training on safeguarding and promoting the welfare of children for all staff working with or, depending on the body's primary functions, in contact with children and families;
- f) Safer recruitment policies;
- g) Effective inter-agency working to safeguard and promote the welfare of children; and
- h) Effective Information sharing arrangements.

The [SBNI](#) must establish arrangements for auditing how bodies are meeting the duty to safeguard and promote the welfare of children. The [SBNI](#) will use a range of audit mechanisms, including a peer review process based on self-evaluation, performance indicators, and joint audit. Its aim is to promote high standards of safeguarding work and to foster a culture of continuous improvement. It should also

identify and act on identified weaknesses in services and report on these in the [SBNI's](#) annual report.

Where a represented body is not performing its duty to make arrangements to safeguard and promote the welfare of children, the SBNI Chair must address this as soon as practicable with the body or its representative and seek a timely resolution. If the SBNI Chair is not satisfied with the proposed resolution, with the agreement of the Board, the Chair of the SBNI will put his concern in writing to the relevant Minister and copy to the Minister of Health, Social Services and Public Safety.

Subject to having a Memorandum of Understanding in place and the content of the memorandum, the SBNI Chair may draw his concerns to the relevant regulatory/inspection body and recommend that [SBNI](#) concerns about adherence to the duty to make arrangements to safeguard and promote the welfare of children are reflected in future work undertaken by the regulator/inspectorate.

The extent to which represented bodies have acted in accordance with the statutory duty to make arrangements to safeguard and promote the welfare of children will be specifically referenced in the [SBNI](#) annual report.

2.3 Statutory Functions of the Safeguarding Board

The statutory functions of the SBNI are set out in section 3 of the Act.

In accordance with section 5 of the Act –

“5(1) Regulations may make provision as to the exercise by the Safeguarding Board of any of its functions (including provision as to further duties to be imposed, procedures to be followed and the manner in which the Board is to exercise its functions)”

Regulations 16 to 19 of the SBNI Regulations are made under section 5(1) of the Act.

Regulation 16 of the SBNI Regulations states that -

“16. The Safeguarding Board must ensure that it exercises its functions in a manner that -

(a) takes into account the views of children and young persons on the effectiveness of arrangements to safeguard and promote the welfare of children;

In exercising its functions, the [SBNI](#) must take into account the views of children and young people in Northern Ireland and the important role played by parents/carers in safeguarding children and promoting their welfare. Engagement must at all times be open and transparent, proportionate and consistent. In discharging its statutory functions, the [SBNI](#) should treat all children equally, taking account of the particular vulnerabilities of some groups of children to abuse and

neglect, such as those with disabilities, separated children, and care-experienced young people.

Account should also be taken of the communities in which children live and religious, cultural and ethnicity factors, all of which can impact on children's safeguarding and welfare needs.

The statutory functions of the [SBNI](#) are set out in the remainder of this section.

2.3.1 Develop policies and procedures to safeguard and promote the welfare of children

Section 3(1) of the Act states –

“The Safeguarding Board must develop policies and procedures for safeguarding and promoting the welfare of children.”

In addition, regulation 18 of the SBNI Regulations states -

“18. In exercising its function under section 3(1) of the Act (developing policies and procedures) the Safeguarding Board must put in place arrangements for the ongoing development and review of policies and procedures for safeguarding and promoting the welfare of children, including policies and procedures as set out in Regulation 18 in relation to –

- (a) the action to be taken where there are concerns about a child's safety or welfare, including thresholds for intervention;*
- (b) training of persons who work with children or in services affecting the safety of children;*
- (c) recruitment and supervision of persons who work with children; and*
- (d) investigation of allegations concerning persons who work with children.”*

Previously, Safeguarding Children Policies and Procedures were developed by the legacy Area Child Protection Committees (ACPCs) and revised by the [Regional Child Protection Committee](#) (RCPC).

In fulfilling its statutory duty to develop policies and procedures to safeguard children and promote their welfare, the SBNI will take account of the policies and procedures developed by legacy ACPCs and revised by [RCPC](#). Account will also be taken of extant Departmental safeguarding policy.

Policies and Procedures developed by the [SBNI](#) will either be applicable to:

- all represented bodies, e.g. policies and procedures on information sharing or the recruitment and selection of staff; or
- some represented bodies e.g. policies and procedures for the joint investigation by the police and social services

Policies and Procedures should include:

- a) definitions of child safeguarding, child protection and child abuse, and how concerns should be managed, including thresholds for intervention;

- b) a training framework with different levels of training commensurate with the level and nature of contact with children and young people;
- c) procedural guidance on recruitment, selection and supervision of staff including reference to statutory requirements relating to those who work with children and young people;
- d) procedural guidance on the sharing of information between organisations working with children and families.

2.3.2 Promote an awareness of the need to safeguard and promote the welfare of children

Section 3 of the Act states -

“3.- (2) The Safeguarding Board must promote an awareness of the need to safeguard and promote the welfare of children.”

The [SBNI](#) will develop mechanisms for:

- a) Communicating to individuals, communities and organisations in Northern Ireland the importance of the need to safeguard and promote the welfare of children;
- b) Raising awareness and providing examples of how this can best be done; and
- c) encouraging and empowering individuals, organisations and communities to proactively safeguard and promote children’s welfare.

2.3.3 Keep under review the effectiveness of what is done by each person or body represented on the Board

Section 3 of the Act states –

“3.- (3) The Safeguarding Board must keep under review the effectiveness of what is done by each person or body represented on the Board (by virtue of section 1(2)(b) and (4)) to safeguard and promote the welfare of children.”

In order to report annually on this function the [SBNI](#) will:

- a) with the support of its members, undertake a review of, and report on, the arrangements within represented bodies to safeguard children and promote their welfare;
- b) assess and report on the effectiveness of internal assurance mechanisms put in place by represented bodies;
- c) assess and report on the extent to which the represented bodies and the persons or bodies represented on the [SBNI](#) by virtue of [Section 1\(4\)](#) of the [Act](#) have actioned or applied the findings of internal/external reviews of performance relevant to safeguarding. This includes reports by professional and service regulators/inspection and the Commissioner for Children and Young People;

- d) assess and report on how effectively learning points from CMRs have been acted upon by the represented bodies and the persons or bodies represented on the SBNI by virtue of [Section 1\(4\)](#) of the [Act](#); and
- e) assess and report on the contribution of the represented bodies and the persons or bodies represented on the [SBNI](#) by virtue of [Section 1\(4\)](#), to the development and delivery of the [SBNI's](#) Corporate Plan and Annual Business Plans.

2.3.4 Undertake Case Management Reviews (see also Annex B – Case Management Reviews – Learning from Practice)

Section 3(4) of the Act provides that –

“(4) The Safeguarding Board must undertake such case management reviews as may be prescribed in such circumstances as may be prescribed.”

Regulation 17 of the SBNI Regulations state -

“17.—(1) In exercising its function under section 3(4) of the Act (case management reviews) the Safeguarding Board must undertake a case management review in such circumstances as are described in paragraphs (2) and (3).

(2)Where—

(a) a child has died or been significantly harmed;

(b) any of the following apply—

(i) abuse or neglect of the child is known or suspected;

(ii) the child or a sibling of the child is or has been placed on the register maintained by a HSC trust which lists each child resident in the area of the trust who, following an investigation by that trust under Article 66 of the Children (Northern Ireland) Order 1995⁽¹⁾, is subject to a plan to safeguard that child from further harm and promote his health and development; or

(iii) the child or a sibling of the child is or has been looked after by an authority within the meaning of Article 25 of the Children (Northern Ireland) Order 1995;

(c) the Safeguarding Board has concerns about the effectiveness in safeguarding and promoting the welfare of children of any of the persons or bodies represented on the Safeguarding Board by virtue of section 1(2)(b) and (4) of the Act; and

(d) the Safeguarding Board determines that there is significant learning to be gained from the case management review which, if applied effectively, will lead to substantial improvements in practice in safeguarding and promoting the welfare of children in Northern Ireland

(3)Where the Safeguarding Board has determined that a case demonstrates that any of the persons or bodies represented on the Safeguarding Board by virtue of section 1(2)(b) and (4) of the Act, have worked effectively (individually or in partnership) and that there is outstanding positive learning to be gained from the case which will lead to improved practice in safeguarding and promoting the welfare of children across Northern Ireland.

(4)For the purposes of paragraph (2)(a), the question of whether harm is significant shall be determined in accordance with Article 50(3) of the Children (Northern Ireland) Order 1995 as read with Article 2(2) of that Order.”

CMRs must be undertaken in the circumstances prescribed and described above. Detailed guidance on undertaking CMRs is included in **Annex B** to this guidance.

In summary, the Department intends that the CMR process will operate differently from how it operated previously. While the emphasis of CMRs was always intended to be on learning, they have in the past been either perceived as, or used as, a mechanism to find fault or apportion blame. This was never the objective of the CMR process. There are established mechanisms for holding people and organisations to account when things go wrong. These sit alongside the CMR process which will in the future have a pure learning focus; that is, learning from when things go wrong and learning from effective practice for the purpose of strengthening future arrangements for safeguarding children and promoting their welfare.

To emphasise the learning nature of CMRs the criteria requiring a CMR to be undertaken have been extended to include cases which demonstrate best practice by any represented body which has the real potential of leading to improved regional practice.

2.3.5 Review such information as may be prescribed in relation to the deaths of children in Northern Ireland

Section 3 of the Act states –

“3.- (5) The Safeguarding Board must review such information as may be prescribed in relation to deaths of children in Northern Ireland in such circumstances as may be prescribed.”

The Child Death Review (CDR) function of the Board will not be commenced until a review mechanism fit for purpose in Northern Ireland has been identified.

Further guidance on the SBNI’s CDR function and the operation of the Child Death Overview Panel (CDOP) (see paragraph 4.4) will be provided separately and at a later date.

2.3.6 Advise the Regional Health and Social Care Board and Local Commissioning Groups in relation to safeguarding and promoting the welfare of children

In accordance with Section 3(6) of the Act –

“(6) The Safeguarding Board must advise the Regional Health and Social Care Board and the Local Commissioning Groups in relation to safeguarding and promoting the welfare of children –

(a) as soon as reasonably practicable after receipt of a request for advice; and

(b) on such other occasions as the Safeguarding Board thinks appropriate.”

The [SBNI](#) is a sponsored body of the [Department of Health, Social Services and Public Safety](#) (DHSSPS). As a sponsored body of [DHSSPS](#), the [SBNI](#) has been specifically tasked with advising the [Health and Social Care Board](#) (HSCB) and [Local Commissioning Groups](#) in relation to safeguarding and promoting the welfare of children. This can either be done directly through the Chief Executive of the [HSCB](#) or through the [Children and Young People's Strategic Partnership](#), which is [HSCB](#)-led. This does not prevent the [SBNI](#) from providing advice in relation to safeguarding children and promoting their welfare to any other [SBNI](#) represented body.

2.3.7 Promote communication between the Board and children and young people

In accordance with section 3(7) of the Act –

“(7) The Safeguarding Board must promote communication between the Board and children and young persons”

In addition Regulation 19 of the SBNI Regulations states -

19. In exercising its function under section 3(7) of the Act (promoting communication between the Safeguarding Board and children and young persons) the Safeguarding Board must establish a range of methods to promote communication with children and young persons which must include direct methods of communication.

This Guidance is informed by [Ask First - Northern Ireland Standards for Children and Young Person's Participation in Public Decision Making](#) which is underpinned and informed by the [United Nations Convention on the Rights of the Child](#) (UNCRC), [Section 75](#) of the [Northern Ireland Act 1998](#) and [Our Children and Young Persons – Our Pledge](#), the Government's 10 year strategy for Children and Young People in Northern Ireland.

The [SBNI](#) must ensure that it embeds the promotion of communication between the Board and children and young people, who may be affected by the work of the [SBNI](#). This should be reflected in the corporate and business plans of the [SBNI](#). The [SBNI](#) must engage children and young people early in the planning process to maximise the effectiveness of [SBNI](#) work.

In addition, the [SBNI](#) may wish to establish a Committee, with relevant representation, to assist in the delivery of this function.

In promoting communication between the [SBNI](#) and children and young people, the [SBNI](#) will be guided by the principles set out below, will develop a range of communication methods, and establish a standard of practice expected of all represented bodies. In addition, it will collect information about the extent and effectiveness of all of its communication activity with children and young people.

Principles

The [SBNI](#) is responsible for promoting a commitment to communicate directly with children and young persons across the Board and its committees and sub committees, which includes the involvement and participation between children and

young persons, including those that are hard to reach due to their vulnerability or marginalised groups.

In doing so, the [SBNI](#) will promote:

Inclusion

- Consider models of good practice in communication, participation and inclusion of children and young persons in the work of the [SBNI](#), including the involvement of those who are most vulnerable and marginalised, as well as young people with disabilities and communication difficulties.

Respect

- Ensure that all children and young people are facilitated to engage in [SBNI](#) decision making processes and that the principles of respect, equality, and value of the contribution of children and young persons to the work of the [SBNI](#) are promoted.
- Recognise that children and young people are central to decision-making about the nature and extent of their involvement with the [SBNI](#).

Direct Communication with Key Personnel

- Recognise the need for direct contact between [SBNI](#) decision makers and children and young people, to hear young people share their experiences and articulate for themselves, their needs and ideas.

Support

- Put in place a mechanism to ensure that [SBNI](#) members are appropriately trained and have the necessary skills and knowledge to fully engage with children and young persons. This includes disability awareness training.
- Ensure that children and young persons are provided with the support required to engage effectively with the decision making process.

Knowledge

- Ensure that children and young people are provided with the knowledge and skills needed to engage effectively with the [SBNI](#) including mechanisms for children and young people to bring their own issues to the [SBNI](#).
- Timely, accurate and child-friendly information (which is accessible to all children including those with sensory and learning disabilities), should be provided before, during and after all occasions to promote communication between children and young persons and the [SBNI](#). This should include information about what is being asked of them, who is involved in the process and how decisions should be made, including feedback of their involvement on [SBNI](#) decisions.

Feedback

- Ensure that feedback is provided to children and young persons with whom the [SBNI](#) has engaged, telling them the outcome of their involvement and the extent to which their views, ideas and experience were or were not taken on board and why.

Appropriate Methods of Communication

The [SBNI](#) will:

- Engage with children and young persons in a variety of ways demonstrating versatility and flexibility based on what is best suited to their age, level of development and maturity of the child;
- Establish a mechanism to provide assurance to the [SBNI](#) and others that communication with children and young persons is effective;
- Report annually to the [Department](#) and others, via the SBNI annual report, on how delivery of the [Section 3\(7\)](#) of the [Act](#) has been met; and
- Establish consistent standards across the [SBNI](#) and [Committees/Sub Committees of the SBNI](#), for the promotion of communication with children and young persons.

Standards

Standards developed by the [SBNI](#) for the promotion of communication with children and young persons must include a statement on:

- Confidentiality;
- Consent;
- Ethical considerations of working with vulnerable and marginalised young persons;
- Religious, cultural and ethnicity issues;
- Remuneration and rewards; and
- Development of competencies for participants.

Information Collection

The [SBNI](#) must collect information on the levels of participation of children and young persons in the following areas:

- Where children and young persons views have been taken into account;
- Where children and young persons have been involved in decision making in an active and direct way;
- Where children and young persons share power and responsibility for decision making; and
- Where children and young persons make autonomous decisions.

Learning from Experience

The [SBNI](#) will identify any inhibitors to the promotion of communication with children and young people and seek to remove these from future engagement activity. The [SBNI](#) will promote opportunities for represented bodies, which have established effective mechanisms for engagement with children and young people, to share the benefit of their experience with the [SBNI](#). Also the [SBNI](#) will draw on research and evaluation of effective practice relating to the promotion of communication with children and young people.

2.3.8 Make Arrangements for Consultation and Discussion in relation to Safeguarding and Promoting the Welfare of Children

Section 3 of the Act states –

“3. - (8) The Safeguarding Board must make arrangements for consultation and discussion in relation to safeguarding and promoting the welfare of children.”

The [SBNI](#) will put in place appropriate methods for consultation and discussion with parents, carers, children and other relevant stakeholders in relation to safeguarding children and promoting their welfare.

2.3.9 Other Functions

Section 3 (9) – (10) of the Act states –

“(9).- *The Safeguarding Board may-*

- (a) *compile and analyse information concerning safeguarding and promoting the welfare of children;*
- (b) *provide advice or information on any matter concerning safeguarding and promoting the welfare of children;*
- (c) *subject to consultation with the Department, publish any matter concerning safeguarding and promoting the welfare of children;*

(10) The Safeguarding Board may also engage in any other activity that facilitates, or is conducive to, the achievement of its objective.”

The extent to which the [SBNI](#) exercises any of the functions set out above is a matter for the [SBNI](#) to consider and agree.

In relation to the requirements at [Section 3\(9\)\(c\)](#) of the [Act](#), the SBNI will consult with the [Department of Health, Social Services and Public Safety](#) (the Department) prior to the publication of any material relating to safeguarding children and promoting their welfare. This will enable the [Department](#) to, among other things; consider the factual accuracy of the publication and the implications for policy. A list of all [SBNI](#) publications on which the [Department](#) is consulted will be included in the [SBNI](#) annual report.

If the [SBNI](#) considers that it needs to engage in any other activity which is unrelated to any of the functions previously outlined, it may do so under [Section 3\(10\)](#) of the [Act](#), provided such activity *facilitates, or is conducive to, the achievement of its objective*. Where this provision is used, the [SBNI](#) must include details of the activity undertaken in the [SBNI](#) annual report.

Section 3

SBNI STRUCTURES

- 3.1 SBNI Structures**
- 3.2 Roles and Responsibilities of SBNI Team**
- 3.3 Reporting Arrangements**
- 3.4 Tenure of Office of SBNI Chair and Lay Members**
- 3.5 Termination of Appointment of the Chair and Lay Members**
- 3.6 SBNI Membership Agreement**
- 3.7 Meetings of the SBNI**

3.1 SBNI Structures

The [SBNI](#) is managed and directed by a Chair who is independent of its member agencies and appointed by the Minister for Health, Social Services and Public Safety (the Minister). The SBNI Chair is responsible for providing strategic leadership and direction to the [SBNI](#) and for ensuring the effective performance and discharge of its statutory objective, duties and functions as set out in the [Act](#) for the purpose of safeguarding children and young people in Northern Ireland and promoting their welfare. The Chair will have a key challenge function in relation to [SBNI](#) represented bodies and will have significant knowledge and experience of safeguarding children. On a day to day basis, the Chair will be supported by [the SBNI Team](#) consisting of:

- a Director of Operations;
- Professional Officers; and
- Administrative Staff.

The Chair also has the support of lay members (a maximum of 4), also appointed by the Minister.

3.2 Roles and Responsibilities of SBNI Team

Director of Operations

The Director of Operations (the Director) has day to day management responsibility for the operation of the [SBNI](#), including effective and efficient use of the Board's resources. The Director will lead on strategic planning, annual reporting, and assist the Chair to ensure that the [SBNI](#) is meeting its objective. He/she will provide professional leadership and will oversee the management of all SBNI staff.

The Director has a major role in the discharge of the key responsibilities of the [SBNI](#) to ensure that work to safeguard children is properly co-ordinated and effective. The Director will also be responsible for ensuring high standards of safeguarding practice and continuous improvement in safeguarding arrangements through monitoring and evaluation of each represented body's performance and inter-agency co-ordination and co-operation.

Professional Officers

The Professional Officers are appointed on the basis of their expertise of child safeguarding and will lead in the provision of expert and professional advice to the Chair and represented bodies of the [SBNI](#) and its committees and sub committees. The Professional Officers will assist the Director in the development of strategic and business plans and annual reporting by the Board. They are responsible for maintaining a repository of key learning points from the review of cases undertaken by the [SBNI](#).

3.3 Reporting Arrangements

The SBNI Chair has a direct reporting line to the Minister for Health, Social Services and Public Safety and through him to the [Northern Ireland Executive](#). The Director will manage the Professional Officers and the SBNI Administrative Staff and will report directly to the SBNI Chair. The Director, Chairs of SBNI committees

and Lay Members of the Board report directly to the SBNI Chair. Other [SBNI](#) employees will report to their line managers.

3.4 Tenure of Office of SBNI Chair and Lay Members

Regulation 7 of the SBNI Regulations states -

“7. - (1) The Chair of the Safeguarding Board and members of the Safeguarding Board appointed under section 1(2)(c) of the Act shall be appointed for a period not exceeding 4 years.”

The [SBNI Regulations](#) allow for the Chair and members to serve two 4-year terms which equates to a maximum period of tenure of eight years. Responsibility for the smooth transition from an outgoing Chair to a new Chair rests with the Sponsor Department.

3.5 Termination of Appointment of the Chair and Lay Members

If a Chair or Lay Member is absent from meetings of the [SBNI](#) for six months, the Director will advise the [Department](#) formally in writing of the vacancy once the six month period has been reached. The process of a new public appointment to fill the vacancy will commence at that point.

3.6 SBNI Membership Agreement

The [SBNI](#) should develop a Membership Agreement for the represented bodies. The purpose of the Membership Agreement is to set out the expectations which the [SBNI](#) has of its represented bodies, about how they will work together to ensure effective inter-agency/multi-disciplinary arrangements for safeguarding and promoting the welfare of children in Northern Ireland. The Membership Agreement will be clear about what is expected of members who represent a profession (for example GPs) or a wider group of organisations (for example, District Councils or Education and Library Boards), and identify a mechanism for obtaining the commitment of the profession/body that they represent. The [SBNI](#) will publish the Membership Agreement on its website.

3.7 Meetings of the SBNI

Chairing Arrangements

The [SBNI](#) meetings will be chaired by the SBNI Chair. Under the [SBNI Regulations](#) the SBNI Chair and its members may appoint a lay member of the Board, who is independent of the SBNI Member Agencies, to act as a Deputy Chair. The Deputy will assume the full duties of the Chair while deputising.

Frequency

The [SBNI](#) will hold at least four planned meetings per year in relation to [SBNI](#) business. Papers for and draft minutes of these meetings will be shared with the [Department's](#) Sponsor Branch. It is recommended that from its second year of operation, [SBNI](#) meetings are scheduled at least one year in advance, to enable

members to effectively manage [SBNI](#) commitments alongside other business commitments.

The [SBNI](#) may wish to hold additional meetings for training and development purposes. As far as possible, these should be arranged in advance. Ad hoc meetings for specific [SBNI](#) business may also be held.

Deputising Arrangements

Deputising arrangements for SBNI members is not permitted and this will be reflected in the Membership Agreement. Where a member does not attend on two consecutive occasions in any twelve month period, the Chair of the SBNI will ascertain the reasons for the absence and, if necessary, seek a comparable replacement from the organisation or nominating body.

Joint Membership

More than one individual may represent a member agency on the [SBNI](#) on a job share basis. However, only one representative will attend each [SBNI](#) meeting and collectively will have one voting right.

Exclusion of the Public from SBNI Meetings

The [SBNI](#) will ordinarily conduct open meetings. However, it may exclude the public from SBNI meetings where the Board is satisfied that, given the nature of the business to be discussed, it is not appropriate to hold an open meeting. The agenda for [SBNI](#) meetings will always indicate which, if any, sessions are closed. The agenda will be placed on the [SBNI's web site](#) promptly to facilitate attendance by the public at open meetings (or parts thereof).

Minutes of Meetings

The agreed minutes of [SBNI](#) meetings will be published on the [SBNI's web site](#) and will exclude information concerning confidential business conducted in closed session during [SBNI](#) meetings.

Section 4

SBNI Committees

- 4.1 Statutory Committees of the SBNI**
- 4.2 Safeguarding Panels**
- 4.3 Case Management Review (CMR) Panel**
- 4.4 Child Death Overview Panel (CDOP)**
- 4.5 Other Committees**
- 4.6 SBNI and Relationship with its Committee Chairs**

4.1 Statutory Committees of the SBNI

Section 7 of the Act states –

*“7.- (1) The Safeguarding Board shall establish in accordance with this section –
(a) a prescribed number of committees to be called “Safeguarding Panels”;
(b) committee to be called “the Child Death Overview Panel”;
(c) committee to be called “the Case Management Review Panel”.*

The membership and functions of [SBNI statutory committees](#) are prescribed in the [SBNI Regulations](#).

In addition, the [SBNI](#) has the statutory power to establish other committees and sub committees as necessary to assist in delivering its functions. This enables the [SBNI](#) to involve a wide range of groups/individuals in the conduct of [SBNI](#) business, including individuals who bring a robust practice perspective. This structure will enable a wider range of individuals to participate in the work of the [SBNI](#) as well as ensuring that the work includes an operational perspective.

4.2 Safeguarding Panels

There are five [Safeguarding Panels \(Panels\)](#) located within the geographical area of the [five Health and Social Care Trusts](#). [Panels](#) are multi-agency and multi-disciplinary and are intended to deliver the strategic aims of the [SBNI](#) at a local level.

Chairing Arrangements

Regulation 22 states -

“22. For the purposes of section 7(4)(a) of the Act—

(a) the Safeguarding Board shall, with the approval of the Department, appoint a Chair of each of the Safeguarding Panels specified in column 1 of Schedule 2; and

(b) the Safeguarding Board shall appoint the members specified in paragraphs (1)(b) to (j) of regulation 23.”

Safeguarding Panel Chairs will be independent of any body that is represented on the [Panels](#) and will be appointed following an open and transparent selection process. The Panel Chairs will report directly to the SBNI Chair, with whom they will meet regularly. Panel Chairs will attend SBNI meetings as requested and will meet regularly with each other. The [Panel](#) may agree to appoint a deputy Chair from the Panel members. Deputy Chair Appointments will be made by way of nomination by Panel members and agreed by majority vote. In the Chair’s absence, the deputy Chair will assume the full duties of the Chair.

Membership of the Safeguarding Panels

Regulation 23 states -

“23.- (1) For the purposes of section 7(5) of the Act a Safeguarding Panel shall include—

(a) a Chair appointed in accordance with regulation 22(a);

(b) from a HSC trust—

i. an Assistant Director for Children’s Services;

ii. a Named Doctor for Safeguarding Children;

iii. a Named Nurse for Safeguarding Children;

iv. an Assistant Director for Mental Health Services;

(c) a Superintendent from the Police Service of Northern Ireland;

(d) an area manager from the Probation Board for Northern Ireland;

(e) an Assistant Director from the Youth Justice Agency;

(f) a manager from an education and library board;

(g) at least one but no more than two managers from a district council;

(h) a manager from the National Society for the Prevention of Cruelty to Children;

(i) at least three but no more than five persons from voluntary organisations; and

(j) a member of a Local Medical Committee of the British Medical Association who practices within the area of the Safeguarding Panel.”

The [SBNI](#) will develop a mechanism to assist the Panel Chairs in the selection of voluntary and community sector organisations in the local area. The mechanism will seek nomination from voluntary and community sector organisations in the local area. The selection process will be approved by the SBNI and will take account of local needs. A voluntary organisation is not required to be a member of the SBNI to secure membership on the [Safeguarding Panel](#).

If seeking to add to the membership of the Panel the Chair of the Panel will make representation to the Chair of the [SBNI](#), providing the rationale for extending Panel membership. The request will be considered by the [SBNI](#) at its next meeting and the decision conveyed in writing to the Panel Chair.

All member agencies of the [Panel](#) will be represented at Assistant Director/Manager level. The representative must have responsibility or a particular interest in safeguarding and promoting the welfare of children within the area of the [Safeguarding Panel](#).

Meetings of the Safeguarding Panels

Panels will meet as and when required but, at a minimum, on four occasions per year.

Functions of the Safeguarding Panels

Regulation 31 states –

“31. The functions of a Safeguarding Panel within the area of that Panel shall include-

- (a) co-ordinating the implementation of the Safeguarding Board’s strategic plan for safeguarding and promoting the welfare of children;*
- (b) monitoring the implementation of the Safeguarding Board’s policies and procedures;*
- (c) promoting an awareness of the need to safeguard and promote the welfare of children;*
- (d) implementing any arrangements established by virtue of regulation 38(b) for sharing the findings of case management reviews; and*
- (e) promoting communication between the Safeguarding Panel and children and young persons.”*

The [SBNI](#) will work with each [Safeguarding Panel](#) to ensure that action plans reflect delivery of the statutory functions of the [Panel](#). [Panels](#) will play a key role in assisting the [SBNI](#) to deliver its functions. This includes promoting an awareness of the need to safeguard and promote the welfare of children, with all member agencies playing a part.

As required, [Panels](#) will also ensure that learning from CMRs is effectively implemented by [Panel](#) represented bodies.

Support for Safeguarding Panels

Regulation 32 states –

“32.-(1) The relevant trust shall appoint a person to act as a Safeguarding Panel administrator.

- a. It shall be the duty of the relevant trust, if requested by the Safeguarding Board, to provide the Safeguarding Panel for its area with such accommodation that the trust, with the approval of the Safeguarding Board, considers necessary.*
- b. In paragraphs (1) and (2) “relevant trust” means the HSC trust specified in column 2 of Schedule 4 for that Safeguarding Panel.”*

Administrative support for [Safeguarding Panels](#) will be provided by the [HSC Trust](#) in whose area the [Panel](#) is located. This will form part of the duties of a [HSC Trust](#) administrative officer. The role and responsibilities of the administrator will be agreed with the relevant Panel Chair. When working on [Panel](#) business, the administrator will report to the Panel Chair. The operation of these arrangements will be subject to annual review by the SBNI to ensure that adequate support for the [Panel](#) is in place and any issues will be addressed locally by the Panel Chair.

4.3 Case Management Review (CMR) Panel

[Section 3\(4\)](#) of the [Act](#) provides for a Case Management Review (CMR) function in circumstances which are prescribed in Regulation 17 (see paragraph 2.3.4). Further detailed guidance on the conduct of CMRs is provided at Annex B to this guidance.

[Section 7\(1\)\(c\)](#) of the [Act](#), provides for the establishment of a [CMR Panel](#) (see paragraph 4.1) to undertake the CMR function of the [SBNI](#).

Chairing Arrangements

Regulation 34 states -

“34. For the purposes of section 7(4)(a) of the Act—

a) the Safeguarding Board shall, appoint a Chair of the Case Management Review Panel who must also be a member of the Safeguarding Board; and

b) the Safeguarding Board shall appoint the members specified in paragraphs (1)(b) to (e) of regulation 35.”

The [SBNI](#) will exercise its powers under [Section 1\(4\)](#) of the [Act](#) to appoint a member who will act as CMR Panel chair. [Regulation 34\(a\)](#) requires that the chair is a member of the [SBNI](#). The appointment, which will require Departmental approval, will be on the basis that the individual has the necessary level of expertise, skills, and knowledge of child safeguarding generally and case management review specifically. In addition, the CMR Panel Chair must be independent of SBNI represented bodies.

Membership

Regulation 35 states –

“35. For the purposes of section 7(5) of the Act the Case Management Review Panel shall include—

(a) a Chair appointed in accordance with regulation 34(a);

(b) a person nominated from each of the following persons or bodies—

(i) the Regional Health and Social Care Board;

(ii) the Police Service of Northern Ireland;

(iii) the Probation Board for Northern Ireland;

(iv) the Youth Justice Agency;

(v) an education and library board;

(c) a paediatrician;

(d) a Designated Nurse for Safeguarding Children; and

(e) an Assistant Director of Children’s Services of a HSC trust.”

The membership of the [CMR Panel](#) is prescribed under [Regulation 35](#) as above. If seeking to add to the membership of the CMR Panel the Chair of the Panel will make representation to the Chair of the SBNI, providing the rationale for extending

[CMR Panel](#) membership. The request will be considered by the [SBNI](#) and the decision will be conveyed in writing to the CMR Panel Chair.

Meetings of the CMR Panel

The [CMR Panel](#) of the [SBNI](#) will meet as and when required but, at a minimum, on four occasions per year.

Functions of the CMR Panel

Regulation 38 states-

“38. The functions of the Case Management Review Panel shall include-

- (a) holding a case management review in such circumstances as are described in regulation 17(2) and (3); and*
- (b) establishing arrangements for sharing the findings of case management reviews.”*

The [CMR Panel](#) must establish a Sub-Committee which will be known as a CMR Team for each CMR that the SBNI determines should be undertaken.

The CMR Team will be chaired by a person who is independent of the professionals, agencies or bodies involved with the case under review. The Chair of the CMR Team must also undergo training, which must be CMR Panel-approved.

Additional information on the functions of the [CMR Panel](#) and the CMR process is provided in **Annex B**.

4.4 Child Death Overview Panel (CDOP)

Under [Section 7](#) of the [Act](#), the SBNI is required to establish a Child Death Overview Panel (CDOP) (see paragraph 4.1). The CDOP will undertake the Child Death Review function of the [SBNI](#) under [Section 3\(5\)](#) of the [Act](#).

Section 3 of the Act states-

“3.- (5) The Safeguarding Board must review such information as may be prescribed in relation to deaths of children in Northern Ireland in such circumstances as may be prescribed.”

Commencement of the Child Death Review function of the [SBNI](#) will be deferred until one year after its operation. Further information on the function and operation of the CDOP will be provided separate to this guidance.

4.5 Other Committees

The [SBNI](#) may establish other committees it considers necessary to pursue its statutory objective or other statutory functions. These committees may be

established to undertake time-bound work or on a standing basis. For example, committees may be established to deal with the following:

- the development of policies and procedures;
- safeguarding awareness-raising;
- education and training; and/or
- performance management.

It is expected that additional Committees will be chaired by a member of the [SBNI](#).

The [SBNI](#) will develop clear Terms of Reference for each Committee which cover:

- Purpose and objective of the Committee;
- Areas of work to be undertaken;
- Membership – represented bodies on the Committee;
- Frequency of Committee meetings;
- Quorate arrangements which should be in line with the Schedules for attendance at the SBNI and its statutory committees i.e. two thirds of the Committee must be in attendance;
- Work planning arrangements;
- Reporting arrangements by the Committee Chair to the SBNI; and
- Annual reporting arrangements, which should inform the annual report of the SBNI.

Each Committee will have an annual work plan approved by the [SBNI](#). The Chair of the Committee is accountable to the Chair of the SBNI for the delivery of the work plan and reporting against delivery.

4.6 SBNI and Relationship with its Committee Chairs

Chairs of Committees will report to the [SBNI](#). For those who are SBNI members, this may be facilitated during SBNI meetings. Chairs, who are not SBNI members, will be asked for regular updates on the work of their Committee to ensure that their priorities accord with the strategic objectives set by the SBNI. They may also be invited to attend SBNI meetings or request attendance to provide updates to the [SBNI](#).

SECTION 5
Governance and Accountability

- 5.1 Governance and Accountability**
- 5.2 SBNI Strategic Plan**
- 5.3 Annual Business Plan**
- 5.4 SBNI Effectiveness**
- 5.5 SBNI Annual Report**
- 5.6 Training**

5.1 Governance and Accountability

The [Public Health Agency \(PHA\)](#) is the corporate host of the [SBNI](#). The corporate host arrangement extend to the provision of accommodation and the provision of Human Resources, Financial management and other corporate support functions of the [PHA](#).

The arrangement is governed by a Memorandum of Understanding (MoU)⁵. The [Chief Executive Officer](#) of the [PHA](#) will act as Accounting Officer for the [SBNI](#) and will account to the Department for the discharge of [SBNI](#) corporate host functions.

The Chair of the SBNI will account to the [Department](#), through the SBNI Sponsor Branch, for the discharge of the SBNI's statutory objective, duties and functions.

5.2 SBNI Strategic Plan

The [SBNI](#) will submit to the [Department](#) a draft three year strategic plan which will reflect the SBNI priorities, strategic aims and objectives. The plan will set out how the [SBNI](#) will deliver its statutory objective, functions and duties and should be submitted in accordance with agreed Departmental timescales. It will be subject to Departmental approval and will be supported by an annual Business Plan.

5.3 Annual Business Plan

The Business Plan will include key actions, supported by performance targets and indicators, to be undertaken in the year ahead and will include budget information.

5.4 SBNI Effectiveness

All represented bodies of the Board must co-operate with the Board and its Committees in the exercise of their functions relating to safeguarding and promoting the welfare of children.

Organisations represented on the [SBNI](#) have been selected on the basis of the key role that they play to safeguard children and to promote their welfare. Each member organisation will be required to demonstrate to the Board that it is being effective in carrying out that role.

Effectiveness should be measured by the [SBNI](#) in a number of ways, including:

- Adherence to policies and procedures developed and agreed by the Board;
- Through the process of Case Management Review;
- By way of findings from external [to the Board] reviews or inspections, which have a safeguarding focus or component. This includes reports by professional and service regulators and the Commissioner for Children and Young People;
- Statistical evidence held by member agencies;
- Contributions by member organisations to the Annual Report of the SBNI;

⁵ A copy of the MoU is available on the SBNI web site www.safeguardingni.org

- Feedback from parents/carers and children and young people; and
- Compliance with the recommendations of the United Nations Committee on the Rights of the Child relevant to safeguarding children and young people in Northern Ireland and promoting their welfare.

The [SBNI](#) should develop a set of standards and performance indicators against which the safeguarding activity by member organisations will be measured. The Board should also develop a self-audit tool, which member organisations will be able to use to assess and measure performance against agreed standards and indicators.

Ultimately, responsibility for the performance of each represented body in relation to safeguarding children and promoting their welfare rests fully with the organisation's Accounting Officer and is not transferable to the [SBNI](#).

5.5 SBNI Annual Report

Section 6(1) of the Act states –

“6.- (1) The Safeguarding Board must, within such period after the end of each financial year as the Department may direct, prepare and send to the Department a report in such form, and containing such information as may be prescribed.

(2) The Department must lay a copy of the report before the Assembly.”

Under [Section 6\(1\)](#) of the [Act](#), the [SBNI](#) is required to produce an annual report, which will be laid in the Northern Ireland Assembly by the sponsor department. The SBNI annual report will set out the [SBNI's](#) work and achievements for the previous year and delivery against the 3-year strategic plan and the annual business plan. It should also include information on participation by represented bodies in SBNI business including attendance at scheduled SBNI meetings.

Regulation 12 states –

“12. The Safeguarding Board must, in respect of each financial year, prepare and send to the Department a report on the exercise of its functions which shall-

- (a) review the Safeguarding Board’s activities during the year, including details of–
 - (i) the objectives and priorities which have been agreed with the Department;*
 - (ii) the achievements of the Safeguarding Board, measured by reference to the objectives and priorities which have been agreed; and*
 - (iii) the effectiveness of what has been done by each person or body represented on the Safeguarding Board (by virtue of section 1(2)(b) and (4) of the Act) to safeguard and promote the welfare of children;**
- (b) specify any material events affecting performance;*
- (c) include a copy of all directions given to the Safeguarding Board by the Department; and*
- (d) include a list of reports submitted to the Department for publication including the date of submission to the Department.”*

[Regulation 12](#) of the [SBNI Regulations](#) prescribes the content of the SBNI report as set out above.

The annual reports of the SBNI Committees will inform the annual report of the SBNI. The SBNI will request that all Committee Chairs provide an annual report on the work of their committees by a specified date, and in a particular format, to allow sufficient time for inclusion of relevant information in the SBNI annual report. The SBNI will specify the areas to be covered in the Committees’ annual reports.

SBNI financial reporting will be integral to the PHA annual accounts which must comply with the Government Financial Reporting Manual (GFRM) and prepared in accordance with relevant statute and accounts directions issued by the sponsor department.

Each year, [DFP](#) provides an annual timetable for the laying of accounts by Arms Length Bodies before the Assembly, therefore the SBNI timeline for production of its annual report will need to take account of this timetable. It is expected that the [Department](#) and the Chair of the SBNI will discuss the content of the annual report prior to formal submission to the Department and publication.

5.6 Training

SBNI members (including Committee members) and the SBNI Team will receive the necessary training to enable them to undertake their specific roles and functions.

There will be a minimum of two development days per year which all SBNI members will be required to attend. The Director of Operations will maintain records of all training provided and attended.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Annex B - Case Management Reviews - Learning From Practice

1. Introduction

This guidance, which replaces Section 10 of [Co-operating to Safeguard Children](#)⁶, is not intended to prescribe in detail the methodology of undertaking Case Management Reviews (CMRs) by [the Safeguarding Board for Northern Ireland \(SBNI\)](#). Rather, it does the following:

- establishes broad principles by which the CMR process will be guided;
- states the criteria by which a CMR **must** be undertaken;
- describes the roles of the [Safeguarding Panel](#), SBNI Chair, SBNI, [CMR Panel](#) and CMR Team, as part of the CMR process;
- establishes broad timescales for undertaking CMRs;
- highlights the relationship between the CMR process and its links to other processes; and
- provides options for the publication of learning from CMRs.

2. Case Management Reviews – Purpose

CMRs are undertaken not to find fault with individual practice but rather to examine the organisational systems and processes that assist or allow individuals to make decisions or to act in certain ways. **The focus of the CMR is on learning**, that is:

- learning from what has worked well and then build upon it; and
- what has not worked well and determine how this should be prevented in the future.

The [SBNI](#) aims to promote the highest standards of safeguarding practice within and across organisations. The CMR process is intended to assist the [SBNI](#) and its Represented Bodies to deliver that aim by creating a mechanism for reflecting on practice, identifying the learning from practice (what worked and did not work and why) and disseminating that learning for the purpose of improving practice and ultimately future safeguarding outcomes for children and young people. Of course, improvement must be sustained. This will require regular monitoring and follow-up by both the [SBNI](#) as a collective body but also by the SBNI's Represented Bodies as individual organisations. This will help to ensure that the findings from CMRs continue to have a real impact on children's lives.

3. Principles Underpinning the CMR Process

The following principles should be applied by the [SBNI](#) and its Represented Bodies in relation to the CMR process:

- there should be a culture of continuous learning and improvement across the organisations which work together to safeguard and promote the welfare of children – identifying opportunities to draw on what works and promote good practice;
- the process should be conducted with appropriate transparency and sufficient openness to engender professional and public confidence in it;
- the scope of reviews must be proportionate according to the scale and level of

⁶ [Co-operating to Safeguard Children](#) (DHSSPS, 2003)

- complexity of the issues being examined;
- CMRs must be led by individuals who are independent of the case under review and of the organisations whose actions are being reviewed;
- professionals must be involved fully in reviews and invited to contribute their perspectives without fear of blame for actions they took using their professional judgment and with good intentions;
- families, including surviving children, should be clear about how they are going to be involved in reviews and their expectations should be managed;
- improvement must be sustained through regular monitoring and follow up so that the findings from these reviews make a real impact on improving outcomes for children.

4. Circumstances in which the SBNI must undertake a CMR

Regulation 17 of the SBNI Regulations state -

“17.—(1) In exercising its function under section 3(4) of the Act (case management reviews) the Safeguarding Board must undertake a case management review in such circumstances as are described in paragraphs (2) and (3).

(2) Where—

(a) a child has died or been significantly harmed;

(b) any of the following apply—

(i) abuse or neglect of the child is known or suspected;

(ii) the child or a sibling of the child is or has been placed on the register maintained by a HSC trust which lists each child resident in the area of the trust who, following an investigation by that trust under Article 66 of the Children (Northern Ireland) Order 1995⁽¹⁾, is subject to a plan to safeguard that child from further harm and promote his health and development; or

(iii) the child or a sibling of the child is or has been looked after by an authority within the meaning of Article 25 of the Children (Northern Ireland) Order 1995;

(c) the Safeguarding Board has concerns about the effectiveness in safeguarding and promoting the welfare of children of any of the persons or bodies represented on the Safeguarding Board by virtue of section 1(2)(b) and (4) of the Act; and

(d) the Safeguarding Board determines that there is significant learning to be gained from the case management review which, if applied effectively, will lead to substantial improvements in practice in safeguarding and promoting the welfare of children in Northern Ireland

(3) Where the Safeguarding Board has determined that a case demonstrates that any of the persons or bodies represented on the Safeguarding Board by virtue of section 1(2)(b) and (4) of the Act, have worked effectively (individually or in partnership) and that there is outstanding positive learning to be gained from the case which will lead to improved practice in safeguarding and promoting the welfare of children across Northern Ireland.

It should be noted that all four strands of [Regulation 17\(2\)](#) [(a), (c) and (d), and at least one element of (b)] must be satisfied for the requirement for a CMR to be triggered, that is, in circumstances where a child has died or been significantly harmed. In addition, it should also be noted that [Regulation 17\(3\)](#) [separately from [Regulation 17\(2\)](#)] is intended to capture learning emanating from cases where professionals and agencies have worked exceptionally well together and to facilitate the sharing of learning from good safeguarding practice across Northern Ireland.

In relation to cases which meet the criteria under [Regulation 17\(2\)](#) the only consideration for Represented Bodies is whether elements [17\(2\)\(a\)](#) [*child has died or been significantly harmed*] and [17\(2\)\(b\)](#) [*abuse/neglect suspected; or child or sibling on the child protection register; or child or sibling is/has been looked-after*] are met. **A determination about whether the requirements of [Regulation 17\(2\)\(c\)](#) and Regulation 17 (2) (d) are satisfied [concerns about the effectiveness of the agencies involved in the case and significant learning from the case] is solely a matter for the SBNI.**

5. Notification to the SBNI

Cases requiring a CMR to be undertaken can originate in any of the SBNI's Represented Bodies, including the member agencies of the [Safeguarding Panels](#).

Cases satisfying [Regulation 17\(3\)](#) [positive learning cases] should be brought to the attention of the Chair of the Safeguarding Panel in whose area it arises, which, following consideration by the Panel will be brought to the attention of the SBNI. A procedure to facilitate the notification of [Regulation 17\(3\)](#) cases by SBNI Represented Bodies to the Chair of the Safeguarding Panel should be put in place by each Safeguarding Panel.

The [SBNI](#) will develop a CMR notification procedure to identify how cases for potential review should be submitted to the SBNI and the timescales within which notification should take place, once it has been established that the mandatory criteria for CMRs have been met. The [SBNI](#) will establish a minimum data set, that is, the information which must be supplied by a notifying body relating to each case. The minimum data set will include written evidence of how the criteria specified at Regulation 17(2) or [17\(3\)](#) are met. It is essential that the CMR notification procedure is communicated, understood and applied consistently by all SBNI Represented Bodies. It is also essential that SBNI officers (either the Director of Operations or Professional Officer) are available to deal with queries relating to whether CMR mandatory criteria are met.

The [SBNI](#) will develop CMR notification documentation. Represented Bodies will use the notification documentation provided by the [SBNI](#).

6. CMR Roles and Responsibilities

6.1 Role of the SBNI Represented Bodies

Each Represented Body should develop a mechanism to enable it to make a timely determination about whether the mandatory criteria for CMRs [under Regulation 17(2) or [Regulation 17\(3\)](#)] are met. If there is any doubt about whether the criteria are met the Represented Body may seek the advice of the [SBNI](#), through the Director of Operations or Professional Officers. The mechanism will ensure any

decision emerging from considerations about whether the CMR criteria are met, including decisions that they are not, must be recorded by the Represented Body/Bodies.

The Represented Body must establish an internal mechanism for handling requests from the [SBNI](#) for further information relating to a case under review and will be required to respond to those requests in accordance with [Section 11](#) of the [Act](#) (*supply of information requested by Safeguarding Board*). In addition, each Represented Body must facilitate access to relevant case records by the CMR Team and must ensure that the integrity of those records is maintained for the duration of the Review from the point a CMR notification to the [SBNI](#) is made. Each Represented Body must also establish an internal mechanism for ensuring that any learning relevant to the Body, which emanates from CMRs, is effectively communicated and implemented in a sustained way across the organisation. It is crucial that Represented Bodies align processes related to the CMR process and facilitate the sharing of relevant information between those processes. This will ensure that a full and comprehensive range of information is made available to the CMR process and also reduce or remove the potential for multiple requests for the same information to the same source or to a number of different sources within the organisation. Critically, Represented Bodies will be required to develop a mechanism to ensure that the organisation knows that a number of related case review processes (including the CMR process) are underway and that they can effectively communicate with each other and share information as appropriate.

6.2 Role of the SBNI Chair in relation to CMRs

6.2.1 Notification of a decision to proceed with CMR

The [CMR Panel](#) will make a recommendation in writing to the [SBNI](#) on whether to proceed with a CMR. The [SBNI](#) will consider the CMR Panel recommendation and will make a decision, about whether to proceed with a CMR. Decision making by the SBNI relating to CMRs may be taken at meetings of the [SBNI](#). However, the urgency of decision-making may dictate that, in most cases, agreement of the SBNI members may need to be sought and provided in writing as set out in paragraph 6.2.4. The [SBNI](#) decision on whether to proceed to CMR or not will be notified in writing by the SBNI Chair to the CMR Panel Chair.

The SBNI Chair will also notify **in writing**: the [Department of Health, Social Services and Public Safety](#); the Chair of the Safeguarding Panel in whose area it arises; and the Represented Body which made the CMR notification. Where the case involves criminal proceedings or death, this should be copied to the [Police Service of Northern Ireland](#), the [Public Prosecution Service](#) and the Coroner as appropriate. The CMR Panel Chair will consider and decide whether and how to inform the child, his or her family/carers and other relevant bodies or professionals of a decision to proceed with a CMR.

6.2.2 Handling of Reviews

It is the responsibility of the SBNI Chair to ensure that the [SBNI](#) has an effective CMR handling procedure. The procedure will establish how CMRs will be handled from receipt of a notification from a Represented Body through to the dissemination and activation of Learning Points from Reviews. Informed by this guidance, the

procedure will clearly articulate the roles of the CMR Panel Chair, the [CMR Panel](#), CMR Team Chair, the CMR Team and other Committees of the Board in connection with its CMR function. The procedure will specify the timescales within which CMR activity must be completed and how the [SBNI](#) will engage with families and practitioners in the course of and following the completion of an individual review. The procedure will provide for the escalation of any issue which arises in the course of review, which is considered to require urgent action. Where urgent action is required, it is the responsibility of the SBNI Chair to ensure that it is taken. This will require effective communication and follow-up with the Body or Bodies responsible for the action.

6.2.3 Dissemination of Learning

In consultation with the [SBNI](#), the SBNI Chair will decide how the learning from CMRs will be disseminated. This includes decisions about the method of dissemination. Dissemination methods can range from the publication of learning points from individual reviews, publication of the combined learning from reviews and to the publication of themes through to dissemination by various learning methods. It is essential that learning points are supported by a rationale (not only what the [SBNI](#) considers needs to be done but why). It is also essential that this learning is shared in a timely way to ensure early promulgation of best practice and the prevention of further poor practice.

The [SBNI](#) will generate an Action Plan relating to each CMR, which will set out how the learning from the review will be delivered and by when. Each Action Plan will require the approval of the [SBNI](#). The SBNI's [Effectiveness and Governance Committee](#) will be responsible for monitoring delivery of agreed actions by Represented Bodies. Represented Bodies will account to their respective Boards for the delivery of actions relevant to the Body by agreed target dates.

6.2.4 Securing the agreement of the SBNI

The CMR function of the [SBNI](#) will require effective communication and timely action. It is the responsibility of the Chair of the SBNI to establish a procedure for securing the agreement of the [SBNI](#) in connection with any matter which arises. Decision-making by the Board relating to CMRs may be taken at meetings of the Board. However, the urgency of decision-making may dictate that, in most cases, agreement of Board members may need to be sought and provided in writing.

6.2.5 CMR Register

The SBNI Chair will establish a CMR Register, which will include: the details of each CMR undertaken; what each CMR found (the learning identified), the method of disseminating learning identified in each CMR; the actions agreed to implement the learning identified; any follow-up action taken by the [SBNI](#) to ensure that learning has been applied.

6.3 Role of the CMR Panel

The mechanics of the [SBNI's](#) CMR function lie primarily with a statutory CMR Panel established by [Section 7](#) of the [Act](#). The CMR Panel will be supported by a number of CMR Teams. Both the Panel and Teams will receive the support of the SBNI

Director of Operations, Professional Officers and SBNI administrative support as required.

Regulation 38 of the SBNI Regulations states that -

“38. The functions of the Case Management Review Panel shall include-

- (a) holding a case management review in such circumstances as are described in regulation 17(2) and (3); and
- (b) establishing arrangements for sharing the findings of case management reviews.”

The CMR Panel is responsible for the management of all CMRs and will act as a source of advice to CMR Teams and to the [SBNI](#) in connection with its CMR function. The SBNI Officers will establish a pool from which CMR Team Chairs will be selected by the CMR Panel. CMR Team Members will be nominated by SBNI Represented Bodies. The CMR Teams, appointed by the CMR Panel, will undertake individual CMRs. It is possible that a CMR Team will be required to undertake more than one review at any one time. It is essential that all members of a CMR Team are sufficiently removed from, and independent of, the case under review. CMR Teams will be chaired by individuals with adequate expertise and experience.

It is the responsibility of the SBNI Officers, in consultation with the CMR Panel Chair and other Panel members, to advise the [SBNI](#) on a training programme for CMR Team Chairs and training for other CMR Team members to enable them to undertake CMRs consistently and to the standard set by the [SBNI](#). It is also the responsibility of the SBNI Officers to ensure that there is a sufficient number of appropriately trained CMR Team Chairs at any given time. Difficulties in recruiting CMR Team Chairs or other CMR Team members; problems with CMR methodology and timescales; and issues linked to CMR training should be brought to the attention of the SBNI Chair by the CMR Panel Chair / Director of Operations at the earliest possible opportunity for resolution. The CMR Panel Chair with input from the Professional Officers should also develop and maintain a CMR Master Plan, which includes information on the cases **currently** under review and the stage of each review. Finally, it is the responsibility of the CMR Panel Chair to ensure that the Director of Operations and the Chair of the SBNI are regularly advised of / alerted to: the progress of cases under review and issues arising, including potential slippage of agreed completion dates; and themes emerging across reviews.

The management of individual CMRs on behalf of the [SBNI](#) will require the [CMR Panel](#) to:

- consider whether criteria for undertaking a CMR are met; seek further information from the notifying organisation to assist with that consideration if required; and advise the Chair of the SBNI on whether, in the opinion of the Panel, a CMR should be undertaken;
- consider potential or actual concurrent investigation processes and agree how the interface with each process will be managed, including if and how information will be shared between processes;

- when the decision to proceed with a CMR has been confirmed in writing by the SBNI Chair, appoint a CMR Team Chair and agree the composition of the CMR Team with the CMR Team Chair in consultation with SBNI Officers;
- produce an individual CMR Plan with the Chair of the CMR Team, which should include: draft terms of reference for the review; the scope of the review; the timescales for completion; how the interface with other concurrent investigation processes will be managed; how the professionals/agencies involved with the case will be engaged; and how the child and his/her family/carers will be engaged and at what intervals.;
- review individual CMR Plans at regular intervals with CMR Team Chairs through to the completion of each CMR;
- provide advice to the SBNI Chair, SBNI Officers and the CMR Team Chair in connection with any matter which arises in the course of the conduct of a particular CMR, including matters of a data protection nature;
- ensure that Learning Points accurately reflect the facts and findings of the CMR;
- ensure that the CMR is at all times conducted in accordance with SBNI Regulations and guidance;
- advise and seek the approval the SBNI Chair of the findings of the CMR, the learning points identified and of the Panel-agreed dissemination strategy.

6.4 Role of the CMR Team

As indicated, the [SBNI](#) will require a number of CMR Teams to undertake CMRs. Each CMR Team is a statutory sub-committee of the [SBNI](#). Each Team will be led by a Chair appointed by the [CMR Panel](#), in consultation with SBNI Officers. The remaining membership of the Team will also be agreed with the [CMR Panel](#). Membership will be determined by the nature of the case under review. Independence, openness and transparency are crucial; it is essential, therefore, that members have no direct prior association with either the child or family whose case is being reviewed or with the agencies/professionals who were involved in the case under review. It is possible that a number of CMR Teams will be operational at any one time; this will depend on the number of CMRs being undertaken at any point in time. It is also possible for one CMR Team to be involved in more than one CMR concurrently. The CMR Team members must have the necessary professional expertise.

At a minimum, CMR Team Chairs will require:

- Relevant expertise in the management and/or the services being reviewed;
- A high level of leading/chairing experience;
- An ability to work in a collective and collegiate manner with a range of individuals and organisations, for example, the police, social care or health services;
- Strong interviewing and facilitation skills;
- Research and analytical skills; and
- Excellent report writing skills.

The CMR Team will develop a CMR Plan which must be submitted for agreement by the Chair of the CMR Team to the CMR Panel prior to the commencement of the review. The CMR Plan will be subject to regular review by the CMR Panel through

to the completion of the review. Any adjustments to the CMR Plan should be agreed in advance with the CMR Panel. The CMR Plan will include *inter alia*:

- the scope of the review [which agencies/professionals will be invited to partake in and contribute to the review; the timeframe covered by the review; and what documents will be requested];
- the timescales for completion [the timescale should not exceed the recommended period for completion of a review (see section 6 below) without the prior agreement of the CMR Panel Chair, who will advise the SBNI Chair];
- how the interface with other concurrent investigation/review processes will be managed [it is crucial that concurrent related case review/investigation processes neither interfere with each other and, where possible, share information to ensure that the fullest information is available to the CMR process and that duplication of effort is minimised];
- how and when the professionals/agencies involved with the case will be engaged [in person (one-to-one meetings or group meetings); in writing; before the review is undertaken, in the course of review, prior to the finalisation of the report, prior to the dissemination of learning points more widely];
- when the professionals/agencies involved with the case will be engaged [for example, before the review is undertaken; in the course of review; prior to the finalisation of the report; prior to the dissemination of learning points more widely];
- whether and how the child and his/her family/carers will be engaged and at what intervals;

7. Timescale for the CMR Process

It is important that CMRs are completed to the standard established by this guidance, and agreed by the [SBNI](#) and as soon as is practicable to ensure that learning identified is implemented and embedded in practice without delay. As a general rule, a CMR should be completed within a period of nine months starting from the decision by the SBNI to proceed with a review. This guidance creates the scope for that timeframe to be extended. An extension of the timeframe will, in every case, require the approval of the CMR Panel Chair, who will advise the SBNI Chair. The SBNI annual report should record the total number of CMRs completed in the reporting period, and the average time taken to complete reports.

8. The link between the CMR process and other related processes

Most CMRs will have their origins in serious adverse incident or critical incident reporting processes within organisations. **For example**, within the Health and Social Care (HSC) Sector, a Serious Adverse Incident reporting system exists. Some HSC Serious adverse incidents, which meet specified criteria, are required to be reported to the [Department of Health, Social Services and Public Safety](#) under an Early Alert System. It is essential that internal serious adverse/critical incident reporting systems within all Represented Bodies include a mechanism for triggering a notification to the [SBNI](#) on the basis that the criteria at [Regulation 17\(2\)\(a\)](#), and [\(b\)](#) have been met). The final decision about whether CMR criteria are fully met is a matter for the SBNI, following a recommendation from the CMR Panel.

It is possible that the circumstances of a case, which triggers a CMR, will also trigger other processes. For example, a criminal investigation into a case involving the sudden or unexpected death of a child, or public law proceedings under [The Children \(Northern Ireland\) Order 1995](#).

It is also possible that a CMR cannot be progressed or concluded until other parallel related processes have been completed, principally criminal investigations or court processes.

The SBNI should develop a Memorandum of Understanding (MoU) with the [Police Service of Northern Ireland](#) (PSNI) and the [Public Prosecution Service](#) (PPS). The MOU should specify the process for agreeing how parallel processes will be handled by the responsible bodies/agencies, including how each body/agency will inform the others that a process is underway, how each body/agency will keep the others informed of progress and how potential process conflicts will be raised and resolved. The Chair of the [CMR Panel](#) should ensure that there is adherence with the MoU at all times throughout the CMR process and escalate any problems either with the adherence to the MOU or the operation of the MoU to the Chair of the [SBNI](#) for resolution.

In the event that the CMR process is delayed to allow a criminal investigation to conclude, the [SBNI](#) will seek assurance from relevant organisations that they have assessed the circumstances of the case to identify if there are any immediate concerns and actions that need to be taken.

In relation to an individual case, the CMR process may also be on-going alongside any of the following proceedings:

- Coroners proceedings
- Public law proceedings
- Private law proceedings
- HSC Trust complaints proceedings
- Ombudsman's Office proceedings
- Northern Ireland Commissioner for Children and Young People's ([NICCY](#)) proceedings

Where parallel proceedings are underway, the [SBNI](#) will need to take account of those proceedings to ensure that the CMR process neither inadvertently interferes with nor conflicts with those proceedings. The [SBNI](#) should consider establishing a MoU with the responsible Bodies/Agencies to prevent potential interference or conflict. However, the [SBNI](#) should be mindful at all times of the learning nature of CMRs and ensure that where learning needs to be shared to prevent possible further poor practice, the SBNI Chair will agree how this can be best achieved with SBNI Represented Bodies.

9. Implications for government policy

Some CMRs may have implications for existing or proposed government policy. Where the [SBNI](#) agrees that this is the case, the SBNI Chair should draw this to the attention of the relevant government department(s) by writing to the Permanent Secretary of the department(s).