

Information Sharing Policy, Standards and Criteria

Consultation Response from the NSPCC Northern Ireland

October 2008

Introduction

1. The NSPCC are grateful for the opportunity for responding to this consultation document which we see an important practice and policy document. The issue of information sharing has featured large in virtually all Case Management Reviews in Northern Ireland, the regional inspection and in Inquires such as the Madeline O' Neill and McElhill cases. Effective information exchange is fundamentally important for the protection and safeguarding of children including those who are children in need.
2. We are of the view that this document establishes a helpful baseline for information sharing notwithstanding the need for further development of guidance. We have set out some specific comments on parts of the document below.

Specific comments

Legislation

3. We would suggest that reference is made in the document to:
 - Article 46 of the Children Order duty to co-operate (some text on the exact implications of this provisions and to whom it applies would be helpful);
 - The legal basis for the pressing needs test in the Appendix as provided for in **R v Chief Constable of North Wales, ex p Thorpe & another** [1998] 3 All ER 310;

- The provisions in the Criminal Justice (NI) Order 2008 particular reference on the Order to sharing of information. Article 50 (2)(b) in the Order and relevant references in Secretary of State's guidance; and
- Revised HSC Circular 3/96.

All of these provisions are strongly in the direction of sharing information. We hope also that when the SBNI legislation is tabled for discussion at the Assembly that the Bill will contain current provision as found in Sections 10 and 11 of the Children Act 2004. This will further underpin the statutory and procedural basis for information sharing.

Letter in Annex relating to advice from DHSSPS on dealing with dealing who are sexually active.

4. We have some difficulty with the letter and feel its inclusion at this point in the document is not helpful. There is not total agreement or understanding between agencies on the policy context for working with children who are sexually active and the interfaces between the Sexual Offences Order, exemptions for health professionals in issuing advice and the operation of Frazer guidelines. The letter is also not quite correct in that the under 14 provisions in UCK legislation relate to girls, not boys and reference to 'child' in paragraph 2 is needs to be thought out. Given that the Sexual Offences (NI) Order 2008 will introduce new offences in article 20, we suggest this area could benefit from additional specific guidance and we suggest the letter is not included in the policy document. **We would recommend that DHSSPS engage in further discussion with stakeholders on this issue.**

References to UNCRC

5. We would suggest that references to the UNCRC are extended to cover other provisions of the convention that are strongly supportive of information sharing.

Information sharing and adult mental health

6. The NSPCC welcome reference in the document at various points around the need to further develop specific protocols for particular purposes. One of the key issues is the interface and information exchange between adult mental health services and family and child care. This has been a key recommendation in O' Neill Inquiry and R Case Management Review. Work is under way through a regional ACPC group to develop a protocol. We would suggest that the responsibility of mental health practitioners and particularly psychiatry is highlighted at various points through the document to emphasise this issue including a case example in Annex B.

Layout

7. We would suggest that the index to the document comes sooner and some further work is done on layout and section headings to make it easier to locate material. Acknowledgement could be made to a wide group of people who had worked on the document.

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