

# NSPCC

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## NSPCC NI response to the DHSSPS consultation on Co-operating to Safeguard Children and Young People in Northern Ireland

September 2015

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## 1. **Introduction**

1.1 NSPCC welcomes the review and updating of *Cooperating to Safeguard Children and Young People in Northern Ireland* and the opportunity to look afresh at the general context regarding guidance. The safeguarding policy landscape has changed significantly since 2003 and this is the opportunity to ensure regional guidance dovetails with the procedures of the Safeguarding Board in Northern Ireland (SBNI).

1.2 The NSPCC is the lead child protection NGO in NI providing a range of evidence-based therapeutic and protection services directly to children, young people and their families. We are statutory members of the Safeguarding Board for Northern Ireland (SBNI) and Public Protection Arrangements NI (PPANI) and uniquely amongst voluntary bodies we have Authorised Status under the Children (NI) Order 1995 with the statutory power to apply for an Emergency Protection Order, Child Assessment Orders and to bring Care Order applications. In providing a response to this consultation we spoke widely with our specialist safeguarding and child protection practitioners across our services and this has informed our comments.

## 2. **General comments**

2.1 We are of the view that the current text focusses too much on statutory social services and needs reworking to reflect other agencies' responsibilities. In particular, greater recognition should be afforded to safeguarding requirements within the voluntary and community sectors. The guidance should be drafted in such a way that it is easily understood by all agencies and individuals with safeguarding responsibilities. We believe that the document for consultation would not be easily accessible to agencies outside of statutory social services.

2.2 The DHSSPS have already worked with Volunteer Now to produce *Getting it Right: Standards of Good Practice for the Protection of Children and Young People 2011*, as noted in Appendix 1 of the policy – it would be beneficial to reference these best practice standards for the voluntary sector to adhere to.

2.3 We note several sections that have been omitted from the 2003 guidance which could usefully be reinstated, for example:

- (i) Staffing issues, including safe recruitment and selection of staff; and supervision and support. The safeguarding recruitment requirements within the school setting must include teaching and non-teaching school staff in the school setting.
- (ii) The Armed Services - given that there are a number of garrisons and army bases located in NI.
- (iii) Children in prison, and Children in custody.
- (iv) Recognition of children in whom illness is fabricated or induced should be included in line with the existing supplementary guidance to *Working Together to Safeguard Children*.<sup>1</sup>
- (v) Reference to the risk assessment and risk management of sexual or violent offenders under the Public Protection Arrangements in Northern Ireland (PPANI) is limited and needs greater recognition.

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<sup>1</sup> [Safeguarding children in whom illness is fabricated or induced](#) HM Government (2008)

2.4 We believe it would be helpful to provide some directive narrative by way of introduction which clearly specifies the purpose and remit from which organisation and agencies should draw their principles from. There should also be a methodical format to make the document flow, for example prevention and early intervention; and engaging the family should typically come before child protection.

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### **3. Specific comments**

3.1 The legislative context section is too limited and fails to reference a number of developments since the 2003 guidance, such as the *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (NI) 2015* and the *Serious Crime Act 2015* (for provisions relating to Female Genital Mutilation). We also suggest that any reference to the *Safeguarding Vulnerable Groups (Northern Ireland) Order 2007* should include ‘as amended by the *Protection of Freedom Act 2012*’.

3.2 We are unclear as to why the definitions of abuse have changed from those in the 2003 guidance and why they differ substantially from the definitions contained in *Working Together to Safeguard Children* in England and Wales. Whether this makes any difference in practice is a moot point. We understand that definitions cited in *Working Together to Safeguard Children* are used for the purposes of procedures and processes and feature in research and outcome measurements. As a UK wide organisation, we routinely access and analyse published child protection data to better understand the nature and frequency of abuse, it would be very helpful if consistent and comparable definitions of abuse could be applied across each of the four nations of the UK.

3.3 The provision of a definition on child sexual exploitation (CSE) which is not agreed with SBNI is not helpful; we therefore suggest the use of a commonly agreed position. In addition, there is currently no child protection registration category for exploitation; CSE would be better included within the ‘specific forms of abuse’ framework in section 7 of the policy.

3.4 We also suggest that the types of harm identified should be referenced as (i) neglect (ii) physical abuse (iii) emotional abuse (iv) sexual abuse and (v) exploitation, as per order of prevalence.

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### **4. Safeguarding responsibilities in Northern Ireland**

4.1 The proposed format of the roles and duties attributed to education bodies in section 3.3 is confused and poorly structured and needs to take account of the responsibilities of youth services. We propose that this section is redrafted into specific subheadings (child protection policies and procedures; identification of children at risk of abuse; co-operation with social services etc.) to replicate the 2003 format.

4.2 We understand that draft Elective Home Education policy was consulted in July 2014, however this policy has not yet been implemented – section 3.3.2 of the draft document needs to be rewritten to reflect this.

- 4.3 References to the Education and Library Boards (ELBs) should be replaced with the 'Education Authority' which came into operation in April 2015 and supersedes the roles and responsibilities of the former ELBs.
- 4.4 As noted above, the proposed policy fails to take account of the safeguarding role in staff recruitment. It is fundamental that these responsibilities are made explicit within the policy framework and that they include a teaching and non-teaching staff in the education setting.
- 4.5 We welcome the reference to the NSPCC Helpline and ChildLine services at section 3.6.1. For convenience we have enclosed suggested text to be included, which reflects our therapeutic interventions and protection and support services for children and young people.

NSPCC deliver a range of evidence based therapeutic and protection services directly to children/young people and their families who have experienced sexual abuse; and to people with mental ill health or experiences of domestic abuse. NSPCC also provide advocacy and support for vulnerable victims and witnesses who are required to give evidence in criminal trials. Our services include the 24/7 NSPCC Helpline for anyone seeking advice or concerned about the welfare of a child and we provide support for all children and young people through ChildLine via telephone; e-mail or online, 24 hours a day/365days a year. Uniquely amongst voluntary bodies, NSPCC has Authorised Status under the Children (NI) Order 1995 and the power to apply for an Emergency Protection Order, Child Assessment Orders and to bring Care Order applications.

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## **5 Prevention and early intervention**

- 5.1 We understand that early intervention and prevention programmes and strategies often co-exist, however we found this section jumbled and at times it confuses prevention and early intervention with some elements of the protection process, we would therefore suggest this is revised and placed order wise at the start of the document.
- 5.2 NSPCC agrees that as part of building motivation to change, professionals should encourage and facilitate engagement with local family support services. However, not every Trust area has a Family Support Hub; and not all services, including NSPCC services, operate through the family support hubs. We therefore suggest that the guidance acknowledge this and cite additional relevant sources of help provided by voluntary agencies to ensure the best possible delivery of services and support for children and families.

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## **6 Protection**

- 6.1 While we appreciate the merit of including high level policy in places, we feel section 5 strays unnecessarily into procedures and the child protection system. Given that this detail will be reflected in SBNI's revised Policy and Procedures we would suggest that only the basic framework is required here.
- 6.2 Responsibilities for child protection between voluntary and community organisations must be included; therefore we suggest that the following text be included at section 5.1: *'Anyone with a concern about a child or young person should contact Children's Services in the HSCT.'*

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**Voluntary and community group members are required to record any incidents in relation to concerns about a child's welfare and report to the designated officer who will seek advice and support from the relevant services.'**

We note the 24 hour requirement to confirm referrals in writing has been removed from the draft policy. NSPCC NI believes that this is good practice and asks that that the following be included: **'Professionals who make verbal, or telephone, referrals to social services should confirm them in writing within 24 hours'**.

6.3 At section 5.2 under 'initial screening requirements' we wish to include the bold text:  
*'As part of the screening process, HSCT Children's Services **or where appropriate NSPCC** will consider whether or not The Joint Protocol should be implemented.'*

6.4 In the final paragraph of section 5.2, it would be useful to replace 'support services available from universal health services, or from early intervention support services in the local area' with **'other relevant sources of help in the community.'**

6.5 At section 5.4 we suggest that the following text highlighted in bold be included:  
*'All agencies, organisations and professionals are expected to cooperate fully with the HSCT, **NSPCC** and the PSNI in their investigations.'*

*'Where a decision is taken not to add the child's name to the Child Protection Register, or where subsequently a decision is taken to remove a child's name from the Child Protection Register, the HSCT **in partnership with multi-agency partners** must ensure an assessment is made as to whether the child is a 'child in need' and /or if the provision of support services is required.'*

6.6 We welcome the reference to NSPCC at section 5.5.1. and have enclosed suggested narrative to be included which reflects NSPCC's statutory powers by virtue of the Children (NI) Order 1995.

Uniquely amongst voluntary bodies, NSPCC has Authorised Status under the Children (NI) Order 1995 and the power to apply for an Emergency Protection Order, Child Assessment Orders and to bring Care Order applications. NSPCC normally exercise these in partnership with other agencies and in particular social services and the police. Where there is no agreement on a case, NSPCC will seek to resolve any difficulties using its Concerns Resolution Process and any exercise of authorised status will be in line with the principles and processes contained in this document. NSPCC 24 hour Helpline on 0808 800 5000 or [help@nspcc.org.uk](mailto:help@nspcc.org.uk) will provide both advice and a referral service. Where it is thought a child is at risk concerns will be referred to Gateway, the after-hours Emergency Duty Team or the police.

**Where NSPCC seeks to exercise its authorised status it will do so under the principles and processes as established for Health and Social Care Trusts.**

## **7. Safeguarding in specific circumstances**

7.1 At 7.1.6 under 'abuse by a person in a position of trust' we wish to include text highlighted in bold:

*If an organisation is aware that a member of staff it has suspended also works with children for another organisation, either as an employee or volunteer, it should give due consideration to sharing relevant information **following advice from statutory agencies** to ensure that children are protected in another setting and the other organisation is afforded the opportunity to take any action necessary. Trusts should also whether information should be shared with the Disclosure and Barring Service.*

7.2 We welcome the inclusion of narrative relating to Female Genital Mutilation (FGM). We ask that our dedicated FGM helpline number is also included in this section. For convenience, we have included the following suggested text.

*If you are worried a girl might be at risk you can contact NSPCC's free 24 hour FGM helpline anonymously on **0800 028 3550** or email [fgmhelp@nspcc.org.uk](mailto:fgmhelp@nspcc.org.uk). Children and young people who are concerned about the risk of FGM can speak to someone free and confidentially 24/7 at ChildLine on **0800 1111** or at [www.childLine.org.uk](http://www.childLine.org.uk).*

7.3 We acknowledge that timescales will be established and set out in the Regional Policy and Procedures, however in terms of pre-birth risk; it is useful to note that case conferences can only occur at the point of viability in a pregnancy at around 24 weeks. On this issue we would reinforce the importance of cooperation and contribution to the pre-birth risk assessment from multiagency organisations that have prior knowledge of or engagement with prospective parents.

7.4 Contrary to section 7.3.1 it is our understanding that children and young people (under 18 years) who engage in harmful sexual behaviour will not normally have risk been assessed under the PPANI arrangements. Of relevance, there are a small number of voluntary organisations including NSPCC who provide specialist treatment services in this area which should be appropriately cited.

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## **8 Inter-agency working and information sharing**

8.1 This section is particularly weak on the information sharing regime for those adults who pose a risk and needs reworked. Effective safeguarding must takes cognisance of existing SBNI and PPANI information sharing agreements and the revision of *Sharing to Safeguard* guidance. *PPANI Arrangements of Information Exchange* and the anticipated disclosure arrangements contained in the *Justice (NI) Act 2015*.

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