

Family Policy Unit
Department of Health
A3.7, Castle Buildings
Stormont
Belfast
BT4 3SQ

25 July 2019

Dear Sir/Madam

NSPCC Northern Ireland response to the Department of Health consultation on draft Guidance on Information Sharing for Child Protection Purposes

NSPCC Northern Ireland welcomes the consultation on the above draft guidance, to replace Circular HSS CC 3/96 (Revised) Sharing to Safeguard – September 2008 (amended May 2009). NSPCC NI is represented on the Policy and Procedures Committee of the Safeguarding Board for Northern Ireland (SBNI), and was therefore included in the Department’s pre-consultation engagement. We have a small number of comments in respect of the current consultation.

In developing the draft guidance, we understand that the Department is seeking to support the fulfilment of recommendation 52 of the 2014 Marshall inquiry report on child sexual exploitation in Northern Ireland. In her report, Kathleen Marshall and the review team noted the potential impact of the sharing of information with relevant professionals in order to disrupt perpetrator activity and pre-empt the exposure of a child to danger. The report highlighted the 2013 judicial review (Application by JR57 for Judicial Review [2013] NIQB 33) which concluded that the process under the 2009 ‘Sharing to Safeguard’ guidance “*contained insufficient protection for the rights of unadjudicated persons, including the absence of any right to appeal*” and noted that the Department had “*conceded that practice had strayed from the focus on individual children to public protection generally*” (p. 123). Marshall emphasised the need for revision of the guidance in order to give professionals the confidence to act appropriately, in light of the confusion and contradictory messages contained within the 2009 version. Her report also highlighted the added complexity relating to the sharing of information on unadjudicated offenders in Northern Ireland, namely, that many offenders will have been unlawfully dealt with by local paramilitary groups,

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meaning that they will not have entered the justice system, been convicted, or be known to any statutory authority.

NSPCC NI therefore supports the need for revision of the guidance. We agree with the Department's aspiration to give practitioners the confidence to share information when appropriate.

We understand that the high-level draft guidance is for Health and Social Care Trusts only. However, we note the intention for the subsequent development of regional procedures and multi-agency information sharing agreements by the Safeguarding Board for Northern Ireland (SBNI), as stipulated in the Equality Screening Assessment. The safeguarding of children and young people is not the sole remit of one agency or group of professionals. It requires effective co-operation between multiple agencies and individuals. All relevant statutory agencies and voluntary and community sector organisations require advice and guidance to support them in this area. NSPCC NI's support for the current guidance for consultation would therefore be dependent on the timely development of clear complementary guidance by SBNI. NSPCC NI wishes to be included in discussions regarding developments in this regard, via our membership of the SBNI Policies and Procedures Group.

As a final comment, we wish to reiterate the position outlined in the draft guidance; that in all considerations relating to the sharing of information for child protection purposes, the welfare of the child must be the paramount consideration. NSPCC NI would emphasise our view that the safeguarding and wellbeing of the child must always be the priority issue, and must override parental rights.

Please contact Caroline Cunningham, Senior Policy Researcher, NSPCC Northern Ireland, at caroline.cunningham@nspcc.org.uk, if you wish to discuss our consultation response in further detail.

Yours faithfully



Neil Anderson
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