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## DIRECTIONS

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# THE SAFEGUARDING BOARD (NORTHERN IRELAND) ACT 2011

## The Safeguarding Board for Northern Ireland Exercise of Functions Directions (Northern Ireland) 2013

The Department of Health, Social Services and Public Safety(a), makes the following directions in exercise of the powers conferred on it by section 4(1) of the Safeguarding Board (Northern Ireland) Act 2011(b).

In accordance with section 4(2) of that Act, the Department has consulted with the Safeguarding Board.

### Citation, application and commencement

1.—(1) These Directions, which may be cited as the Safeguarding Board for Northern Ireland Exercise of Functions Directions (Northern Ireland) 2013, shall apply to the Safeguarding Board and shall come into operation on 11 December 2013.

### Interpretation

2. - In these Directions —

“the Department” means the Department of Health, Social Services and Public Safety;

“the 2011 Act” means the Safeguarding Board Act (Northern Ireland) 2011;

“Health and Social Care trust” means a trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(c);

“fostering agency” has the same meaning as in Article 2 of the Health and Personal Social Service (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(d)

“placement” means any placement of a child under Article 27(2)(a) of the Children (Northern Ireland) Order 1995(e), or under Article 75(1)(a), including placement with a person who falls within Article 27(4) of that Order and a placement by a fostering agency acting on behalf of an Health and Social Care trust;

“relevant guidance” means any or all of the following: Co-operating to Safeguard Children (2003); ACPC Regional Policies and Procedures (2005); Protocol For Joint Investigation By Social Workers And Police Officers Of Alleged And Suspected Cases Of Child Abuse —

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(a) See S.I. 1999/283 (N.I. 1), Article 3(6)

(b) 2011 c. 7

(c) S.I. 1990/194 (N.I.1)

(d) S.I. 2003/491 (N.I. 9)

(e) S.I. 1995/755 (N.I.2)

Northern Ireland (2013); and Regional Guidance - Police Involvement in Residential Units and Safeguarding of Children Missing from Home and Foster Care (2012);

“relevant persons or bodies” means each person or body represented on the Safeguarding Board by virtue of section 1(2)(b) and (4) of the 2011 Act, who provided services, or had responsibility for any of the 22 children who are the subject of the Review;

“relevant staff” means staff who work for any relevant person or body;

“responsible authority” means the HSC trust or voluntary organisation responsible for the placement of any of the 22 children who are the subject of this Review, pursuant to Article 27(2)(a) or 75(1)(a), (as the case may be), of the 1995 Order;

“setting” includes a “residential family centre” within the meaning of Article 2(2) of the Health and Personal Social Service (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, or a “Children’s home” within the meaning of Article 9 of that Order;

“the Review” means the thematic review carried out by the Safeguarding Board under section 3(3) of the 2011 Act in relation to 22 cases of alleged child sexual exploitation in Northern Ireland;

“the Safeguarding Board” means the Safeguarding Board for Northern Ireland established under section 1 of the 2011 Act;

“the Terms of Reference” means the Terms of Reference set out in the Schedule to these Directions;

“voluntary organisation” has the meaning given in Article 74(1) of the 1995 Order; and

“work” includes work of any kind, whether paid or unpaid and whether under a contract of service or apprenticeship, under a contract for services, or otherwise than under a contract.

### **The function exercisable by the Safeguarding Board under section 3(3) of the 2011 Act**

3.- The Safeguarding Board shall carry out the Review in accordance with these Directions and the Terms of Reference.

#### **Duty to Report**

4.- The Safeguarding Board shall report to the Minister of Health, Social Services and Public Safety on the findings of the Review and identify key learning points and opportunities for improvement for relevant persons and bodies.

#### **Police Investigation**

5.- The Safeguarding Board shall undertake the Review in a manner which does not undermine, compromise or, interfere with any ongoing police investigation or any ensuing legal proceedings into the 22 cases of alleged child sexual exploitation in Northern Ireland.

**Sealed with the Official Seal of the Department of Health, Social Services and  
Public Safety on this day 10 December 2013**

*Éilis McDaniel*

**A senior officer of the Department of Health, Social Services and Public Safety.**

## **THE SCHEDULE**

### **TERMS OF REFERENCE**

1. In exercise of its function under section 3(3) of the 2011 Act, the Safeguarding Board will examine and evaluate —

(a) the extent to which the relevant persons or bodies acted in accordance with established policy procedure and guidance governing the welfare and safeguarding of children from the first point of entry by all 22 children into the care system;

(b) the effectiveness of any action taken by the relevant persons or bodies to safeguard the 22 children and promote their welfare during their time in care, taking into account whether or not the steps taken were in accord with existing policy, procedure or guidance;”

(c) the effectiveness of communication and co-operation between the relevant persons or bodies in accordance with relevant guidance; and

(d) the effectiveness of engagement with and nature of relationships of relevant staff with young people.

2. In particular, the Review will consider the following key issues -

(a) the nature and quality of the assessments carried out in respect of each of the 22 children and how these assessments informed the initial decisions of the responsible authority to place each child in care and about where each child was to be initially placed and any other placements which may have occurred subsequent to the initial placement in care. (Consideration should be given to each child's previous life experience and any specific factors which influenced the decision to place him in care);

(b) the effectiveness of the care planning, risk assessment, risk management and review processes and how those processes took account of those factors which increase a child's vulnerability to risk of harm, including being absent from any placement or setting without permission;

(c) the adequacy and effectiveness of the provision of care, including therapeutic and specialist services, to the 22 children in any placement or setting;

(d) the adequacy, effectiveness and timeliness of the relevant persons or bodies response to any of the 22 children being reported as absent from any placement or setting without permission and their response to allegations of criminal offences being committed against any of the 22 children (including any action taken by the relevant persons or bodies to put a stop to such activities, any preventative measures which were taken and the reporting of such allegations to the PSNI)

**(e) the effectiveness of reporting and information-sharing systems employed by relevant persons or bodies and their adequacy in securing the safety and wellbeing of the 22 children who are the subject of this Review; and**

**(f) the involvement and support provided by senior management to frontline staff in the management of, or responses to any of the 22 children.**

**3. Where possible, and taking full account of direction 5, the Review will seek the views of –**

**(a) each of the 22 children involved, taking account of each child's willingness to participate in the Review, the need to protect their anonymity and guard their need for confidentiality;**

**(b) the families of the young people involved; and**

**(c) key staff involved in the care or protection of any of the 22 children and any other personnel who played a significant role in their lives during the period they were in care.**