

Bernie McNally
Interim Chair
SBNI
HSC Leadership Centre
12 Hampton Manor Drive
Belfast
BT7 3EN

6 March 2017

Dear Bernie

Re: Safeguarding Board for Northern Ireland Regional Child Protection/Safeguarding Policy and Procedures

The office of the Commissioner for Children and Young People (NICCY) welcomes the opportunity to comment on the above documents. NICCY was created in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland. In carrying out her functions, the Commissioner's paramount consideration is the rights of the child or young person, having particular regard to their wishes and feelings. In exercising her functions, the Commissioner has regard to all relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC).

Under articles 7(2)(3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and welfare of children and young people. It is with these duties in mind that we are providing a number of comments on the document, which are not intended to be comprehensive or address operational detail, but instead highlight key thematic concerns.

Children's Rights and Voice of the Child

NICCY is concerned that no clear reference is made to children's rights or the United Nations Convention on the Rights of the Child (UNCRC) in the draft Policy and Procedures. We would highlight, as acknowledged in Co-operating to Safeguard (2016), that the **UNCRC and a rights based approach to child protection is part of the context of safeguarding in Northern Ireland** and this should be reflected in the documents.

The UNCRC has four guiding principles (rights to non discrimination, to life and survival, to best interests being a primary concern and to being heard in all matters) as well as a range of rights which provided specific protections from violence, abuse and exploitation. NICCY is particularly concerned that the article 12 **right for children to express their view** and for this to be given due weight in all matters concerning them must be better represented throughout the documents. The Guidance to Ensure the Voice of the Child/Young Person is Heard within the Core Procedures does not provide robust guidance or address the complexities and challenges of the obligations on professionals to ensure good practice in hearing from and taking account of children's views. The Guidance should address the needs of children with communication difficulties within this context. The voice of the child should also receive greater emphasis in the Safeguarding Practice Guidance chapters relating to, for instance, children whose parents have learning difficulties, mental health concerns or where substance use is an issue.

This recognition of the importance of the voice of the child should be accompanied with acknowledgement of children's **right to seek, receive and impart information** as set out in article 13 of the Convention. Access to appropriate information (with the UNCRC recognition this should be mediated where it may result in harm to the child or others) in a manner which reflects the needs of the individual child is particularly important for children subject to child protection processes.

Following on from this, NICCY requests further information on how the Safeguarding Board for Northern Ireland (SBNI) is fulfilling its statutory duty to promote communication between the Board and children and young people. We are specifically interested in how SBNI has engaged with children directly affected by safeguarding procedures to consider the feedback and advice children have for practitioners and agencies. It would be helpful for the documents to highlight such key messages from children and young people.

In a final point, we also note that professionals must maintain an enduring focus on the needs and **best interests** of each individual child and not simply rely on a child's disclosure of abuse or articulation of need to assess if they are unsafe or at risk of harm. As highlighted by inquiry and review processes this includes, for example, case where children do not identify themselves as victims in need of protection, such as Child Sexual Exploitation, or cases concerned with neglect.

Providing Accessible Policy and Procedures

NICCY welcomes the revision of Regional Policy and Procedures and acknowledges the need for this to reflect both developments in safeguarding arrangements and also in our understanding of child protection, including awareness of emerging risks to children. Whilst

we recognise the challenge of addressing this complex area we would highlight that the documents are **challenging to navigate and should be revised to ensure they are easily accessible** to practitioners. For example, the Regional Policy and Procedures should include a list of contents with links to chapters and should begin with an introduction setting out the aim, principles and remit of the procedures and the role of SBNI. The introduction should clarify the agencies and sections of society that the procedures apply to and should also read easily across from Co-operating to Safeguard (2016) which provides the policy framework for safeguarding children in Northern Ireland.

For example, in the Core Procedures chapters sections should be presented from a starting point of identify concern through to referral, investigation and the use of legislative powers. The inclusion of an overarching flow chart or similar diagram with detail in timeframes for actions would be helpful and it should be made clear if all parties are expected to use UNOCINI for referral and assessment.

Reviewing documents to minimise the inclusion of general information or repetition of detail and to **more clearly identify actions required** by practitioners would ensure sections are easier to navigate. We note that the Medical Assessment section in Core Procedures is particularly complex and that the Child Protection Register chapter in relation to children, young people or families who are missing should reference the regional Missing from Home and Care Protocol and provide clear direction on the urgency with which actions and the decision making process should be undertaken, including when details should be provide to Registered Custodians in other jurisdictions.

In considering the sections within Safeguarding Practice Guidance it may be useful to **restructure chapter groupings**, for example FGM, Forced Marriage and Honour Based Violence could be addressed within a broader section on Harmful Practices. Again it is important to minimise the general information provided to ensure that detail is relevant to the specific section and to focus on key child protection issues and the action required to safeguard. We note the unevenness of content across the chapters and highlight that quotes, references and data used should be sourced. It should be made clear where research or general comments have a Northern Ireland evidence base or relate to other jurisdictions. While challenging, it is also important that most recent research and figures are referenced. Examples of sections where these concerns are raised include Radicalisation and Violent Extremism, FGM and Children of Parents that Misuse Substances/Hidden Harm. We note that while it is referenced in the chapter on Children Missing from Home and Care, the Child Sexual Exploitation Procedure does not appear to be part of the consultation documents.

The Policy and Procedures should provide **clarity on action to be taken** throughout the Safeguarding Practice Guidance chapters. For instance, we note the chapter on Domestic and Sexual Violence and Abuse states both that a risk assessment should be undertaken to identify whether a referral is needed and quotes the direction from Co-operating to Safeguard (2016) that where there is evidence or reasonable suspicion of domestic abuse in a household with a child a referral must be made. Also in this section, greater clarity should be provided on the requirement to refer where a child or pregnant women may be in the household. We note that where a child or a pregnant woman may have witnessed or been exposed to domestic abuse practitioners should speak directly to them rather than only considering offering such an opportunity as suggested.

In relation to specific sections, we highlight that Children from Abroad appears to relate to the needs and circumstances of Separated Children Subject to Immigration Control and this or a similar heading should be reflected in the title. The narrative should draw attention to the experiences of trauma and particular risks of trafficking and exploitation Separated Children are exposed to. It is of serious concern that the chapter section on 'risks' begins by stating Separated Children have no right of entry to Northern Ireland and are here unlawfully. We note that the ordering of information and language used, particularly in relation to the legal status of a child or family, should be revisited to ensure it is child rights focused and **does not act to detract from the responsibility** of professionals and agencies to safeguard and support all children. The complexity of immigration and asylum processes should be recognised and where issues, such as establishing age, are referenced the document should make clear that any person identifying as a child or believed to be a child must be treated as such until a Merton compliant age assessment has been undertaken by trained professionals. The relevant regional operational guidance for Separated Children should also be referenced.

The above section also highlights the need for the Policy and Procedures to address where effective **coordination and working across UK Government and devolved agencies** is required. This notably includes working with Home Office agencies in regard to Separated Children and the National Crime Agency in relation to online exploitation. In regard to E-Safety and 'sexting' we highlight that the language used and structure of the guidance should not lead to a focus on criminal law but remain concerned with appropriately safeguarding the child or children affected.

In relation to the section on Children Living Away from Home, we highlight the repeated concerns NICCY has expressed about the placing of children under the age of 18 on adult wards. It is disappointing the Policy and Procedures address only children under 14 being accommodated on adult wards. We note that the sub-section on children in custody should be revised to make reference to children in **all detention settings**, including mental health,

secure care, learning disability and other justice settings, not only the Juvenile Justice Centre. The Policies and Procedures should afford greater consideration to the role of the state as corporate parent in these and other relevant chapters.

We welcome the section regarding children affected by gang or group activity or serious youth violence, particularly recognition of the risks to children from paramilitary intimidation and violence. We note the language used should ensure that the vulnerability of the child and their exposure to risk should remain central. In turn, in regard to the guidance on Self Harm and Suicide the research reference should be provided for the statement that self harm is a common precursor to suicide and the chapter should more clearly address the areas of self harm, suicidal ideation and suicidal intent throughout. This section illustrates the importance of services across health and social care working effectively together and greater reference to child and adolescent mental health services and support should be made.

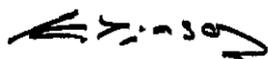
Finally, in relation to Section 3 (Management and use of information concerning known and suspected offenders) we request clarification on whether this represents guidance to accompany HPSS Circular 3/96.

Conclusion

In reflecting on some of the concerns raised in our response NICCY wishes to be assured that SBNI will **undertake a thorough engagement and review process** with frontline agencies and lead professionals before finalising the Policies and Procedures to ensure that they will enable all those involved in children's lives to protect and support them to the highest standards.

Please do not hesitate to contact my office if you require any further information.

Yours sincerely



Koulla Yiasouma
Commissioner