

*These notes refer to the Safeguarding Board Act (Northern Ireland)
2011 (c.7) which received Royal Assent on 10 February 2011*

Safeguarding Board Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1: Safeguarding Board for Northern Ireland

Provides for the establishment of a Safeguarding Board for Northern Ireland (SBNI) and places a duty on the Department of Health, Social Services and Public Safety (the Department) to establish the SBNI.

Section 2: Objective of the Safeguarding Board

Sets out the principal objective of the SBNI which is to co-ordinate and ensure the effectiveness of what is done by each person or body represented on the SBNI to safeguard and promote the welfare of children.

Section 3: Functions of the Safeguarding Board

Describes the main duties and powers of the SBNI.

Section 4: Directions to the Safeguarding Board

Provides a power for the Department to give directions (either general or specific) to the SBNI as to how the SBNI should carry out its functions. The Department is also required to consult with the SBNI before issuing directions. The section also provides for the Department to give directions without consulting in cases where the urgency of the matter necessitates it but requires the Department, in cases where the duty to consult has been set aside because of the urgency of the matter, to report retrospectively to the SBNI with reasons for taking this course of action.

Section 5: Functions of Safeguarding Board - general

Provides that the way in which the SBNI exercises its functions may be prescribed in subordinate legislation. It places a duty on the SBNI to have due regard to any guidance provided by the Department in relation to the exercise of SBNI functions.

Section 6: Annual Report of Safeguarding Board

Places a duty on the SBNI to produce an annual report for the Department in such form, and containing such information, as may be prescribed. The Department must lay a copy of the report before the Assembly.

Section 7: Committees and sub-committees

Places a duty on the SBNI to establish (i) a prescribed number of committees which will be known as Safeguarding Panels; (ii) a committee which will be known as the Child Death Overview Panel; and (iii) a committee which will be known as the Case Management Review Panel. It also gives the SBNI power to establish other committees. In addition, it gives a power to the SBNI or a committee to establish one or more sub-committees. It provides that aspects such as the procedure, functions, staff, premises and expenses of committees and sub-committees may be prescribed in subordinate legislation. It further provides that the Department may pay the Chairs of committees and sub-committees such remuneration and expenses as the Department may, with the approval of the Department of Finance and Personnel, determine. It also provides a power to prescribe for members of committees and sub-committees.

Section 8: Functions of committees and sub-committees

Provides that the way in which each committee and sub-committee exercises their functions may be prescribed in subordinate legislation. It also places a duty on each committee and sub-committee to have due regard to any guidance provided by the Department or the SBNI in relation to the exercise of their functions.

Section 9: Annual Report of committees

Places a duty on each committee to produce an annual report for the SBNI in such form and containing such information as may be prescribed.

Section 10: Duty to co-operate

Places a reciprocal duty of co-operation on the SBNI and its constituent bodies and any other bodies that may be included in the SBNI.

Section 11: Supply of information requested by Safeguarding Board

Places a duty on bodies or persons to supply information requested by the SBNI but sets out the specific conditions to be satisfied before such requests for information can be met.

Section 12: Arrangements to safeguard and promote welfare of children

Places a duty on each person and body to which this particular section applies to make sure that they have due regard to the need to safeguard and promote the welfare of children in exercising their functions. It also places a requirement on

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the bodies to have due regard to any guidance provided by the Department in relation to the exercise of their duty under this section.

Section 13: Minor or consequential amendments

Makes minor or consequential amendments to other legislation.

Section 14: Ancillary and transitional provisions etc.

Allows the Department to make further provision in connection with implementing the Act.

Section 15: Regulations

Contains provision about the required procedures for making subordinate legislation under the Act.

Section 17: Commencement

Provides that the main provisions of the Act come into operation on a later day as appointed by the Department.