



**Response to DHSSPS Consultation on
Co-operating to Safeguard Children
and Young People in Northern Ireland**

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Summary of Recommendations

- 1. An additional principle of empowerment should be added to the principles set out under 1.5.**
- 2. The Safeguarding Policy needs to better reflect the ongoing context of a society in transition and post conflict related violence and ensure that it fully addresses it.**
- 3. The DHSSPS, supported by its Executive colleagues, must secure a commitment to the adequate resourcing of the Cooperating to Safeguard Children and Young People policy so that it can be fully implemented as intended**
- 4. The draft Safeguarding Policy should be amended to include reference to the additional provisions of the UN Convention on the Rights of the Child as outlined above, and proposals should be proofed against these child rights standards.**
- 5. The draft Safeguarding policy should be amended to include a specific section on the legislative and policy context. An assessment should also be undertaken of how the key legislative and policy gaps as documented in the NGO Alternative Report to the UN Committee on the Rights of the Child will impact on safeguarding and recommendations made accordingly to DHSSPS and other government departments.**
- 6. The Safeguarding Policy needs to reflect a more developed understanding of the key role and responsibility of the youth work sector in the whole area of safeguarding.**

- 7. The section on Safeguarding Responsibilities in the draft Safeguarding Policy should be amended to include the media, and should make specific reference to the NUJ Guidelines for Media Reporting on Child Abuse and Neglect.**
- 8. The findings and recommendations arising from the QUB/Include Youth/ESCR 'Behind the Headlines' research into media representations of children and young people should be considered and their implications for the Safeguarding Policy taken on board.**
- 9. Legislation requiring the Safeguarding Board NI to establish the necessary processes to review child deaths should be enabled as a matter of urgency.**
- 10. The Safeguarding Policy should make it clear that, in addition to having e-safety policies in place, organisations need to have the appropriate training and practical procedures in place to ensure that children and young people are kept safe while online.**
- 11. The Safeguarding Policy should address the global nature of the internet and the responsibility of the Northern Ireland Executive to work both domestically and internationally to ensure that internet service providers promote and protect the rights and best interests of children and young people.**
- 12. The draft Safeguarding Policy should be amended to include recognition of the increased vulnerabilities of children and young people in the youth justice system.**
- 13. The draft Safeguarding policy should be amended to include recognition of the increased vulnerability of all children and young people experiencing mental health problems.**

- 14. Include Youth recommends that the new Safeguarding Policy takes full account of the CSE Inquiry's conclusions and recommendations in relation to the issue of children who go missing.**

- 15. Include Youth recommends the introduction of an over-arching and comprehensive NI-wide policy and procedures when working with children and young people who display harmful sexual behaviour.**

- 16. The Youth Justice Review's recommendation in relation to criminal records and diversionary disposals should be fully implemented. Include Youth believes that it would be helpful to address this issue in the context of the new Safeguarding Policy.**

Include Youth

Include Youth is an independent non-governmental organisation that actively promotes the rights, best interests of and best practice with disadvantaged and vulnerable children and young people.

The young people we work with and for include those from socially disadvantaged areas, those who have had poor educational experiences, those from a care background, young people who have committed or are at risk of committing crime, misusing drugs and/or alcohol, engaging in unsafe or harmful sexual behaviour, or at risk of being harmed themselves.

Our Give & Take Scheme adopts a youth work approach to improving the employability and increasing the self-esteem and confidence of young people aged 16 to 24 who are not yet ready to participate in mainstream training.

Many of these young people have experienced social exclusion, poverty or have other complex challenges in their lives and therefore need additional support to overcome these barriers and positively progress their education, training or employment needs. Seventy-five per cent of young people on the Scheme are care experienced, while over a third have a background in offending. We offer a range of tailored programmes including

- Core - for young people referred to us through the Health Trusts
- Start Programme – a collaborative partnership programme with community based organisations, targetted at young people in the North Down, Ards and Belfast areas
- Outreach - for groups or organisations throughout Northern Ireland
- One to One - for young people at risk of child sexual exploitation
- Transitional support - for those moving on from our Scheme and into mainstream education, training or employment

Our main offices are in Belfast, Armagh, Ballymena, Derry, Enniskillen, Newtownards and Omagh.

Include Youth also delivers an Employability Service on behalf of two of the five Health Trusts for young people aged 16 + who have had experience of the care system. This service is designed to offer tangible and concrete opportunities to assist young people leaving care to prepare for, and engage in work. We also deliver a joint employability mentoring project with Business in the Community.

Include Youth's participation work is a way of delivering participative democracy to marginalised young people in Northern Ireland. Its main aim is to support marginalised young people to become involved in decision making processes which impact on their lives, including education and training, their experiences of the care and justice systems, particularly in social welfare, education and criminal justice matters. The project works with a range of groups of young people in the community and in Woodlands Juvenile Justice Centre.

Include Youth's policy advocacy work is informed by relevant international human rights and children's rights standards, is evidence based, including that provided by young people and practitioners and is based on high quality, critical analysis.

Include Youth's Director Paddy Mooney sits on the Safeguarding Board NI and we are also represented on the Safeguarding Board's e-safety forum.

In the context of the independent inquiry into Child Sexual Exploitation, Include Youth sought the views of children and young people on behalf of the Inquiry team. We were also commissioned by the Inquiry team to work with young people to produce a child friendly animated summary of the Inquiry's findings and recommendations.

Approach to this response

As outlined above, Include Youth has traditionally worked primarily, but not exclusively, with young people from a care background. Increasingly we are now working alongside community organisations with other disadvantaged and vulnerable young people, who are classified as being not in education, training or employment and who are frequently on the edge of the care system. We are also working with young people at risk of child sexual exploitation. As such our knowledge and expertise, informed as it is by the young people themselves, by our practitioners and by research and policy analysis, relates to their experiences in the care system itself, in education, training and employment and in the policing and justice systems. This therefore is the organisational context that shapes our response to this consultation.

Our comments below address a number of different aspects of the draft policy as they relate to and impact on this group of vulnerable children and young people. The key areas we comment on are as follows:

- The social, political and economic context to this policy
- The legislative and policy context
- The roles and responsibilities of the community and voluntary sector, the youth work sector and the media in relation to this policy
- Children and young people with additional vulnerabilities including those with mental health problems, those in the youth justice system and children and young people who go missing
- Children and young people's behaviours: harmful sexual behaviour.
- Disclosure of criminal records
- Risk of harm posed to young people by digital technologies

General Comments

Include Youth welcomes the development of this policy and the opportunity to respond to the consultation.

Overall this draft policy appears fairly comprehensive, albeit with some specific gaps as detailed below. It might have been helpful in the introductory section to have set out what the main changes are from the 2003 'Cooperating to Safeguard Children' guidance.

It would also be helpful to clarify what the upper age limit is for the application of this policy. Clarification received by Include Youth from the DHSSPS's Safeguarding Team indicated that the policy is intended to apply to all those under the age of 18 in general *'and potentially past the age of 18 for those specific groups of young people detailed in the Children Order'*.¹ It might be helpful to set out who those specific groups refer to and the upper age to which the policy applies in those instances.

We welcome the recognition given to the UN Convention on the Rights of the Child as the overarching framework *'to guide the development of local laws, policies and services so that children and young people are nurtured, protected and empowered'*. As a general principle, and in keeping with our view of children and young people as rights holders, we believe that empowerment of children and young people is an ongoing aspect of the developmental process, rather than of relevance only in situations of risk of harm. Children and young people should always be empowered to be active agents in shaping their own lives to the greatest extent as is possible. Such empowerment should obviously be in line with their rights articulated within article 3 (best interests), article 5 (evolving capacities) and article 12 (respect for the voice of the child) of the Convention.

A key recommendation from the CSE Young Person's Working Group report was the need for a greater focus on empowering children and young people.² Young people

¹Email reply received from Safeguarding Policy Team, DHSSPSNI on 6 August 2015.

²Neill, G. and Moffett, K. Child Sexual Exploitation Young Person's Working Group Report (2014) August 2014

consulted felt that often in attempts to 'protect' them, the focus tended to be disproportionately on increasing the power of adults rather than empowering children and young people.

Recommendation 1: An additional empowerment principle should be added to the set of principles set out under 1.5.

We would assume that this new policy will be intended to have a 'shelf life' of at least 10-15 years. It will be important therefore that in addition to addressing the current context, in as much as is possible, it is 'future proofed'. One example, discussed in more detail below, relates to the use of digital technologies, an aspect of modern life that is ever changing and evolving, at a pace that young people are much more able than adults to keep abreast of. While the internet can be extremely beneficial for children and young people, as a tool to learn, communicate and explore the world around them, it also has many risks attached to its use which must be fully recognised and the appropriate safeguards developed to ensure children and young people are kept safe while online. The challenges posed by the fact that internet is global in nature and reach, coupled with the reality that internet trends are changing on a daily basis, are extensive. The new Safeguarding policy must be able to be fully responsive to those challenges and developments.

The Wider Context

Political Context

As a society transitioning out of conflict and violence, there are a number of specific circumstances that pertain which have relevance to and impact on the safeguarding of children and young people. These include the ongoing threats, intimidation and attacks against young people accused of 'anti-social behaviour', particularly in economically deprived areas associated with high levels of conflict-related violence. The draft document does go some way to acknowledging some of this context in section 7.1.7 Abuse within Communities, noting the threat of or use of violence “as a response to perceived anti-social behaviour or crime committed by individuals”.³

However, the extent to which violence or the threat of violence represents a real risk to children and young people's safety, particularly in certain communities, is significantly under-recognised in the draft document. The lack of ongoing and disaggregated data collection and monitoring means that the real extent of this issue is hugely underestimated. PSNI statistics on paramilitary attacks are not routinely collated by age, but the NGO Alternative Report suggests that information from the PSNI indicates that children are victims of such attacks.⁴

A major research project into issues of marginalisation and conflict in the lives of children and young people in Northern Ireland concluded that “violence *has remained a part of everyday life for children and young people living in communities defined by uncertainty, unease and the continued presence of paramilitaries or dissidents*”.⁵ This violence was found to come from different sources 'community violence, sectarian violence, rioting against the police, paramilitary-style threats and

³DHSSPS (2015) Co-operating to Safeguard Children and Young People in Northern Ireland – A Draft Document for Consultation paragraph 7.1.7

⁴Northern Ireland NGO Alternative Report Submission to the UN Committee on the Rights of the Child for consideration during the Committee's examination of the UK of Great Britain and Northern Ireland Government Report (June 2014) page 15

⁵McAlister, S., Scraton, P. and Haydon, D. (2009) Childhood in Transition Experiencing Marginalisation and Conflict in Northern Ireland. QUB, Prince's Trust and Save the Children. Page 152-153.

punishments'.⁶ Most worryingly the research also found a 'normalisation' of such violence *"while children and young people felt threatened or intimidated by violence in their communities, they were resigned to its presence"*.

These findings are borne out by Include Youth's own consultation with the young people in response to the Safeguarding Board's Strategic Plan 2013-16 consultation. The presence and threat posed by paramilitaries was highlighted by young people as among the reasons they felt unsafe:

- *"If any paramilitaries are after you."*
- *"Paramilitaries know you – there's certain areas just not safe for me, certain estates close to where I live."*
- *"The way they are doing it now (paramilitary attacks), they are much worse."*
- *"We'd be safe if it wasn't for the paramilitaries."*
- *"It's the paramilitaries who make you feel unsafe – they know everything, know everyone ... so if they want you they will always get you."*

The Child Sexual Exploitation in Northern Ireland Inquiry identified what it described as 'particular Northern Ireland dimensions to CSE'.⁷ The Inquiry team noted that during the course of its inquiry it had *"heard about the threats posed by powerful individuals with links to paramilitary organisations"* and the reluctance within communities to report *"for fear of reprisals and because they do not have confidence in the ability of the statutory authorities to respond appropriately and effectively"*.

The role adopted in the past by both republican and loyalist paramilitary organisations in policing their own communities, including investigating allegations of sexual abuse/exploitation against community members or members of their own organisations, has left a long shadow. Recent legal cases have served to highlight the lengths to which such organisations went to protect their members and their

⁶Ibid. Such concerns have been highlighted by the Northern Ireland Human Rights Commission (NIHRC) in its submission to the UN Committee on the Rights of the Child on the UK's Fifth Periodic Report on compliance with the UN Convention on the Rights of the Child (July 2015) paragraphs 15-18. The Commission has urged the UN Committee to recommend to the NI Executive that it 'take immediate and effective action to address the issue of paramilitary style attacks on children in NI through measures relating to both transitional justice and child protection (paragraph 18)

⁷Child Sexual Exploitation in Northern Ireland (2014) Report of the Independent Inquiry: November 2014 page 147

organisation at the expense of victims.⁸

At another level, long standing and persistent allegations of involvement by senior Northern Ireland and Westminster politicians, senior civil servants and members of the British intelligence services in both abuse and cover up centred around the Kincora Boys Home in East Belfast have still to be properly investigated.⁹ The continued exclusion of Kincora Boys Home from the ongoing Westminster Child Abuse Inquiry, despite previous calls from Amnesty International, a recommendation from a Commons Home Affairs Committee and strong cross party support in Northern Ireland, has only fuelled public disquiet in relation to this matter and inevitably raises questions about a culture of impunity. It also seriously undermines the confidence of victims in the willingness and ability of the state to effectively investigate the abuse they suffered.

All of the above forms part of the Northern Ireland specific context which the new Safeguarding policy for Northern Ireland must take cognisance of and respond to.

Recommendation 2: the Safeguarding Policy needs to adequately reflect the ongoing context of a society in transition and post conflict related violence and ensure that it fully addresses it.

⁸<http://www.rte.ie/news/2015/0312/686568-ira-abuse-allegations/> and <http://www.bbc.com/news/uk-northern-ireland-29786451>

⁹<http://www.bbc.com/news/uk-northern-ireland-33632706>

Social and Economic Context

This policy is being drafted in a very different financial context to that which obtained in 2003 when the previous policy was introduced. Northern Ireland continues to grapple with very significant budgetary pressures, of a magnitude never before faced according to the Finance Minister.¹⁰ The Office of Budget Responsibility has suggested that Northern Ireland could see its Resource Departmental Expenditure Limits fall by a further 13% by the end of this decade. Ongoing cuts by Westminster to the block grant since 2010, coupled with the impact of austerity and the continued failure of the NI Executive to agree a welfare reform package of measures will all have very significant implications for the ability of DHSSPS and partner organisations to implement a Safeguarding policy.

The draft policy maps out the breadth of organisations involved in safeguarding children and young people. Many organisations within the community and voluntary sector are contracted by government to deliver preventative and early intervention programmes, approaches that are recognised as forming bulwarks in the prevention of any risk or harm happening to children and young people. All of these organisations and agencies are currently experiencing cuts to their budgets, losing valuable staff and programmes in the process. The implications for all children and young people and their families, but particularly those who are identified as vulnerable or at risk are real and serious. It is worth noting that NSPCC has indicated that there are more children and young people suffering abuse and neglect than those who are known to social services – they estimate that for every child subject to a child protection plan or on a child protection register another eight children have suffered maltreatment.¹¹

Growing levels of child poverty in Northern Ireland also have implications for

¹⁰Public Expenditure 2014-15 January Monitoring Round and 2015-16 Final Budget: Statement to the Assembly' by Simon Hamilton MLA, Minister of Finance and Personnel 19 Jan 215

¹¹Jutte, S. et al (2015) How safe are our children? page 63 NSPCC

resources that will be required for safeguarding children and young people. Figures show that in 2012-2013 20% of children were living in relative poverty and 22% in absolute poverty. In 2008 21% of children in Northern Ireland were living in persistent child poverty, more than double the rate in Britain.

There is a known link between deprivation and poverty and children and young people coming into contact with social services. In 2013-14 42% of children being taken into care were from the 20% most deprived areas of Northern Ireland (in one Trust, the SEHSCT, the rate was 49%)¹²

The social and economic context as outlined above represents a significant challenge for DHSSPS and its partner organisations in being able to secure the necessary resources, on a sustainable basis, to effectively implement the Safeguarding policy. This concern was evident in the CSE Inquiry report - a key recommendation of that report was for the NI Assembly, through OFMDFM to “*re-affirm its commitment to strategic, long term and sustained funding of services for prevention and early intervention*”.¹³

Recommendation 3: The DHSSPS, supported by its Executive colleagues, must secure a commitment to the adequate resourcing of the Cooperating to Safeguard Children and Young People policy so that it can be fully implemented as intended.

¹²<http://www.dhsspsni.gov.uk/child-care-ni-13-14.pdf>

¹³Op cited at note 6, recommendation No 7

Legislative and Policy Context

UN Convention on the Rights of the Child

We welcome the recognition given to the UN Convention on the Rights of the Child as the 'overarching framework' guiding the development of local laws, policies and services so that all children and young people are nurtured, protected and empowered.

As the draft policy recognises, safeguarding is more than child protection, and includes preventative activity as well as support to families and early intervention. It takes a holistic view of the child, with all children having the fundamental right to be safe in all contexts. In light of this, in addition to those articles already identified as having relevance for this policy, there are a number of other articles which should also be referenced, in particular the four general principles which provide the means by which all other provisions of the Convention should be interpreted and realised. These are as follows:

General Principles: Article 2 (non-discrimination); **Article 3** (best interests of the child); **Article 6** (right to life, survival and development), **Article 12** (respect for the views of the child).

It is worth noting the UN Committee on the Rights of the Child's comments in relation to Article 3, recognising that it is a dynamic concept that requires assessment appropriate to the specific context. The child's evolving capacity (Article 5) must also be taken into consideration when Article 3 (and article 12) is at stake. The Committee has provided further guidance as follows on the application of Article 3 in situations of vulnerability, emphasising the need to assess each situation of risk "according to the child's uniqueness"¹⁴

¹⁴ UN Committee on the Rights of the Child (2013) General Comment No 14 on the right of the child to have his or her best interest taken as a primary consideration

“The best interests of a child in a specific situation of vulnerability will not be the same as those of all the children in the same vulnerable situation.

Authorities and decision-makers need to take into account the different kinds and degrees of vulnerability of each child, as each child is unique and each situation must be assessed according to the child’s uniqueness. An individualized assessment of each child’s history from birth should be carried out, with regular reviews by a multidisciplinary team and recommended reasonable accommodation throughout the child’s development process” (emphasis added) ¹⁵

Article 5 (parental guidance and evolving capacity) and **Article 18** (parents’ joint responsibilities, assisted by the state) -these articles read together provide the framework for relationships between the child, his/her parents and family and the state. They outline the obligations on the state to provide support for parents in the performance of their responsibilities.

Article 9 (separation from parents) – this article makes clear that children should not be separated from their parents unless it is necessary for their best interests. It also sets out that procedures to separate children from their parents on those grounds must be fair.

Article 13 (freedom of expression) – this article is linked closely to Article 12 on the child's right to be heard and have their views respected. It states that children and young people should have the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers. It is particularly relevant to any consideration of children and young people's engagement with digital technologies, but as with all other provisions of the Convention, it should be read alongside Article 3 on the child's best interests.

Article 16 (child's right to privacy) – there is an obligation on the state to ensure that this right is protected in situations where it is forced to intervene to prevent risk or

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f14&Lang=en

¹⁵Ibid

harm occurring to a child or young person.

Article 17 (child's right to access appropriate information) – this provision recognises the important function performed by the mass media and its role in disseminating information and material of benefit to the child. There is a huge responsibility on the media to ensure that its reporting of issues affecting children and young people is always done in a responsible and ethical way, and one which does not expose any child or young person to risk, either through directly engaging them or by how a news item is reported.

Article 23 – the rights of children with disabilities. As this draft policy recognises, this group of children and young people may be more vulnerable to abuse. It is important therefore that their specific needs and rights are fully recognised and protected in relation to all policies, processes and procedures relating to safeguarding.

Article 26 (child's right to benefit from social security) and **Article 27** (child's right to an adequate standard of living) – these article recognise that children and young people are normally financially dependent on parents or others and stipulates that the state must, where necessary, support parents in their role by providing financial support for the child or young person. Article 27 places obligations on the state to “take appropriate measures to assist parents in implementing the right to an adequate standard of living, including by providing material assistance. These obligations are of direct relevant to this draft safeguarding policy, as children and young people living in families under financial stress or in poverty are at increased risk of neglect and/or being taken into care.

Article 37 (deprivation of liberty) and **Article 40** (administration of juvenile justice). Children and young people within the juvenile justice system are vulnerable – they have complex personal, social, educational and health needs. They are also at increased risk of self-harm. These two articles set out how these children and young people must be treated, from the time of arrest through to detention and imprisonment. They provide a set of minimum standards that should operate within a separate juvenile justice system, including detention as a measure of last resort, for

the shortest time possible and separation from adults.

Article 42 (making the Convention widely known) – this draft policy includes a section on training, which recognises that learning and development should not be seen as a once off event, but *“a continuous process which requires the investment of time and resources within organisations to create a competent workforce”*. The UN Committee on the Rights of the Child echoes this, stating that training on children's rights should include both initial and in-service training. Knowledge of children and young people's rights, and more importantly, an understanding of their application in the context of safeguarding responsibilities, should be requirements for all professionals and groups involved in safeguarding.

Recommendation 4: The draft Safeguarding Policy should be amended to include reference to the additional provisions of the UN Convention on the Rights of the Child as outlined above, and proposals should be proofed against these child rights standards.

Alignment of the Safeguarding Policy with other policy and/or legislative developments

We would have expected the consultation document to frame the draft policy in the wider legislative and policy context as it relates to the safeguarding of children and young people. While Appendix A does provide links to a range of legislation, guidance documents, circulars etc. there is nothing in the draft policy that examines their relevance or illustrates the linkages that exist to this policy. Yet the Safeguarding Policy involves a wide range of government departments and agencies and as such has linkages with other existing policies and priorities as well as future policy developments, for example, the review of the Children Order. We were surprised not to find any reference to the recent CSE inquiry's findings and recommendations, a recommendation from which was that *“DHSSPS should ensure that the forthcoming revision of the guidance, Cooperating to Safeguard Children and Young People should take account of the conclusions and recommendations of*

this Inquiry".¹⁶ In our view it would be important to set this policy in that wider legislative and policy context.

It must also be noted that there are some significant legislative and policy gaps in relation to the protection of children and young people, a number of which have been highlighted by the UN Committee on the Rights of the Child, and which, if left unaddressed, will continue to undermine efforts to safeguard all children and young people. These have been comprehensively documented in the NGO Alternative report to the UN Committee on the Rights of the Child compiled by the Children's Law Centre and Save the Children¹⁷. They include but are not limited to the exclusion of under 16s from the scope of both age discrimination legislation and mental capacity legislation currently being brought forward, the continued existence of the defence of 'reasonable chastisement' in relation to use of physical punishment, the lack of a statutory duty to cooperate among government departments and agencies, the unacceptably low minimum age of criminal responsibility.

Recommendation 5: The draft Safeguarding policy should be amended to include a section on the legislative and policy context. An assessment should also be undertaken of how the key legislative and policy gaps as documented in the NGO Alternative Report to the UN Committee on the Rights of the Child will impact on safeguarding and recommendations made accordingly to DHSSPS and other government departments.

¹⁶Op cited at note 6, page 153

¹⁷ Op cited at note 3

Safeguarding Responsibilities in NI

Role and responsibilities of the Community and Voluntary Sector

In our view the draft policy does not give adequate recognition to the important role that community and voluntary sector (CVS) organisations have to play in relation to safeguarding children and young people. The consultation document makes clear that the Safeguarding Policy will apply equally to this sector, yet there is very little reference to how this will happen, beyond noting that Health and Social Care Trusts work in partnership with the sector.¹⁸

CVS organisations deliver significant levels of services to children and young people and families, especially those living in disadvantaged areas. In 2012 there were an estimated 4,386 community and voluntary sector organisations operating in Northern Ireland. Organisations working with children and families and community development organisations represented the largest sub-sectors, at 14% and 15% respectively. Pre-school children were the most commonly reported beneficiary group (11%).¹⁹ The main source of funding for CVS organisations is from central government (34%) with a further 17.4% funded by non-departmental public bodies and statutory agencies.²⁰

Clearly then, the CVS has a significant role to play in ensuring that children and young people are safeguarded, that their welfare is promoted and parents and families are supported in their roles.

Recommendation 5: The draft Safeguarding policy should be amended to better reflect the role of the community and voluntary sector in safeguarding children and young people.

¹⁸Op cited at note 2 paragraph 3.12

¹⁹<http://www.nicva.org/sites/default/files/d7content/attachments-resources/stateofthesectorvi-overview.pdf>

²⁰Ibid

Role and responsibilities of the Youth Work Sector and Youth Workers

The draft policy only contains one reference to the role of youth workers in relation to safeguarding, in the context of early intervention work.²¹

The previous Safeguarding Guidelines, published in 2003 contained a discrete section on the Youth Service, highlighting the fact that youth workers have frequent contact with children and young people and noting their responsibilities to be aware of signs of abuse or neglect and the onus placed on them to follow reporting procedures in such instances.²²

The Department of Education's youth work policy, Priorities for Youth, states that DE invests in youth work to support and encourage children and young people to mature and reach their potential as valued individuals and responsible citizens. They help young people develop holistically, including supporting them to build positive relationships.

Youth work has been recognised as being especially effective in working with groups of vulnerable and marginalised young people. These young people, many of whom are classified as 'not in education, training or employment' (NEET) are at a greater risk of various forms of abuse including sexual abuse. Youth workers are particularly skilled at building relationships with those young people who are considered 'hard to reach' and who experience many difficulties and barriers to participation.

The Department of Education invests significant resources into youth work to enable services to engage with large numbers of children and young people. In 2013-14 DE allocated approximately £33 million in resources and £5 million in capital to youth work projects. Most recent figures available estimate that over 182,000 young people are involved in registered youth work, equating to over one third of the population

²¹Op cited at note 2, page 26

²²DHSSPS (2003) Co-operating to Safeguard Children Regional Guidance section 3.51

aged 4-25. There are in excess of 20,000 volunteers involved.²³

In addition to the statutory youth facilities and outdoor education centres there are over 1,700 voluntary groups supported either by the Education and Library Boards (now the Education Authority) or the Youth council, including church related and secular units. Youth workers are also employed within the training and employment sector, working with young people who are 'NEET'.

All of the above indicates the importance and reach of youth work in the lives of children and young people generally, but particularly for those children and young people who are marginalised and vulnerable. Youth workers have significant roles to play, not only in relation to prevention and early intervention but also in protection and rehabilitation. As already noted, they also have expertise in working with groups of children and young people with additional vulnerabilities.

Recommendation 6 : the Safeguarding Policy needs to reflect a more developed understanding of the roles and responsibilities of youth workers and the youth work sector in the whole area of safeguarding.

Role and responsibilities of the media

The draft policy does not make any mention of the role and responsibility of the media in relation to safeguarding. Yet the ways in which the media both engages with children and young people as interviewees, and how it reports on news stories relating to children and young people, have potentially significant implications for safeguarding.

The International Federation of Journalists has drawn attention to the critical role played by the media in promoting and protecting children's rights "informed, *sensitive and professional journalism is a key element in any media strategy for improving the quality of reporting concerning human rights and society. The daily challenge to*

²³Department of Education (2013) Priorities for Youth: Improving Young People's Lives through Youth Work

journalists and media is particularly felt in coverage of children and their rights”²⁴

Regrettably there have been many instances where the media has fallen well below this standard of *'informed, sensitive and professional journalism'* in reporting on child protection and safeguarding issues. One particularly egregious example of this in January 2013 was the BBC's reporting of a bail application involving a young girl living in residential care. The BBC report contained the following

*“A 15 year old girl in care was allegedly involved in having sex and taking drugs with men linked to loyalist paramilitaries, the High Court has heard...bail was refused to help her sever ties with any men trying to exploit her”.*²⁵

Clearly this case involved a vulnerable young person living in care, below the age of sexual consent, who was being sexually exploited by people linked to loyalist paramilitaries. Yet the BBC report portrayed that young woman as a willing participant in her own abuse 'involved in having sex and taking drugs'. Such reporting underlines the significant responsibility the media carries to ensure its reporting of all safeguarding issues is 'informed, sensitive and professional'.

There are many other examples of how the safety and well-being of children and young people can be compromised by media coverage, including the type of coverage that 'names and shames' young people, thereby placing them at risk of punishment beatings or shootings.²⁶

The CSE inquiry report also highlighted the role of the media in the emergence of an increasingly sexualised culture, with children and young people being exposed to messages about sexuality both passively, in terms of what is broadcast in print and electronic media (including television) and actively, through what they can access on the internet. The Inquiry report found that such a sexualised culture is making

²⁴NUJ (2010) Guidelines for Media reporting on Child Abuse and Neglect. NUJ, NSPCC, BASPCAN, The DetailTV.

²⁵<http://www.bbc.co.uk/news/uk-northern-ireland-21246151>

²⁶Gordon, F. et al (2015) 'Behind the Headlines' Media Representation of Children and Young People in Northern Ireland Summary of Research Findings

children and young people more vulnerable to CSE “*these new messages have contributed towards what has been described as a new normality that colours children's aspirations, renders them more vulnerable to grooming, and contributes to peer abuse*”.²⁷

In its 2008 examination of the UK's record on children's rights the UN Committee on the Rights of the Child criticised the *'intolerance and inappropriate characterisation of children, especially adolescents, within society, including in the media'* and recommended that the state take urgent measures to address this issue'.²⁸

An ESCR funded knowledge exchange project between the Childhood in Transition and Social Justice Initiative at Queen's University and Include Youth has carried out in depth research into media representation of children and young people in Northern Ireland.²⁹ Young people's participation was a central element of this research which sought to both identify and challenge negative perceptions and representations of children and young people, with the intention of increasing public understanding of children's rights and media responsibility. The research project developed a wide ranging set of recommendations for media professionals, civil servants and politicians.

Recommendation 7: The section on Safeguarding Responsibilities in the draft Safeguarding Policy should be amended to include the media, and should make specific reference to the NUJ Guidelines for Media Reporting on Child Abuse and Neglect.

Recommendation 8: The findings and recommendations arising from the QUB/Include Youth/ESCR 'Behind the Headlines' research into media representations of children and young people should be considered and their implications for the Safeguarding Policy taken on board.

²⁷Op cited at note 6 page 147

²⁸UN Committee on the Rights of the Child (2008) Concluding Observations in respect of the UK and Northern Ireland paragraph 25. CRC/C/GBR/CO/4

²⁹Op cited at note 26

SBNI

The Safeguarding Board for NI (SBNI) has a statutory obligation to undertake a case management review (CMR) when a child has died or been significantly harmed, subject to certain criteria. In its last examination of the UK government's compliance with the UNCRC, the UN Committee on the Rights of Child recommended that “ *the State party should (also) introduce automatic, independent and public reviews of any unexpected deaths or serious injury involving children – whether in care or custody*”³⁰ However, as the recently published NGO report to the UN Committee on the Rights of the Child has highlighted, this procedure is not automatic and not all cases are subject to CMRs.³¹ Up to 31 March 2014, the SBNI received 13 notifications about children who had died or been significantly harmed, but case management reviews were undertaken in only 6 of these cases.³²

Legislation also requires that the SBNI establishes processes to review child deaths in Northern Ireland. As the NGO Alternative Report has also highlighted, legislation required to establish a Child Deaths Overview Panel (which exists in other parts of the UK) has yet to be brought forward.

Recommendation 9: Legislation requiring the SBNI to establish the necessary processes to review child deaths should be enabled as a matter of urgency.

³⁰Ibid paragraph 29

³¹Op cited at note 3 page 14-15

³²Safeguarding Board for Northern Ireland (2014) Annual report for the period to 31 March 2014, page 37

Specific Forms of Abuse

Risks posed by digital technologies

As noted earlier in this response, the internet and social media are hugely important in promoting children and young people's right to access information, to form opinions, to have their voices heard and actively engage in debate with others. However, children and young people can also be exposed to harm online.

A study across European countries, including the UK, found that children were concerned about harassment and cyber-bullying, contact from online strangers, including requests for personal information, over exposure to advertisements and scary content. Children reported negative feelings about *“the pressure to reveal information or to be constantly online, or the sensation of being constantly watched and spied on”*; *“filling in information about themselves for various online accounts, websites or contests...and concerns about strangers accessing it”*; and *“peers posting private or embarrassing information (pictures, videos) of the respondent without the child's will”*.³³

The recent CSE Inquiry report also drew attention to newer forms of child sexual exploitation (CSE) such as sexting, pointing out that such developments allow greater possibilities for contact and networking that render more children than ever vulnerable to CSE³⁴

The NSPCC has pointed out that overall research and evidence in relation to online risks posed to children and young people is limited as is a relatively new and emerging area of research.³⁵ This underscores the point made earlier about the need, in as far as possible, to ensure that this Safeguarding Policy takes full cognisance of what is known about online risk and harm and addresses it.

³³Smahel,D and Wright, MF (2014) The meaning of online problematic situations for children: Results of qualitative cross-cultural investigation in nine European countries

³⁴Op cited at note 6, page 147

³⁵ Op cited at note 10, page 40

Data that is available points to the scale of this problem as well as a marked increase year on year in certain forms of online abuse. In 2014/15 cyberbullying was mentioned in 4,011 counselling sessions, while 'sexting' was mentioned in 1,213 counselling sessions. In 2014, the Internet Watch Foundation (IWF) identified and worked with partners to remove 31, 266 URLs hosting child sexual abuse imagery worldwide – a 137 per cent increase from the previous year. There has also been a year on year increase of police recorded offences of 'Obscene Publications'. In 2013/14 recorded offences in this category rose by 15 per cent compared to the previous year.

Young people themselves can also engage in harmful sexual activity online, often with a disturbing lack of cognisance of either the impact or implications of such behaviour; in Include Youth's experience, information and education about online risks does not always result in altered online behaviour.

Consultation with practitioners working with young people within Include Youth indicates both the almost 'everyday' nature of this online activity, as well as the serious risks and dangers attached to it. With 'smart phones' increasingly becoming the norm among young people, and with young people spending increasing amounts of time online, the challenges involved in ensuring that young people are kept safe and keep themselves safe online continue to increase. The fact that, as NSPCC has pointed out, for many children and young people *'there is no distinction between their online and offline lives'* underlines this challenge.

Examples of concerning online activity amongst young people observed by Include Youth staff include online bullying, posting inappropriate images, videos and statuses. Staff also highlighted what is described in slang as 'frapping' – young people getting access to other young people's Facebook accounts and altering their status, posting inappropriate messages, images or videos. One staff member reported that a young person had recently come to him *'very concerned and deeply embarrassed by a posting her friend placed on Facebook, including intimate pictures'*. Staff expressed concern that unlike its predecessor, MSN chat, Facebook is not moderated unless a complaint is received by the police.

As referenced above, practitioners have also highlighted a seeming 'disconnect' between the information and knowledge young people possess as to online risks and their own behaviours online. As part of their OCN ICT qualification, young people on Include Youth's Give & Take scheme all undertake a learning unit on Using the Internet which covers online safety and security. Despite this staff have observed that the young people *“can identify all these things as risk factors but few seem to think this applies to them or their behaviour”*.

Young people consulted by Include Youth in response to the Safeguarding Board's Strategic Plan 2013-2016³⁶ displayed differing levels of knowledge and views as to the risks posed by online activity:

- *“There's no risk at all.”*
- *“It's up to you at the end of the day. Like don't put your phone number on Facebook, that's just asking for it.”*
- *“I just don't think about it, but I feel safe on the internet. I know who adds me, and I would accept a friend request from strangers or whoever.”*
- *“It's definitely not safe.”*
- *“A paedo (sic) can make a profile, and they could be a sex offender, they give a different name and then the girls meet them, and then rape and abduction and all that.”*
- *“Cyber bullying – people get bullied over the internet.”*
- *“You shouldn't add anyone you don't know.”*
- *“People like to bully people on Facebook.”*

Practitioners expressed serious concerns about the impact of inappropriate or risky online activity on young people, including the potential undermining future education, training or employment prospects as well as the risk of obtaining a criminal record.

³⁶ <http://www.includeyouth.org/mgmt/resources/include-youth-response-to-safeguarding-board-for-ni-strategic-plan-2013-2016-final.pdf>

One specific concern raised by practitioners was that of the practical outworkings of the 'corporate parents' responsibility to ensure that children and young people are kept safe online. Staff pointed to the practical steps that Include Youth takes to ensure that privacy and parental control settings are appropriately set on all internet enabled devices. As mentioned above, most young people now have smart phones and may have access to a range of internet enabled devices in their children's home. There is an onus on staff in children's homes and on Social Workers to ensure that they take the appropriate steps to keep children and young people safe while online, in a similar way to that which any responsible parent would do. Relevant staff need the appropriate information and training to ensure that they can fulfil this role confidently.

Children's rights advocates in England, backed by the UK's Minister for Internet Safety and Security and the Children's Commissioner, have recently launched the 'iRights' campaign to address some of the issues highlighted above. The campaign's proposals include the right for young people to be able to delete their online past.³⁷ Include Youth views this as a positive development and fully supports it.

Recommendation 10: The Safeguarding Policy should make it clear that, in addition to having e-safety policies in place, organisations need to have the appropriate training and practical procedures in place to ensure that children and young people are kept safe while online.

Recommendation 11: The Safeguarding Policy should address the global nature of the internet and the responsibility of the Northern Ireland Executive to work both domestically and internationally to ensure that internet service providers also promote and protect the rights and best interests of children and young people.

³⁷<http://www.bbc.co.uk/news/technology-33690326>

Children and young people with additional vulnerabilities

Children and young people in the Youth Justice System

One group of children and young people who are at increased risk of harm and abuse are those in the youth justice system. It is extremely surprising therefore that they seem to have been overlooked in this draft policy; this is particularly so when the Youth Justice Agency is identified in the draft policy as among those agencies with safeguarding responsibilities.

The most recent inspection report for Woodlands Juvenile Justice Centre³⁸ confirms that these children and young people are extremely vulnerable with complex social, educational and health needs. Over one third are looked after children, over 40% had statements of special educational need, almost 80% were substance misusers and 43% were known to the community adolescent mental health services. As noted, children from a care background are disproportionately represented in the Juvenile Justice Centre, with the majority of these young people being on remand. The number of times children in care have been held in custody doubled between 2011 and 2013.³⁹

The inspection report found a worrying rise in the levels of self-harm within the Juvenile Justice Centre since 2011. It revealed that the numbers of self harm incidents rose from 84 in 2011 to 146 in 2015. 55% of self-harm incidents involved superficial cutting and 23% involved ligatures. 16% involved girls, which is disproportionate to their numbers in the centre though in keeping with a UK wide higher rate of self harm among females in custody.

Recommendation 12: The draft Safeguarding Policy should be amended to include a recognition of the increased vulnerabilities of children and young people in the youth justice system.

³⁸ <http://www.cjini.org/TheInspections/Inspection-Reports/Latest-Publications.aspx?did=1502>

³⁹ The Detail TV 3 Sept 2014

Children and young people with mental health difficulties

The draft policy identifies children and young people who self-harm and those who express suicidal ideation as being children and young people with additional vulnerabilities. It also recognises that where parents or carers have mental health issues this may impair their ability to care for a child. What would appear to be missing from the document however is any recognition of children and young people experiencing mental health issues beyond those identified above. Children and young people who are vulnerable often present with multiple and overlapping characteristics which can include mental health difficulties.

Recommendation 13: The draft Safeguarding policy should be amended to include recognition of the increased vulnerability of all children and young people experiencing mental health problems.

Children and young people who go missing

Children and young people who are looked after and go missing are recognised in the consultation document as a particularly vulnerable group who are at risk of harm. The basis of a number of concurrent investigations and inquiries into allegations of child sexual exploitation in Northern Ireland being commenced in 2013 was in part the numbers and frequency of children living in children's homes going missing and the allegations of child sexual exploitation related to their absences. 22 children living in children's homes were found to have gone missing a total of 437 times.

The CSE Inquiry focused on this group of children, tracing concerns raised back to at least 2006. This Inquiry highlighted a number of issues, including, the previous lack of collation or analysis of data of children missing from children's homes and the failure to implement the Health and Social Care Board's Strategic Action Plan. They also found evidence that there was a lack of consistency in how the 'safe and well' interviews were being conducted once a young person was returned to the children's home.

The Inquiry made a number of specific recommendations, including the need for joint training on the Regional Guidelines as a matter of priority and the involvement of young people in any future review of the Regional Guidelines.

Recommendation 14: Include Youth recommends that the new Safeguarding Policy takes full account of the CSE Inquiry's conclusions and recommendations in relation to the issue of children who go missing.

Children and young people's Behaviours

Harmful Sexual Behaviour

Addressing issues concerning children and young people who display harmful sexual behaviour is complex. As noted in the consultation document, a co-ordinated approach is required, involving the HSCTs, PSNI, PPANI, the PSS, victim support services and juvenile justice agencies.

It is to be welcomed that there is broad acceptance of the prominent role of child protection/safeguarding systems in the lives of the vast majority of young people who display harmful sexual behaviour in a way that ensures that they no longer present such risks, achieve better outcomes and most importantly that their victims are supported and protected.

Many children and young people who engage in harmful sexual behaviour are dealt with through the children in need or child protection arrangements, often through services that are commissioned. However, child protection cannot be the only system that intervenes with these young people and it is often appropriate that young people are dealt with through the criminal justice system through a variety of provisions including Youth Conferencing but again this, as in many other complex issues, is often undertaken in partnership with child protection and children in need. The decision as to whether to bring a child or young person through the criminal justice system should be based on consideration of the best interests of the public, the victim and the young person concerned.

In our response to the SBNI's consultation on its Strategic Plan 2013-16 Include Youth highlighted the fact that Children who display harmful sexual behaviours present significant and incredibly complex issues which straddle many systems and

processes. As such it is an issue that merits a strategic policy framework that drives systems and interventions with the young people, their families and their victims. To the best of our knowledge such a strategic policy framework with clear processes flowing from it has yet to be developed.

Recommendation 15: Include Youth recommends once again recommends the introduction of an over-arching and comprehensive NI-wide policy and procedures when working with children and young people who display harmful sexual behaviour.

Disclosure of criminal records

The disclosure of criminal records to prospective employers and/or education/training providers for offences committed as a juvenile is an issue that has potentially serious implications for the future life chances of young people who engage in harmful sexual behaviour. There is of course a list of specified offences, which will always be subject to disclosure, and includes sexual and violent offences and other offences relevant to safeguarding. In Jan 2015 there were 1188 offences outlined on the specified list. However, young people who have engaged in harmful sexual behaviour and who have received diversionary disposals such as cautions or informed warnings for non specified offences may still have this information disclosed to potential employers, education or training organisations.

New arrangements for 'filtering' were commenced in April 2014. Since that date AccessNI has begun filtering some old and minor convictions and other criminal information such as cautions from standard and enhanced checks. However, all diversionary disposals are now considered for disclosure, with some being filtered after a period of time while others will not be.

In 2011 the Review of Youth Justice in Northern Ireland recommended that diversionary disposals should not attract a criminal record or be subject to employer

disclosure, that young people who have offended should be allowed to apply for a clean slate at 18 years of age and that for those young people about whom there are real concerns and where information should be made available for pre-employment checks in the future, a transparent process for disclosure and information, based on a risk assessment and open to challenge, should be established.⁴⁰

Recommendation 16: The Youth Justice Review's recommendation in relation to criminal records and diversionary disposals should be fully implemented. Include Youth believes that it would be helpful to address this issue in the context of the new Safeguarding Policy.

Concluding remarks

We trust that you will find our comments and recommendations helpful. Should you require any clarification of anything in our response please do not hesitate to contact us.

We wish to be kept informed of the progress of this consultation.

⁴⁰ A Review of the Youth Justice System in Northern Ireland September 2011. Recommendation 21.