



June 25th, 2019

Notice Of Meeting

You are requested to attend the Council meeting to be held on **Monday, 1st July 2019** at **6:00 pm** in **Mourne Room, Downshire.**

Agenda

1.0 Apologies and Chairperson's Remarks

2.0 Declarations of Interest

3.0 Action Sheet arising from Council Meeting held on 3 June 2019

 *Action Sheet from Council 03.06.2019.pdf*

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Council Minutes For Adoption and Signing

4.0 Minutes of Council Meeting held on 3 June 2019

 *Council Minutes -03.06.2019 .pdf*

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Committee Minutes for Consideration and Adoption

5.0 Extract from Minutes of Planning Committee Meeting held on 29 May 2019

 *EXTRACT FROM PLANNING COMMITTEE MEETING HELD ON 29 MAY 2019.pdf*

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6.0 Minutes of Enterprise, Regeneration and Tourism Committee Meeting held on 10 June 2019

 *ERT Minutes June 2019.pdf*

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7.0 Minutes of Strategy, Policy and Resources Committee Meeting held on 13 June 2019

 *SPR Minutes-13.06.2019.pdf*


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8.0 Minutes of Active and Healthy Communities Committee Meeting held on 17 June 2019

 *AHC Minutes 17.06.2019.pdf*

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9.0 Minutes of Neighbourhood Services Committee Meeting held on 19 June 2019.

 *NS Minutes -19 June 2019.pdf*

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10.0 Department of Health Consultation on Guidance on Information Sharing for Child Protection Purposes.

📎 *Report to Council on DOH Information Sharing 010719.pdf*

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Correspondence Received

11.0 Correspondence dated 13 June 2019 regarding Councillor Appointments - Warrenpoint Harbour Authority

📎 *Correspondence re WHA Appointments .pdf*

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📎 *Correspondence dated 13 June 2019 from DFI re appointment of Cllr S Doran - WHA.pdf*

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12.0 Correspondence dated 17 June 2019 regarding Recruitment of Members to the Southern Local Commissioning Group.

📎 *SLCG Recruitment - Letter to NMD Council June2019.pdf*

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Notices of Motion

13.0 Notice of Motion - Initiatives re. recording Committee and Council Meetings

Notice of Motion received from Councillor Brown:

'This Council strives for the highest standards of openness and transparency in local Government and therefore will undertake the following initiatives to achieve that goal:

- Video recording and uploading OR live stream all council meetings, whichever is most cost effective
- Audio of Planning committee uploaded online along with other standing committee audio
- Audio recordings made of all Council led working groups, party representatives forums, sub committees, forums and task and finish groups, all of which to be uploaded online in the same way as standing committees and full Council.
- Motions to full Council should only to be delegated to committee where the motion proposer has been given 5 working days notice by the Chair that this will happen'

14.0 Notice of Motion - Animal Cruelty

Notice of Motion received in the name of Councillor Byrne:

"This council condemns animal cruelty in all forms; notes the effective framework for punishing offenders

and imposing appropriate sentences which serve as a deterrent to others; recognises the work of the USPCA in challenging cruel behaviour toward animals as well as supporting rehoming initiatives for those animals that have suffered abuse or neglect; further notes with concern that there is no central register of those convicted of animal cruelty offences and; resolves to write to the Permanent Secretary at the Department of Justice, and the British and Irish Governments to raise these concerns and propose a central all-island register for animal abusers".

15.0 Notice of Motion - Welfare Mitigations

Notice of Motion received from Councillor Ruane:

"That Newry Mourne & Down District Council welcomes the range of reports recently published which highlight the serious risk of greater hardship for many within our community, if Welfare Mitigations do not continue beyond March 2020. These reports include; Welfare Reform: Mitigations on a Cliff Edge. Cliff Edge Coalition NINIAO: Welfare Reforms in NI.

NM&DDC Calls on all parties to support the need to continue Welfare Mitigations beyond March 2020 and further; Calls on the DfC to take all steps necessary to ensure the Mitigations scheme will continue to help the most vulnerable in our community".

16.0 Notice of Motion - WW2 Veterans

Notice of Motion received from Councillor Hanna:

"With the 75th anniversary of the end of the Second World War approaching, Newry Mourne and Down Council should recognise the contribution of those who fought in that War from Northern Ireland. It notes that every year the number of our surviving veterans is reducing and the time to provide public and appropriate recognition is running out. This Council will therefore provide all surviving veterans of WW2 (including those in the Merchant Navy) who reside in our council area with a Silver Poppy of Remembrance to mark their service in the fight against Fascism and Nazism. These Poppies will be presented to all surviving Veterans at a special Service of Remembrance the week commencing the 4th November 2019. It further encourages other Councils throughout Northern Ireland to mark our surviving Second World War veterans service in a similar way.

17.0 Notice of Motion - Water Refill Stations

Notice of Motion received from Councillor Gibbons

"That this Council will introduce a pilot scheme, similar to the NI Water led initiative #Refillution, and will actively promote the personal use of reusable water bottles and facilitate water refill stations - initially in Warrenpoint & Rostrevor - and then throughout the district as part of its ongoing commitment to the environment."

ACTION SHEET – COUNCIL MEETING – MONDAY 3 JUNE 2019

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
C/070/2019	Action Sheet arising from Council Meeting held on 1 April 2019	The action sheet was agreed as an accurate record and adopted.	Democratic Services	Adopted	
C/071/2019	Minutes of Council Meeting held on 1 April 2019	The minutes were agreed as an accurate record and adopted.	Democratic Services	Adopted	
C/072/2019	Minutes of Special Council Meeting held on 20 May 2019	The minutes were agreed as an accurate record and adopted.	Democratic Services	Adopted	
C/073/2019	Minutes of Audit Committee Meeting held on 15 April 2019	The minutes were agreed as an accurate record and adopted.	Democratic Services	Adopted	
C/074/2019	NAC Conference – Regeneration of towns and villages 28 – 30 June 2019, Southport	Councillor Burgess to attend the NAC Conference Sinn Fein and SDLP to contact Democratic Services with their nominees	Democratic Services	SF and SDLP not attending	
C/076/2019	The Somme	Councillors Andrews and Walker to attend the Somme Pilgrimage from 28 June 2019.	Democratic Services	Booked through e-hub	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
C/078/2019	The Somme Association	Annual yearly subscription to be renewed.	Democratic Services	To Finance for payment	
C/084/2019	Ards and N.Down Borough Council	Defer this matter to the Good Relations Forum for further discussion and clarification.	C Moffett	Referred to C Moffett.	
C/085/2019	Notice of Motion – Climate Change Emergency	The Motion was referred in accordance with Standing Order 16.1.6 to the Planning Committee Meeting.	M Ward / A McKay	Was on Agenda for June Planning Mtg but Cllr Enright has requested it be deferred to a future Planning Mtg.	
C/086/2019	Notice of Motion – Breast Assessment Services	<ul style="list-style-type: none"> • Council write to both Shane Devlin CEO of Southern Trust and Richard Pengelly Permanent Secretary clearly stating the proposal to remove breast assessment services from the Southern Trust will not be tolerated. • Breast assessment services to be added to the agenda of the Southern Trust Area Health Working Group and kept at forefront for future discussions. • Council to explore ways of providing guidance to the public on responding to public consultations. 	Democratic Services	<p>Letters sent to: Shane Devlin Richard Pengelly</p> <p>Referred to Eoin Devlin, Health & Wellbeing</p> <p>Referred to Eoin Devlin, Health & Wellbeing</p>	
C/087/2019	Notice of Motion – Suicide down to zero	The Motion was referred in accordance with Standing Order 16.1.6 to the AHC Committee Meeting.	M Lipsett	Referred to AHC Committee	
C/088/2019	Notice of Motion – Vending Machines	The Motion was referred in accordance with Standing Order 16.1.6 to the AHC Committee Meeting.	M Lipsett	Referred to AHC Committee	
END					

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

NMD/C/

Minutes of Council Meeting held on Monday 3 June 2019 at 6.00pm in the Mourne Room, Downshire Civic Centre, Downpatrick

In the Chair: Councillor C Casey

In attendance:

Councillor T Andrews	Councillor G Bain
Councillor P Brown	Councillor R Burgess
Councillor W Clarke	Councillor D Curran
Councillor S Doran	Councillor C Enright
Councillor H Gallagher	Councillor M Gibbons
Councillor O Hanlon	Councillor G Hanna
Councillor V Harte	Councillor H Harvey
Councillor T Hearty	Councillor R Howell
Councillor L Kimmins	Councillor M Larkin
Councillor A Lewis	Councillor O Magennis
Councillor G Malone	Councillor C Mason
Councillor D McAteer	Councillor L McEvoy
Councillor H McKee	Councillor McKevitt
Councillor R Mulgrew	Councillor G O'Hare
Councillor B Ó Muirí	Councillor H Reilly
Councillor M Savage	Councillor G Sharvin
Councillor D Taylor	Councillor J Tinnelly
Councillor J Trainor	Councillor B Walker

(Officials)

Mr L Hannaway, Chief Executive
 Mrs D Carville, Director of Corporate Services
 Mr M Lipsett, Director of Active & Healthy Communities
 Ms M Ward, Director of Enterprise, Regeneration & Tourism
 Mr R Moore, Director of Neighbourhood Services
 Miss S Taggart, Democratic Services Manager (Acting)
 Ms L O'Hare, Democratic Services Officer
 Mrs P McKeever, Democratic Services Officer

C/068/2019

APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Byrne, Devlin, Ruane and Stokes

- The Chairperson offered his congratulations to Council officers on their input on the series of events which included an extremely well attended Footsteps in the Forest Event, the Triathlon in Camlough with 400 participants taking part and Newry Half Marathon which was a very successful event.

- The Chairperson advised that Council met with the Consulate General from China and a delegation from China which included a Media Team at an event hosted by Belfast City Council which was a very successful networking event.
- The Chairperson offered congratulations to local man Mark McMullan who reached the final of Britain's Got Talent.

C/069/2019 DECLARATIONS OF INTEREST

There were no declarations of interest.

Councillor Enright declared an interest during discussions of C/84/2019 as he was a Board Member of Northern Ireland Fire and Rescue Service.

C/070/2019 ACTION SHEET ARISING FROM COUNCIL MEETING HELD ON 1 APRIL 2019

Read: Action sheet arising from Council Meeting held on 1 April 2019 (copy circulated)

Agreed: The Action Sheet from Council Meeting held on 1 April 2019 was agreed.

COUNCIL MINUTES FOR ADOPTION AND SIGNING

C/071/2019 MINUTES OF COUNCIL MEETING HELD ON 1 APRIL 2019

Read: Minutes of Council Meeting held on 1 April 2019 (copy circulated).

SPR/052/2019 – Civic Centre Regeneration (CCR) Theatre/Conference Project

Councillor Savage asked for an update on the consultation process to date as local Arts groups were keen to have an input into shaping the new facility.

Mrs Ward advised Arts groups had been contacted directly, one to one discussions had taken place on the plan and feedback was gathered. She stated a workshop with Councillors was planned for the end of June and further engagement with the Arts sector would follow. A briefing had been planned with Newry Chamber of Commerce to ensure everyone was involved and had an opportunity to input into the delivery of the project.

C/062/2019 – Minutes of Active and Healthy Communities Meeting held on 21 March 2019

Councillor Savage expressed his disbelief at the vandalism on the Albert Basin site, to the tram which had been restored by students of SRC Newry over a 5-year period. He queried what steps were being taken to safeguard against future vandalism, and to find a natural home as an iconic piece in Newry train station.

Mrs Ward stated it had been agreed at the ERT Committee in April that Council would seek to locate the tram in Newry train station, however, this was now with the legal

team to be concluded as quickly as possible. She advised space had been cleared in one of the Albert Basin sheds and officers would be looking to relocate the tram there. She stated the damage was repairable and not as significant as first thought and Ring of Gullion Partnership had been involved in assessment of the damage and were keen that it be restored to its rightful place.

Agreed: **The Minutes of the Council Meeting held on 1 April 2019 were agreed as an accurate record and adopted on the proposal of Councillor Burgess, seconded by Councillor Ó Muirí.**

C/072/2019 MINUTES OF ANNUAL MEETING HELD ON 20 MAY 2019

Read: Minutes of Special Council Meeting held on 20 May 2019 (copy circulated).

Mr Hannaway highlighted the Members selected to the Peace IV Partnership Board should have included an Independent Member, as Alliance had a seat on the Board which Councillor Bain had been nominated to take and asked that Councillor Brown give up the seat.

Councillor Brown proposed that Councillor Reilly sit on the Peace IV Partnership Board, this was seconded by Councillor Enright.

Mr Hannaway advised that Carlingford Lough Commissioner's Board had asked, where possible, to keep people on the board separate from those on the Warrenpoint Harbour Authority Board. Additionally, only one representative was required from SDLP as they currently had two names against the position.

Councillor Sharvin proposed Councillor Savage to the Carlingford Lough Partnership, this was seconded by Councillor Andrews.

Councillor Doran agreed to clarify his position following a conversation with Councillor Ruane.

Councillor Brown raised an issue in relation to appointment of Members to council boards and proposed that Party Reps recognise smaller Parties and Independent councillors on that forum, where they had an agreed group leader representing a grouping of three or more, so long as that group was available to all Independents.

The Chairman advised that under Standing Order 24, Rescission of a Preceding Resolution, no motion to rescind any resolution passed within the preceding six months and no motion or amendment to the same effect as one which had been rejected within the preceding six months, shall be proposed by a Member unless the notice thereof given in pursuance of Standing Order 16.1 bears the names of at least 15% of the Members of the Council. The Chairman advised the time for Councillor Brown to raise the issue had been at the Annual Meeting.

Agreed: **The Minutes of the Annual Meeting held on 20 May 2019 were agreed as an accurate record and adopted on the proposal of Councillor Hanna, seconded by Councillor Doran.**

COMMITTEE MINUTES FOR CONSIDERATION AND ADOPTION

C/073/2019 MINUTES OF AUDIT COMMITTEE MEETING HELD ON MONDAY 15 APRIL 2019

Read: Minutes of Audit Committee Meeting held on Monday 15 April 2019 (copy circulated).

Agreed: **The Minutes of the Audit Committee Meeting held on 15 April 2019 were agreed as an accurate record and adopted, on the proposal of Councillor Mulgrew, seconded by Councillor Clarke.**

CORRESPONDENCE AND CONFERENCES

C/074/2019 NAC CONFERENCE – REGENERATION OF TOWNS AND VILLAGES

Read: Correspondence received from NAC regarding Regeneration of Towns and Villages Conference. (copy circulated)

Councillor Mulgrew queried whether additional information with regard to conferences could be provided to Members. She said the benefits, transparency and value for money were important factors that should be considered when deciding to attend conferences.

Members discussed the issue stating they should be ensuring all future conferences were value for money and worthwhile for Members to attend. They also discussed the potential benefit of Members providing an update following attendance at conferences.

Agreed: **It was agreed on the proposal of Councillor Taylor, seconded by Councillor Walker that Councillor Burgess attend the NAC Conference.**

It was also agreed that Sinn Féin and SDLP would contact Democratic Service with their nominees of their NAC members to attend.

C/075/2019 NILGA ANNUAL GENERAL MEETING

Read: Correspondence dated 14th May 2019 received from NILGA regarding invite to Annual General Meeting (copy circulated).

Agreed: **The correspondence received was noted.**

C/076/2019 THE SOMME

Read: Correspondence received regarding trip to The Somme (copy circulated).

Agreed: It was agreed that, as Council nominated Members of the Somme Association for 2019/20, Councillors Andrews and Walker would attend The Somme Pilgrimage from 28th June 2019.

C/077/2019 **NORTHERN IRELAND HOUSING COUNCIL**

Read: Correspondence received from Northern Ireland Housing Council regarding Councillor attendance at the Housing Council and Committee Meetings between the period 1st April 2018 and 31st March 2019 (copy circulated).

Agreed: The correspondence received was noted.

C/078/2019 **THE SOMME ASSOCIATION**

Read: Correspondence dated 3 April 2019 received from The Somme Association regarding renewal of yearly subscription (copy circulated)

Agreed: It was agreed on the proposal of Councillor Hanna, seconded by Councillor Walker to renew the annual yearly subscription.

C/079/2019 **DEPARTMENT OF HEALTH RE: NO AIR AMBULANCE**

Read: Correspondence dated 4 April 2019 received from Department of Health Re: No Air Ambulance. (copy circulated)

Agreed: The correspondence received was noted.

C/080/2019 **DfI Re: TRANSFER OF MOURNES**

Read: Correspondence dated 15 April 2019 received from DfI regarding request for the Mourne District Electoral Area be transferred to DfI Roads Eastern Division, for the purpose of roads maintenance and improved liaison with elected representatives (copy circulated)

Agreed: The correspondence received was noted.

C/081/2019 **MID ULSTER DISTRICT COUNCIL RE: GEOGRAPHICAL DISPOSAL FACILITY**

Read: Correspondence dated 16 April 2019 received from Mid Ulster District Council regarding opposition to Geographical Disposal Facility by Radioactive Waste Management (copy circulated)

Agreed: **The correspondence received was noted.**

C/082/2019 **NORTHERN IRELAND POLICING BOARD**

Read: Correspondence dated 17 April 2019 received from Northern Ireland Policing Board regarding reappointment of current independent members to NIPB (copy circulated)

Agreed: **The correspondence received was noted.**

C/083/2019 **DEPARTMENT FOR INFRASTRUCTURE Re: ROONEY ROAD**

Read: Correspondence dated 27 March 2019 received from DfI regarding proposed waiting restrictions at Rooney Road, Kilkeel (copy circulated)

Agreed: **The correspondence received was noted.**

C/084/2019 **ARDS AND NORTH DOWN BOROUGH COUNCIL**

Read: Correspondence dated 27 March 2019 received from Ards and North Down Borough Council regarding UK'S First National Memorial Dedicated to all Emergency Service Personnel who have served or been killed in the course of their duties. (copy circulated)

Councillor O'Muiri proposed to refer the issue to the Good Relations Forum for further clarification on those sections of Emergency Service Personnel that would be commemorated, as Sinn Féin would not be content to support if it included certain sections of military personnel. This was seconded by Councillor Kimmins.

Councillor Walker proposed that Council support the tabled motion, this was seconded by Councillor Taylor.

A discussion took place and the Chairperson put the matter to a vote, the results of which were as follows:

FOR:	25
AGAINST:	10
ABSTENTIONS:	0

The proposal was CARRIED

Agreed: **It was agreed to refer the matter to the Good Relations Forum for further discussion and clarification.**

NOTICES OF MOTION

C/85/2019: NOTICE OF MOTION – CLIMATE CHANGE EMERGENCY

The following Notice of Motion came forward for consideration in the name of Councillor Enright:

"Newry Mourne and Down's Draft Local Development Plan to 2030 (preferred options paper) went out for consultation in June 2018 and the consultation closed on 24th August 2018. The Development Plan is minimalistic in dealing with climate change. It notes the lack of National Government targets and uncertainty over the future of renewable targets. It comments that "there is no system-wide need for further renewable energy being connected to the grid" (key issue 18). The plan acknowledges that the Council has 160 kilometers of coastline, but there are no plans to deal with sea-level rise in the document.

In October 2018 the UN announced that we have 12 years to save the planet. UN scientists gave the starkest warning yet that our chances of tackling climate change and averting disaster are slipping away. They said delaying to 2030 would be too late to avoid a 2% rise in global temperatures and climate catastrophe. The UN says action by government actors would need to be taken now. Westminster is paralyzed by Brexit and Stormont is not sitting,.

In view of this, and the UN's Climate Change warnings for 2030, Council declares a 'Climate Change Emergency' and will fundamentally revise and amend the draft of the 2030 Newry, Mourne and Down Development Plan (preferred options paper) to deal with rising sea levels, the need to transition to 100% renewable energy, the infrastructure for electrification of transport over the next 10 years and how our District can command a strategic advantage in being a major producer of renewable energy on the Island of Ireland to bring large numbers of well-paid jobs to the area and boost the commercial rates of the Council from new renewable installations in our area."

The motion was seconded by Councillor Brown. The Chair advised that in accordance with Standing Order 16.1.6 the motion would be referred to the Planning Committee

Councillor Enright stated he did not agree with the decision to refer the motion to the Planning Committee and said it should be discussed at full Council.

Councillor Enright proposed to suspend Standing Orders, in accordance with Standing Order 29.1, in order to allow debate on the Motion. Councillor Brown seconded the proposal.

The proposal was put to a recorded vote, the results of which were as follows:
(result of vote appended to these minutes).

FOR:	21
AGAINST:	16

In accordance with Standing Order 29.1, as a qualified majority of 80% was not reached, the proposal was declared lost.

AGREED: **The motion was referred to the Planning Committee in accordance with Standing Order 16.1.6.**

C/86/2019: NOTICE OF MOTION – BREAST ASSESSMENT SERVICES

The following Notice of Motion came forward for consideration in the name of Councillor Mulgrew:

"Newry Mourne and Down District Council write to both Shane Devlin CEO of Southern Trust and Richard Pengelly permanent secretary clearly stating that the proposal to remove breast assessment services from the Southern Trust will not be tolerated.

The services currently being provided by Craigavon area hospital and Belfast City Hospital are excellent and to remove those services would have a hugely negative impact on all those within the Southern Trust but particularly on those from rural communities."

In proposing the Motion, Councillor Mulgrew highlighted the following points:

- The breast assessment unit in Craigavon was a vital much needed service and last year 4,700 people had been referred.
- There are currently a number of live public consultations and fear would be the breast assessment consultation would be overlooked.
- Southern Trust had the fastest growing and fastest aging population.
- Targets all currently being met at Craigavon Area unit and unique breast assessment services provided including: –
 - Magseed – procedure that detected and removed very small tumours, that otherwise would not be detected by routine screening.
 - Vacuum assisted excision that minimised extent of surgery and reduced patient trauma.
 - The only unit in N. Ireland to offer high definition breast tomosynthesis for all patients with family history.
 - Only area in N. Ireland that had a breast pain clinic and although it operated out of Daisy Hill Hospital, it was linked to Craigavon area hospital.
- The Project Board had recommended that four hospitals be retained providing breast assessment services, however the recommendation from Mr Pengelly was for only three.
- Craigavon area hospital provided a triple assessment service for patients that included seeing a consultant, a radiographer and if necessary access to the on site pathology department where biopsies were conducted with the result available within one hour.
- Antrim Area Hospital, one of the preferred option hospitals did not have a pathology department and as there was no extra funding being allocated to breast services, the conclusion was that it would remain this way.
- Additional travel distances for patients was a huge consideration and the feedback from the Project Board was that 25% of women who were low risk would decide not to travel to their appointment if the services were moved.

Members spoke in full support of the motion with the following points raised:

- Any reduction in the breast services should not be tolerated.
- 1% of men were affected by breast cancer.
- The proposal to remove the breast assessment services should be referred to the Southern Trust Area Health Working Group and kept on that agenda so it would continue to be at the forefront of discussions.
- A small delegation should meet the Permanent Secretary to have face to face discussions.
- Craigavon was more centrally located in N.Ireland and therefore was the most suitable location.
- Online consultations were not always easily accessed or downloaded, a potential solution was that downloaded versions could be made available at council offices for the general public to access.
- Council could offer guidance to the public on how to respond to consultations.
- It was disappointing that a public meeting regarding the breast assessment unit was to be held in Craigavon as a lot of people would not be able to attend.
- Closing date for the breast assessment services consultation was 19 July and everyone was urged to respond.

Councillor Mulgrew said it was important to note the online petition by Knitted Knockers was separate to the breast services consultation and it was key that people responded to the consultation.

Mr Lipsett advised that the draft Council response to both Stroke Services and Breast Services would be tabled at the Active and Healthy Communities committee meeting due to be held on 17 June 2019 and he said he would take on board the comments regarding how consultations were accessed.

Councillor Mulgrew, as proposer of the Motion, indicated her agreement to amending the Motion to include both Councillor Walker's comments regarding referring the breast assessment services to the Southern Trust Area Health Working Group and Councillor McKeivitt's comment regarding Council providing guidance to the public on how to respond to public consultations.

Agreed: **It was agreed on the proposal of Councillor Mulgrew, seconded by Councillor Kimmins that Newry Mourne and Down District Council write to both Shane Devlin CEO of Southern Trust and Richard Pengelly permanent secretary clearly stating that the proposal to remove breast assessment services from the Southern Trust will not be tolerated.**

The services currently being provided by Craigavon area hospital and Belfast City Hospital are excellent and to remove those services would have a hugely negative impact on all those within the Southern Trust but particularly on those from rural communities.

It was agreed breast assessment services be added to the agenda of the Southern Trust Area Health Working group and kept at the forefront of future discussions.

It was agreed that Council explore ways of providing guidance to the public on responding to public consultations.

C/87/2019: NOTICE OF MOTION – SUICIDE DOWN TO ZERO

The following Notice of Motion came forward for consideration in the name of Councillor Brown:

'This Council will adopt a 'suicide down to zero' approach to combating the high prevalence of suicide across our district. It commits to closer partnership working with local mental health and suicide prevention charities and will establish a suicide prevention working group with a dedicated Council officer responsible, meeting quarterly with representation from all party groupings and the necessary resources to develop and implement a strategy to deliver the commitment of bringing suicides in the district down to zero.

The Council will establish a new small grants scheme within the existing financial assistance programme to fund projects specifically dealing with mental health and suicide in the district, the criteria and performance of which will be drawn up by the working group and monitored by the Active and Healthy Communities Directorate.

Council will also write to the Permanent Secretary of the Department of Health lamenting the abject failure of the Department to implement the Protect Life 2 strategy, and that this strategy should have been signed off regardless of the absence of an Executive given its vital lifesaving and non-contentious nature.'

The motion was seconded by Councillor Enright. The Chair advised that in accordance with Standing Order 16.1.6 the motion would be referred to the Active and Healthy Communities Committee.

Councillor Brown stated he did not agree with the decision to refer the motion to the Active and Healthy Communities Committee and said it should be discussed at full Council.

Councillor Brown proposed to suspend Standing Orders, in accordance with Standing Order 29.1, in order to allow debate on the Motion. Councillor Enright seconded the proposal.

The proposal was put to a recorded vote, the results of which were as follows:
(result of vote appended to these minutes).

FOR:	20
AGAINST:	15

In accordance with Standing Order 29.1, as a qualified majority of 80% was not reached, the proposal was declared lost.

AGREED: The Motion was referred to the Active and Healthy Communities Committee in accordance with Standing Order 16.1.6.

C/88/2019: NOTICE OF MOTION – VENDING MACHINES

The following Notice of Motion came forward for consideration in the name of Councillor Clarke:

'This council will introduce a policy to ensure council buildings and leisure centres with vending machines, will replenish them with healthy choice snacks and drinks and will reduce the availability of high-sugar items such as sweets, high sugar fizzy drinks and high fat snacks. Furthermore, council will encourage other partner organisations on the community planning partnership board to follow the example of council and implement similar interventions within their organisations, these measures will assist us in tackling obesity, creating "nudge" strategies to facilitate healthier choices to help people to change their diet.'

The Motion was seconded by Councillor Howell.

AGREED: The Motion was to the Active and Healthy Communities Committee in accordance with Standing Order 16.1.6.

There being no further business, the meeting concluded at 7.30pm

Signed:

Chairman

Chief Executive

NEWRY, MOURNE & DOWN DISTRICT COUNCIL
RECORDED VOTE

14

DATE: 03/06/2019

VENUE: Mourne Room Downpatrick

MEETING: Council

SUBJECT OF VOTE - Proposal from Cllr Enright seconded by Cllr Brown – Climate Change Emergency

COUNCILLOR	FOR	AGAINST	ABSTAIN	ABSENT
T Andrews	√			
G Bain	√			
P Brown	√			
R Burgess	√			
P Byrne				√
C Casey		√		
W Clarke		√		
D Curran		√		
L Devlin				√
S Doran		√		
C Enright	√			
H Gallagher	√			
M Gibbons	√			
O Hanlon		√		
G Hanna	√			
V Harte		√		
H Harvey	√			
T Hearty		√		
R Howell		√		
L Kimmins		√		
M Larkin		√		
A Lewis	√			
O Magennis		√		
G Malone	√			
C Mason		√		
D McAteer	√			
L McEvoy		√		
H McKee	√			
K McKeivitt	√			
R Mulgrew		√		
G O'Hare		√		
B ÓMuirí		√		
H Reilly	√			
M Ruane				√
M Savage	√			
G Sharvin	√			
G Stokes				√
D Taylor	√			
J Tinnelly	√			
J Trainor	√			
B Walker	√			
TOTALS	21	16		4

Signed:

Date:

NEWRY, MOURNE & DOWN DISTRICT COUNCIL
RECORDED VOTE

15

DATE: 03/06/2019

VENUE: Mourne Room Downpatrick

MEETING: Council

SUBJECT OF VOTE - Proposal from Cllr Brown seconded by Cllr Gibbons – Suicide Down to Zero

COUNCILLOR	FOR	AGAINST	ABSTAIN	ABSENT
T Andrews	√			
G Bain	√			
P Brown	√			
R Burgess	√			
P Byrne				√
C Casey		√		
W Clarke		√		
D Curran		√		
L Devlin				√
S Doran				√
C Enright	√			
H Gallagher	√			
M Gibbons	√			
O Hanlon		√		
G Hanna	√			
V Harte		√		
H Harvey	√			
T Hearty		√		
R Howell		√		
L Kimmins		√		
M Larkin		√		
A Lewis	√			
O Magennis		√		
G Malone	√			
C Mason		√		
D McAteer	√			
L McEvoy		√		
H McKee	√			
K McKeivitt	√			
R Mulgrew		√		
G O'Hare		√		
B ÓMuirí		√		
H Reilly				√
M Ruane				√
M Savage	√			
G Sharvin	√			
G Stokes				√
D Taylor	√			
J Tinnelly	√			
J Trainor	√			
B Walker	√			
TOTALS	20	15		6

Signed:

Date:

EXTRACT FROM PLANNING COMMITTEE MEETING HELD ON 29 MAY 2019**P/049/2019: AGREEMENT ON LOCAL DEVELOPMENT PLAN STEERING GROUP**

Ms Ward advised the Local Development Plan Steering Group had now moved under the remit of the Planning Department and Membership of the Steering Group should comprise the Members of the Planning Committee.

AGREED: **On the proposal of Councillor Clarke, seconded by Councillor Hanna it was agreed that the membership of the Local Development Plan Steering Group should comprise the Members of the Planning Committee.**

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

**Minutes of the Enterprise, Regeneration & Tourism Committee Meeting
held on Monday 10 June 2019 at 3.00pm in the Boardroom, District
Council Offices, Monaghan Row, Newry**

Chairperson: Councillor R Mulgrew

In Attendance: **(Committee Members)**

Councillor T Andrews
Councillor P Brown
Councillor D Curran
Councillor C Enright
Councillor O Hanlon
Councillor G Hanna
Councillor M Larkin
Councillor D McAteer
Councillor H Reilly

(Non Members)

Councillor H Harvey
Councillor G Tinnelly

Officials in Attendance: Mr L Hannaway Chief Executive
Ms M Ward Director Enterprise Regeneration & Tourism
Mr A Patterson Assistant Director Tourism Culture & Events
Mr M Robinson Assistant Director Enterprise Employment & Regeneration
Mr A McKay Chief Planning Officer
Mr A Hay
Ms L Dillon Democratic Services Officer

ERT/062/2019: APOLOGIES / CHAIRPERSON'S REMARKS

Apologies were received for:

Councillor R Burgess
Councillor W Clarke
Councillor M Ruane
Councillor G Stokes

Councillor Mulgrew Chairperson welcomed everyone to the first meeting of the Enterprise Regeneration & Tourism Committee for the 2019-2020 term and extended a welcome the Members new to the Committee and to Councillor O Hanlon

a new Council Member.

ERT/063/2019: DECLARATIONS OF INTEREST

Noted: Councillor Hanna declared an interest in Item No.17 relating to transfer of assets. (See Minute Number: ERT/078/2019).

**ERT/064/2019: START TIME
ENTERPRISE REGENERATION & TOURISM CMTTEE**

Agreed: On the proposal of Councillor Hanna seconded by Councillor Brown it was agreed the start time for ERT Committee Meetings from June 2019 - May 2020 will be 5pm.

**ERT/065/2019: ACTION SHEET
MINUTES OF ENTERPRISE, REGENERATION AN
TOURISM MEETING OF MONDAY 11 MARCH 2019**

Read: Action Sheet arising out of the Minutes of the Enterprise, Regeneration & Tourism Committee Meeting held on Monday 11 March 2019. **(Copy circulated)**

The following issues were raised arising from the above Action Sheet:

ERT/050/2019 – Cranfield Beach

Agreed: It was agreed Mr A Patterson Assistant Director ERT to report back to Councillor Hanna regarding the appointment of a contractor in respect of works at Cranfield Beach.

ERT/0382019 – Tollymore Forest Park (Tea Rooms)

Noted: Ms Ward advised the Council did not appoint the mobile vendor currently at Tollymore Forest Park, they were appointed by Forest Service, and that this arrangement would end whenever arrangements for the Tea Rooms were finalised.

ERT/044/2019 – Artisan Markets

Agreed: Council Officials consider possibility of an Artisan Market in Kilkeel.

ERT/045/2019 – Made in Mourne (Trade Visit to New York/Washington)

Agreed: Officers arrange to have a report tabled at a future ERT Committee Meeting regarding the Made in Mourne Trade Visit to New York and Washington.

The following issue was raised:

St John's Lighthouse

Noted: Mr Patterson confirmed the Council would host a workshop at which representatives from the community group will have an opportunity to present to Councillors and Council Officers regarding St John's Lighthouse.

The issue regarding a Public Meeting with St. John's Lighthouse has been forwarded to the relevant DEA although this may now not be required.

Agreed: On the proposal of Councillor McAteer seconded by Councillor Hanna it was agreed to note the Action Sheet arising from the Enterprise, Regeneration and Tourism Committee Meeting held on Monday 11 March 2019.

ENTERPRISE, EMPLOYMENT AND REGENERATION ITEMS

ERT/066/2019: ERT BUSINESS PLAN 2019-2020

Read: Report dated 10 June 2019 from Ms M Ward Director Enterprise, Employment and Regeneration regarding the ERT Business Plan.
(Copy circulated)

Members raised the following issues regarding the ERT Business Plan:

- Additional resources needed to deal with backlog of enforcement cases which are being processed by Belfast City Council Legal Services.
- Council's Procurement Policy needs to be examined to ensure local Businesses can benefit from Council procurement exercises.

Agreed: Request the SPR Department to examine concerns regarding the Council's Procurement Policy and the effect this is having on businesses.

Agreed: On the proposal of Councillor Hanna seconded by Councillor Curran it was agreed to note Report dated 10 June 2019 from Ms M Ward Director of ERT and approve the Enterprise Regeneration & Tourism Business Plan 2019-2020.

ERT/067/2019: WORKING GROUPS

Read: Report dated 10 June 2019 from Ms M Ward Director Enterprise, Employment and Regeneration regarding the operation of Working Groups within Council. **(Copy circulated)**

Agreed: On the proposal of Councillor Andrews seconded by Councillor Hanna it was agreed to approve the party make up from within the ERT Committee membership for Working Groups, as outlined in Report dated 10 June 2019 from Ms M Ward Director ERT, as per the make up in the previous Council term.

It was agreed appointments be made to the Working Groups, on the basis as (a) above.

To extend the remit of the Tourism Task and Finish Group to incorporate Arts and Culture.

Members to ensure names are forwarded as soon as possible.

**ERT/068/2019: SPONSORSHIP
NI SMALL BUSINESS CONFERENCE**

Read: Report dated 10 June 2019 from Mr M Robinson Assistant Director Enterprise, Employment and Regeneration regarding a request from Newry Chamber of Commerce and Trade for Council sponsorship for the NI Small Business Conference to be held in September 2019. **(Copy circulated)**

Agreed: On the proposal of Councillor Curran seconded by Councillor McAteer it was agreed Newry Mourne and Down District Council support the NI Small Business Conference to be delivered by Newry Chamber of Commerce & Trade, in September 2019, through a lead sponsorship contribution of £10,000.

**ERT/069/2019: SPONSORSHIP
NI ECONOMIC CONFERENCE**

Read: Report dated 10 June 2019 from Mr M Robinson Assistant Director Enterprise, Employment and Regeneration regarding a request for Council sponsorship for the NI Economic Conference. **(Copy circulated)**

Agreed: On the proposal of Councillor McAteer seconded by Councillor Hanna it was agreed Newry Mourne and Down District Council support the NI Economic Conference to be delivered by Agenda NI, through a lead sponsorship in the sum of £10,000.

**ERT/070/2019: REVIEW – COUNCIL STATUTORY JOB CREATION TARGET
“GO FOR IT” PROGRAMME**

Read: Report dated 10 June 2019 from Mr M Robinson Assistant Director Enterprise, Regeneration and Tourism regarding the NI Business Start Programme (NIBSUP) “Go for It” and the statutory targets which were allocated to all Councils regarding the Programme. **(Copy circulated)**

Concerns were expressed by Councillor Reilly regarding the possible development of a 100 acre site in Craigavon for the aviation industry and the impact this could have on employment in the District and he believed a meeting should be held with Invest NI to discuss this matter.

Councillor Brown asked how targets were quantified and followed up on and if local enterprise agencies had been consulted?

Ms Ward explained targets were quantified not only by the Business Plan but also via conversion rates and that enterprise agencies were procured to deliver on behalf of Council and the targets were agreed separately.

Councillor Enright concurred with Councillor Reilly and felt planning issues in our area needed to be addressed via the Development Plan and allow the creation of jobs.

The Chairperson said although the Council would have grave concerns regarding any potential job losses in the District the matter was not on the agenda for discussion however Members could speak with Officers after the meeting on this issue.

Councillor Hanna requested that Members be provided with details from last year regarding job creation within the District.

Agreed: **On the proposal of Councillor Andrews seconded by Councillor Hanna it was agreed a revised jobs target of 173 jobs to be used as a baseline in the new Business Start Programme and be suggested to Department for the Economy when considering new statutory targets relating to job creation arising from the Business Start Up Programme.**

Agreed: **Council Officials to consider a possible meeting with Invest NI to discuss future plans for the development of a site in Craigavon for the aviation industry and report back to the ERT Committee in due course.**

Agreed: **A report to be submitted back to the ERT Committee in August 2019 regarding the growth and retention of existing businesses within the District.**

ERT/071/2019: UPDATE RE: APPLICATIONS TO ERDF INVESTMENT FOR GROWTH AND JOBS

Read: Report dated 10 June 2019 from Mr M Robinson Assistant Director Enterprise Employment & Regeneration, regarding applications to ERDF – Investment for Growth and Jobs.
(Copy circulated)

Issues were raised with regard to extending mentoring hours and simplifying the Council Website.

Ms Ward referred to Page 41 which outlines under Resource Implications, the cost to Council and added mentor and support will be provided to businesses to inform them on how procurement operates across the various sectors and within the Council.

Agreed: **On the proposal of Councillor Hanna seconded by Councillor Brown it was agreed:**

- (a) **With regard to the 2 No. new programmes yet to be established, ie, Procurement & Supply Chain, and Digital, that Council proceed as per the Letter of Offer requirements to work with NMDDC and Central Procurement Directorate to procure and appoint suitable delivery agents for implementation of programmes.**
- (b) **To continue to engage with Invest NI and other relevant stakeholders and Councils to explore other potential applications that may be eligible for ERDF IGJ funding.**
- (c) **Officers to consider extending mentoring hours.**

ERT/072/2019: PUBLIC REALM ENHANCEMENT WORKS SCHEME

Read: Report dated 10 June 2019 from Mr M Robinson Assistant Director Enterprise Employment & Regeneration regarding the appointment of Consultants for the Public Realm Enhancement Works Scheme.
(Copy circulated)

Councillor Tinnelly asked why schemes seemed to apply only to areas regarded as urban and if there were any plans to seek funding to look at areas which would be regarded as more rural and which would be in need of refurbishment.

Mr Robinson said schemes applied to areas with over 5,000 people but that Officials were currently, with the Department of Communities, looking at schemes for small towns and villages and it was hoped information on this would be brought forward in the near future.

Agreed: **On the proposal of Councillor Brown seconded by Councillor Hanna it was agreed to approve the appointment of an Integrated**

Consultancy Team to deliver the design for the proposed Public Realm Enhancement Works Scheme.

ERT/073/2019: LOCAL FULL FIBRE NETWORK (LFFN) FUNDING BID

Read: Report dated 10 June 2019 from Ms Marie Ward Director Enterprise Regeneration & Tourism regarding the Letter of Offer for DCMS funding. **(Copy circulated)**

Agreed: **On the proposal of Councillor Andrews seconded by Councillor Hanna it was agreed:**

- (a) Council Officers be authorised to sign the Letter of Offer, on behalf of the consortium, for £15 million of funding from the Department for Digital Culture Media & Sport (DCMS), under the Department's LFFN Challenge Programme.**
- (b) Council Officers be authorised to operate the procurements on behalf of the consortium to deploy the funding.**

BUILDING CONTROL AND REGULATIONS

ERT/074/2019: STREET TRADING POLICIES

Read: Report dated 10 June 2019 from Mr C Jackson Assistant Director Enterprise Regeneration and Tourism (Building Control) regarding policies for the designation, granting and enforcement of the Council's Licensing Section Street Trading. **(Copy circulated)**

In response to a number of queries raised regarding the impact on businesses from Street Trading, the consultation process, closing times, the number of pitches and multiple licence holders, Mr Jackson explained the designation process for Street Trading Licences and the mechanism contained within the policies to revoke, review or vary a licence. He added Licenses were reviewed in October on an annual basis.

Agreed: **On the proposal of Councillor Hanna seconded by Councillor McAteer it was agreed to approve the following Street Trading Policies subject to the policy ensuring that with regard to newly designated pitches, the existing business owners are directly consulted with not only by way of newspaper advertisement, but also in writing:**

- **Designation Policy**
- **Stationary Licence Policy**
- **Mobile Licence Policy**
- **Temporary Licence Policy**
- **Stall Design and Trading Policy**
- **Changed Circumstances Policy**

- **Enforcement and Seizure Policy**

If Councillors have issues regarding any existing Licence, they can raise this with the relevant Officers

TOURISM CULTURE AND EVENTS

ERT/075/2019: MOUNTAIN BIKE EVENTS AND TRAILS

Read: Report dated 10 June 2019 from Mr A Patterson Assistant Director Tourism Culture & Events regarding ongoing management of authorised and unauthorised/natural Mountain Bike trails at Kilbroney and Castlewellan Forest Parks.
(Copy circulated)

In response to a query from Councillor Reilly regarding the trails being used for any other type of vehicle in particular, Mr Patterson said the trails were specifically designed for mountain biking.

Councillor Tinnelly commended Officers on the work in relation to MBT to date and expressed his desire for this to continue.

AGREED: **On the proposal of Councillor Hanna seconded by Councillor McAteer it was agreed as follows:**

- (a) Establish a Working Group with key MTB stakeholders and representatives of Cycling Ireland to consider the challenges outlined above, and to develop proposals that would enable the responsible and safe management and maintenance of part of the natural trail network, with adequate health and safety considerations in place.**
- (b) Undertake a review of the authorised MTB trail network at Castlewellan and Kilbroney Forest Parks in terms of the Council's ongoing management and maintenance of the MTB trails, with consideration given to engagement of local MTB user groups, health and safety considerations and future budgetary/investment requirements in the trails.**

ERT/076/2019: SLIEVE GULLION DAERA APPLICATION

Read: Report dated 10 June 2019 from Mr A Patterson Assistant Director Tourism Culture & Events regarding and Expression of Interest made by Council to DAERA Rural Development

Programme for the development of the tourism offering at Slieve Gullion Forest Park. **(Copy circulated)**

AGREED: On the proposal of Councillor Larkin seconded by Councillor Harte it was agreed as follows:

- (a) To submit a full application to the DAERA Rural Development Programme by 31 August 2019 based on the recommendations of the economic appraisal for the development of an innovative Tourism Event Space within the Walled Garden; enhancement of the Giants Liar via innovative technology and interpretation; and improvements to visitor servicing, signage and way-finding across Slieve Gullion Forest Park.
- (b) To undertake the required procurements exercises to prepare the full project submission for the deadline of 31 August 2019, based on a project cost of £750,000 for Slieve Gullion Forest Park – with £500,000 capital investment from DAREA, and £250,000 match-funding from Council.

ERT/077/2019: FOOD AND DRINK TOURISM INITIATIVES

Read: Report dated 10 June 2019 from Mr A Patterson Assistant Director Tourism Culture & Events regarding events for the all Ireland Tourism NI/Failte Ireland "Taste the Island" initiative to commence in September 2019.
(Copy circulated)

AGREED: On the proposal of Councillor Brown seconded by Councillor McAteer it was agreed to approve the Council's involvement in the all-ireland Taste the Island initiative led by Tourism NI and Failte Ireland, to commence in September 2019.

ERT/078/2019: TRANSFER OF TOURISM & HERITAGE ASSETS

Read: Report dated 10 June 2019 from Mr A Patterson Assistant Director Enterprise Tourism Culture & Events regarding requests for assets stored in Kilkeel Town Hall and Sean Hollywood Arts Centre, ie cinema seats and 3 No. Romany style caravans.
(Copy circulated)

Agreed: On the proposal of Councillor Reilly seconded by Councillor Curran it was agreed the Council proceed to donate the 3 No. Romany-style caravans, to the respective group who made the request, subject to the following conditions:

- (a) A risk assessment is provided by the groups for the removal and transport of the items.
- (b) All necessary insurances are put in place by the groups for removal and transport of items.
- (c) Agreements to be signed outlining the Council accepts no liability for loss or injury as a result of removal, transportation or reuse of the items by the respective groups.
- (d) The Council take no action at the moment regarding the request for Cinema seats at Kilkeel Town Hall, until the future of Kilkeel Cinema is discussed at a DEA Meeting.

PLANNING

ERT/079/2019: LOCAL DEVELOPMENT PLAN

Read: Report dated 10 June 2019 from Mr A McKay Chief Planning Officer regarding the appointment of consultants to undertake a review and update of the District's Landscape Character Areas and associated work to support the work of the Development Plan Team in the preparation of the Local Development Plan. **(Copy circulated)**

Read: Report dated 10 June 2019 from Mr A McKay Chief Planning Officer regarding the appointment of consultants to undertake a Retail and Commercial Leisure Capacity Study to support the work of the Development Plan Team in the preparation of the Local Development Plan. **(Copy circulated)**

Councillor Enright said the landscape was dramatically changing and both documents did not take into account the significant changes that have already occurred in the landscape and the next industrial revolution and industrial environment that we will see over the next number of years.

Mr Hay believed there was sufficient remit within the Scope of Works to address the issues raised.

Landscape

Councillor Larkin proposed and Councillor Hanna seconded to approve the appointment of Specialist Landscape Consultants to undertake a review and update of the District's Landscape Character Areas and associated work to support the work of the Development Plan Team in the preparation of the Local Development Plan, as outlined in Report dated 10 June 2019 from Mr A McKay Chief Planning Officer.

Councillor Enright proposed as an Amendment that the Landscape document

be revised to take into account the new industrial revolution, and the impact that climate change and the move to 100 percent renewal energy will have on the character and landscape of this area, prior to adopting the Report regarding the appointment of consultants to undertake a review and update of the District's Landscape Character Areas regarding the Local Development Plan.

Councillor Brown seconded the above Amendment.

A vote was taken on the first proposal

For: 9
Against: 2

The Chairperson declared the proposal was declared carried.

Agreed: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to approve the appointment of Specialist Landscape Consultants to undertake a review and update of the District's Landscape Character Areas and associated work to support the work of the Development Plan Team in the preparation of the Local Development Plan, as outlined in Report dated 10 June 2019 from Mr A McKay Chief Planning Officer.

Retail

Mr Hay responded to queries regarding timeframe for consultant appointments, transition dates for the removal of diesel and petrol car sales, provision of charging stations and grid issues and motor sales retail, and said that if Consultants were engaged they would have the necessary expertise to address these issues as these will be emerging factors which will have to be taken into account which will impact our retail environment.

Councillor Larkin proposed and Councillor McAteer seconded to approve the appointment of Specialist Retail Consultants to undertake a Retail and Commercial Leisure Capacity Study to support the work of the Development Plan Team in the preparation of the Local Development Plan, as outlined in Report dated 10 June 2019 from Mr A McKay Chief Planning Officer.

Councillor Enright proposed as an Amendment, seconded by Councillor Brown, to include a clause to specifically require the consultants to look at issue of electrification of transport and its impact on the retail trade.

The Amendment was accepted and it was therefore agreed as follows:

Agreed: On the proposal of Councillor Larkin seconded by Councillor McAteer it was agreed to approve the appointment of Specialist Retail Consultants to undertake a Retail and Commercial Leisure Capacity Study to support the work of the Development Plan Team in the preparation of the Local Development Plan, as outlined in

Report dated 10 June 2019 from Mr A McKay Chief Planning Officer.

It was also agreed to include a clause to specifically require the consultants to look at the issue of electrification of transport and its impact on the retail trade.

EXEMPT INFORMATION

Agreed: On the proposal of Councillor Hanna seconded by Councillor McAteer , it was agreed to exclude the public and press from the meeting during discussion on the following matters which related to exempt information by virtue of Paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to the financial or business affairs of any particular person (including the Council holding that information).

ERT/080/2019: REDBULL MOUNTAIN BIKE TRAIL EVENT

Read: Report dated 10 June 2019 from Mr A Patterson Assistant Director Tourism Culture & Events regarding the Redbull Fox Hunt Mountain Bike Trail event.
(Copy circulated)

ERT/081/2019: SLEIVE GULLION FOREST PARK LEASE OF WORKSHOP / GIANTS LAIR

Read: Report dated 10 June 2019 from Mr A Patterson Assistant Director Tourism Culture & Events M Ward Director Tourism, Culture and Events regarding a request from Clanyre Group for an extension of the Lease of workshop and use of the Giants Lair at Slileve Gullion Forest Park. **(Copy circulated)**

Agreed: On the proposal of Councillor McAteer seconded by Councillor Hanna it was agreed the Committee come out of closed session.

When the Committee came out of closed session the Chairperson reported the following decisions had been agreed:

ERT/080/2019- Redbull Mountain Bike Trail Event

Agreed: On the proposal of Councillor Hanna seconded by Councillor Curran it was agreed to accept the recommendation contained in Report dated 10 June 2019 from Mr A Patterson Assistant Director Tourism Culture & Events regarding the Redbull Fox Hunt Mountain Bike Trail event.

ERT/081/2019 - Slieve Gullion Forest Park – Lease of Workshop and Giants Lair

Agreed: On the proposal of Councillor McAteer seconded by Councillor Larkin it was agreed to accept the recommendation contained in the Report dated 10 June 2019 from Mr A Patterson Assistant Director Tourism Culture & Events M Ward Director Tourism, Culture and Events regarding a request from Clanyre Group for an extension of the Lease of workshop and use of the Giants Lair at Slieve Gullion Forest Park.

NOTICE OF MOTION

**ERT/083/2019: NOTICE OF MOTION
RE: DONARD DEMENSE NEWCASTLE**

The following Notice of Motion was deferred from the Council Meeting held on Monday 1 April 2019 and came forward for consideration:

“Newry Mourne and Down District Council enters into discussions with the Annesley Estate proposing that Council leases the woodland known as Donard Demense Newcastle, in order that this woodland area can be properly maintained and made an attractive area to compliment the amenities already existing in Donard Park, with the view to improving the recreational, health and wellbeing and tourism potential. This area is an important habitat that requires adequate management.”

Agreed: On the proposal of Councillor Hanna seconded by Councillor McAteer it was agreed to note a paper regarding Donard Demense Newcastle, will be tabled at the ERT Committee Meeting in due course.

FOR NOTING

**ERT/084/2019: UPDATE RE:
NI BUSINESS START UP PROGRAMME**

Read: Report dated 10 June 2019 from Mr M Robinson Assistant Director Enterprise Employment & Regeneration regarding an update on delivery and performance of Business Startup activity for 2018/2019 period. **(Copy circulated)**

Agreed: On the proposal of Councillor McAteer seconded by Councillor Reilly it was agreed to note the above Report.

**ERT/085/2019: STRANGFORD LOUGH & LECALÉ
OUTDOOR RECREATIONAL PLAN**

Read: Report dated 10 June 2019 from Mr M Robinson Assistant Director Enterprise Employment & Regeneration regarding an outdoor recreational plan for Strangford and Lecale. **(Copy circulated)**

Agreed: **On the proposal of Councillor McAteer seconded by Councillor Reilly it was agreed to note an Outdoor Recreational Plan is now in place for the Strangford and Lecale Area of Outstanding Natural Beauty and Strangford Lough Marine Protected Area.**

**ERT/086/2019: RING OF GULLION
STRANGFORD & LECALÉ
AONBS**

Read: Report dated 10 June 2019 from Mr M Robinson Assistant Director Enterprise Employment & Regeneration regarding Ring of Gullion and Strangford & Lecale AONBS. **(Copy circulated)**

Agreed: **On the proposal of Councillor McAteer seconded by Councillor Reilly it was agreed to note the following:**

- (a) A Letter of Offer has been accepted from the Environment Fund for the Ring of Gullion and Strangford Lough AONBS for the 2019/20 period (year 1 of a four-year application). The value of the Letter of Offer for this period is £147,430 at a 50% grant rate. Match funding is secured in Council revenue budgets.**
- (b) The AONB teams will work with the NI Environment Agency (NIEA) to implement and progress the delivery of additional projects for which funding is secured via In-Year funding (if and when budget becomes available)**
- (c) The AONB teams will work with the NIEA to secure funding for years 2, 3 and 4 as set out in the application to NIEA.**

ERT/087/2019: BELFAST REGION CITY DEAL

Read: Report dated 10 June 2019 from Mr L Hannaway Chief Executive regarding an update on City Deal. **(Copy circulated)**

Mr Hannaway provided a brief update regarding City Deal. He advised that the Heads of Agreement had now been signed and they were now at delivery stage. He said Councillors will meet prior to the end of the summer period.

He referred to projects which Newry Mourne & Down District Council would be at the

forefront of, in particular the Southern Relief Road, Newry City regeneration projects and Mourne Gateway.

He said the digital strategy was underway to deliver Project Stratum and 5G across the District and that recommendations would be brought back to Council in due course.

Councillor Reilly asked to include a rail link along the Warrenpoint Dual Carriageway as part of the Southern Relief Road scheme and for the A2 Newcastle road to be upgraded under connectivity.

Mr Hannaway explained the Southern Relief Road scheme was tightly defined and any additions at this point could not be incorporated and that this suggestion could perhaps be considered under enhancement of public transport.

Agreed: On the proposal of Councillor McAteer seconded by Councillor Reilly it was agreed to note the update provided by Mr L Hannaway Chief Executive, regarding next phase of delivery of Belfast Region City Deal.

Agreed: Request Transport NI to advise on what long term plans are in place regarding the enhancement of the A2 Newcastle/Kilkeel Road.

**ERT/088/2019: ENTERPRISE EMPLOYMENT REGENERATION
FINANCIAL ASSISTANCE APPLICATIONS 2019/20**

Read: Report dated 10 June 2019 from Mr M Robinson Assistant Director Enterprise Employment & Regeneration regarding Enterprise Employment & Regeneration financial assistance applications 2019/2020. **(Copy circulated)**

Agreed: On the proposal of Councillor McAteer seconded by Councillor Reilly it was agreed to note the Council will issue Service Level Agreements to the organisations listed in above Report, for the delivery of economic programmes in the 2019/2020 financial year.

**ERT/089/2019: LIVE HERE LOVE HERE
APPLICATIONS – AONB PROJECTS**

Read: Report dated 10 June 2019 from Mr M Robinson Assistant Director Enterprise Employment & Regeneration regarding Live Here Love Here applications for AONB projects. **(Copy circulated)**

Agreed: On the proposal of Councillor McAteer seconded by Councillor Reilly it was agreed to note that SLLP and the Ring of Gullion Partnerships have submitted applications to Live Here, Love Here, for a project to be delivered in 2019/2020, and if successful,

approve acceptance of grant and implementation of the project as laid out in a Letter of Offer.

ERT/090/2019: NEWCASTLE / WARRENPOINT BEACHES

Read: Report dated 10 June 2019 from Mr A Patterson Assistant Director Tourism Culture & Events, regarding Newcastle and Warrenpoint Beaches. **(Copy circulated)**

Agreed: **On the proposal of Councillor McAteer seconded by Councillor Reilly it was agreed to note the update contained in the above Report on the progress of recommendations regarding Newcastle and Warrenpoint beaches.**

ERT/091/2019: GOLF TOURISM

Read: Report dated 10 June 2019 from Mr A Patterson Assistant Director Tourism Culture & Events, regarding Golf Tourism initiatives. **(Copy circulated)**

Agreed: **On the proposal of Councillor McAteer seconded by Councillor Reilly it was agreed to note the above Report regarding an update on Golf Tourism initiatives as outlined in the 2019 Golfing Activity Schedule.**

ERT/092/2019: PLANNING PERFORMANCE

Read: Planning Committee Performance Report
Committee Report
Appeals and Decisions.
(Copy circulated)

ERT/093/2019: SCHEME OF DELEGATION

Read: Scheme of Delegation.
(Copy circulated)

Agreed: **It was agreed to note the Scheme of Delegation.**

There being no further business the meeting concluded at 4.55pm.

For adoption at the Council Meeting to be held on Monday 1 July 2019.

Signed: Councillor R Mulgrew

Chairperson of Enterprise Regeneration & Tourism Committee

Signed: Ms M Ward

Director of Enterprise Regeneration & Tourism Committee

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

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Minutes of Strategy Policy & Resources Committee Meeting held on Thursday 13 June 2019 at 5.00pm in the Mourne Room, Downshire Civic Centre, Downpatrick

In the Chair: Councillor M Savage

In Attendance:	Councillor P Brown	Councillor R Burgess
	Councillor P Byrne	Councillor S Doran
	Councillor H Gallagher	Councillor O Hanlon
	Councillor R Howell	Councillor A Lewis
	Councillor C Mason	Councillor B Ó Muirí
	Councillor G Sharvin	Councillor J Tinnelly
	Councillor W Walker	

Also In Attendance: Councillor Kimmins

Officials in Attendance: Mr L Hannaway, Chief Executive
 Mrs D Carville, Director of Corporate Services
 Mrs R Mackin, Assistant Director Corporate Planning & Policy
 Mr C Mallon, Assistant Director of Estates and Project Management
 Mr J McGilly, (Acting) Assistant Director Community Planning and Performance
 Mrs C Miskelly, Assistant Director Corporate Services HR & Safeguarding
 Mrs A Robb, Assistant Director Corporate Services (Administration)
 Mr K Montgomery, Assistant Director of Finance
 Ms E Cosgrove, Head of Compliance
 Mr F O'Connor, Head of Legal Administration (Acting)
 Miss S Taggart, Democratic Services Manager (Acting)
 Ms L O'Hare, Democratic Services Officer

SPR/064/2019: APOLOGIES AND CHAIRPERSON'S REMARKS

An apology was received from Councillor Mulgrew.

Mr Hannaway advised an important meeting regarding Efficiencies was scheduled for 25 June 2019 and encouraged Members to attend. He also asked that Members endeavour to attend the training that has been organised for them.

The Chairman suggested the training could be held in the evenings and Mr Hannaway advised the events so far had been scheduled prior to other Committee meetings, however, Members should respond to Democratic Services with alternative timings for training.

SPR/065/2019: DECLARATIONS OF INTEREST

There were no Declarations of Interest

SPR/066/2019: TO AGREE STARTING TIME FOR STRATEGY, POLICY & RESOURCES COMMITTEE MEETINGS

Read: Copy of Strategy, Policy and Resources Committee Meeting Dates and Times (Copy circulated)

Councillor Byrne requested that the meeting in August be changed from 15 August 2019 as this was considered a holiday in some areas of the district.

Agreed: On the proposal of Councillor Ó Muirí, seconded by Councillor Doran, it was agreed that the Strategy, Policy and Resources Committee Meetings would commence monthly at 6.00pm and that an alternative date would be sought for the August meeting.

SPR/067/2019: ACTION SHEET OF THE STRATEGY, POLICY AND RESOURCES COMMITTEE MEETING HELD ON 14 MARCH 2019

Read: Action Sheet of the Strategy, Policy and Resources Committee Meeting held on 14 March 2019. (Copy circulated)

Agreed: On the proposal of Councillor Burgess, seconded by Councillor Ó Muirí, it was agreed that the Action Sheet of 14 March 2019, be noted, and actions removed as marked.

COMMUNITY PLANNING AND PERFORMANCE

SPR/068/2019: PARTICIPATORY BUDGETING: FACILITATION OF FUTURE COMMUNITY PLANNING INITIATIVES

Read: Report dated 13 June 2019 from Mr D Patterson, Head of Community Planning, regarding Participatory Budgeting: Facilitation of future Community Planning Initiatives. (Copy circulated)

Agreed: On the proposal of Councillor Brown, seconded by Councillor Ó Muirí, it was agreed that Council continue to facilitate the development of Participatory Budgeting (PB) with Community Planning partners as an innovative and effective method of community engagement and decision making.

It was also agreed that vouching requirements for funded groups are risk assessed and applied in line with Council's Financial Assistance Policy, as revised in March 2019.

SPR/069/2019: COMMUNITY PLANNING GOVERNANCE STRUCTURES

Read: Report dated 13 June 2019 from Mr J McGilly, Assistant Director Community Planning and Performance (Acting), regarding, Community Planning – Governance Structures. (Copy Circulated)

Councillor Byrne sought clarity on why it was compulsory for Members on working groups to be nominated from the parent committee e.g. Brexit Forum from ERT Committee.

Mr Hannaway advised the decision was taken to keep a consistent approach and for continuity in decision making.

Agreed:

On the proposal of Councillor Burgess, seconded by Councillor Byrne, it was agreed that Council approve the following structure for Community Plan Partnership moving forward and recommend it to the CPP in June

- 1. Thematic group for Lifelong Health and wellbeing continue to meet and progress actions around Mental Health, Transforming Health and preventing disease, Participatory budgeting, Community support partnerships and Holiday hunger.**
- 2. Thematic group for Sustainable Environment continue to meet to progress actions around housing, asset mapping and congestion.**
- 3. PCSP and its agreed action plan be the vehicle to deliver safer communities outcomes and CPP be updated on progress at each CPP meeting (which meets 3 times per annum).**
- 4. Economic/Skills Forum and Tourism Forum and their related plans be the vehicle to deliver actions on Economic regeneration and CPP be updated on progress at each CPP meeting (which meets 3 times per annum).**

PERFORMANCE

SPR/070/2019

CHIEF EXECUTIVE'S DEPARTMENT AND CORPORATE SERVICES DIRECTORATE BUSINESS PLANS

Read:

Report dated 13 June 2019 from Mr J McGilly, Assistant Director: Community Planning and Performance (Acting) and Mrs R Mackin, Assistant Director: Corporate Planning and Policy regarding Chief Executive's Department and Corporate Services Directorate Business Plans **(Copy circulated)**

Councillor Byrne pointed to the importance of the work on the contracts register and requested an update on progress.

Mrs Carville confirmed that work had commenced, however, there was a lot more work required than previously anticipated as each legacy Council had a variety of contracts in some areas. She advised that added resources had been allocated to this area and work was being prioritised to address this.

Agreed:

On the proposal of Councillor Byrne, seconded by Councillor Howell, it was agreed that Council approve the following recommendations:

- The annual review of the Chief Executive's Department and Corporate Services Business Plans 2018-19.**
- The Chief Executive's Department and Corporate Services Business Plans 2019-20.**

SPR/071/2019:

PERFORMANCE IMPROVEMENT PLAN 2019-20

Read:

Report dated 13 June 2019 from Ms K Bingham, Head of Performance regarding Performance Improvement Plan 2019-20 **(Copy circulated)**

Councillor Byrne proposed to retain the original objective of 'Create a cleaner, greener, more attractive District'. This was seconded by Councillor Gallagher.

Agreed: On the proposal of Councillor Howell, seconded by Councillor Ó Muirí it was agreed to accept the following recommendations:

- The 2019-20 Performance Improvement Plan, Consultation and Engagement Report and Objective Delivery Plans.
- The publication of the Performance Improvement Plan 2019-20 by 28 June 2019, before full Council ratification, in order to meet the statutory deadline, retaining the same objective of 'Create a cleaner greener, more attractive District', as proposed by Councillor Byrne, seconded by Councillor Gallagher.

SPR/072/2019: **PERFORMANCE AUDIT AND ASSESSMENTS – PROPOSALS FOR IMPROVEMENT PROGRESS REPORT 2018-19**

Read: Report dated 13 June 2019 from Ms K Bingham, Head of Performance regarding Performance Audit and Assessments – Proposals for Improvement Progress Report 2018-19 **(Copy circulated)**

Agreed: It was agreed to note the contents of the report and accept the following recommendations:

- Performance Audit and Assessments – Proposals for Improvement Progress Report 2018-19
- The key areas for improvement over the next few years are:
 - Further embedding the Business Planning and Performance Management Framework at all levels across the organisation, particularly in relation to Service Plans and Individual Performance Appraisal.
 - Developing an electronic performance management system.
 - Supporting Elected Members in discharging their performance improvement responsibilities.
 - Using baseline performance data to identify and deliver improvements.
 - Working with other Councils and the Department for Communities to progress benchmarking arrangements.

CORPORATE PLANNING AND POLICY

SPR/073/2019 **SECTION 75 POLICY SCREENING REPORT – QUARTERLY REPORT FOR PERIOD JANUARY – MARCH 2019**

Read: Report dated 13 June 2019 from Mr C Moffett, Head of Corporate Policy regarding Section 75 Policy Screening Report – Quarterly Report for period January – March 2019 **(Copy circulated)**

Agreed: It was agreed to note the contents of the report.

SPR/074/2019 **RURAL NEEDS ANNUAL MONITORING REPORT FOR PERIOD 1 APRIL 2018 – 31 MARCH 2019**

Read: Report dated 13 June 2019 from Mr C Moffett, Head of Corporate Policy and Ms S Rice, Corporate Policy and Equality Officer, regarding Statutory Reporting – Rural Needs Annual Monitoring Report for period 1 April 2018 – 31 March 2019 **(Copy circulated)**

Councillor Ó Muirí queried whether a definite date had been set for improved WIFI and Broadband as some community centres in outlying remote areas still do not have access to broadband and haven't for the last five years.

Mrs Carville advised she would revert to the Councillor with more information, however she understood work was currently ongoing in Crossmaglen Community Centre.

Mr Hannaway advised Council would be signing off on the FFNI project soon which would improve broadband across the District by 2021.

Agreed: It was agreed to note the contents of the report.

SPR/075/2019 **NEWRY MOURNE AND DOWN DISTRICT COUNCIL PUBLIC AUTHORITY STATUTORY EQUALITY AND GOOD RELATIONS DUTIES ANNUAL PROGRESS REPORT 2018-19**

Read: Report dated 13 June 2019 from Mr C Moffett, Head of Corporate Policy and Ms S Rice, Corporate Policy and Equality Officer, regarding Newry Mourne and Down District Council Public Authority Statutory Equality and Good Relations Duties Annual Progress Report 2018-19 **(Copy circulated)**

Agreed: It was agreed to note the contents of the report.

SPR/076/2019: **DRAFT ACCESS TO INFORMATION POLICY AND PROCEDURE**

Read: Report dated 13 June 2019 from Ms E Cosgrove, Head of Compliance regarding Draft Access to Information Policy and Procedure **(Copy circulated)**

Agreed: On the proposal of Councillor Byrne, seconded by Councillor Howell it was agreed to approve the draft Access to Information Policy and Procedure.

SPR/077/2019 **REQUEST TO PURCHASE A STRIP OF COUNCIL LAND AT MONA VIEW, ANNALONG**

Read: Report dated 13 June 2019 from Ms J McMurray, Legal Advisor regarding request to purchase a strip of land at Mona View, Annalong **(Copy circulated)**

Councillor Ó Muiri queried whether reports such as this could be tabled at DEA meetings for a decision rather than coming to Committee for approval.

Mrs Carville advised it was normal practice to bring reports to Committee as it was the remit of the Committee to make the decision on the reports.

Agreed: On the proposal of Councillor Ó Muirí, seconded by Councillor Howell it was agreed that the request be refused on the following grounds: -

1. Consistency of approach. A request by the owner of another dwelling at Mullartown Park, Annalong was refused on three separate occasions.
2. The negative impact a sale would have on the value of Council's overall holding at Mona View.
3. Agreeing to the request is likely to lead to other neighbouring landowners to make a similar request, thereby reducing the size of holding.

FOR NOTING

SPR/078/2019 **NEWRY MOURNE AND DOWN DISTRICT COUNCIL'S ANNUAL FAIR EMPLOYMENT MONITORING RETURN:2 JANUARY 2018 – 1 JANUARY 2019**

Read: Report dated 13 June 2019 from Mrs A Jennings HR Business Support Manager, regarding Newry Mourne and Down District Council's Annual Fair Employment Monitoring Return: 2 January 2018 – 1 January 2019 **(Copy circulated)**

Agreed: It was agreed to note the contents of the report.

SPR/079/2019 **SCHEME OF DELEGATION REPORT**

Read: Report dated 13 June 2019 from Mrs D Carville, Director of Corporate Services regarding Scheme of Delegation Report 2019 **(Copy circulated)**

Agreed: It was agreed to note the contents of the report.

SPR/080/2019 **DELEGATED AUTHORITY DECISION TAKEN BY CEO DURING ELECTION PERIOD – REQUEST FROM KERYGMA**

Read: Report dated 13 June 2019 from Mr L Hanna, Chief Executive, regarding Delegated Authority decision taken by CEO during Election period – Request from Kerygma Choir **(Copy circulated)**

Agreed: It was agreed to note the contents of the report.

ITEMS RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2014

Agreed: On the proposal of Councillor Mason, seconded by Councillor Sharvin, it was agreed to exclude the public and press from the meeting during discussion on the next matters which related to exempt information by virtue of para. 3 of Part 1 of Schedule 6 of the Local Government (Northern Ireland) 2014 – Information relating to the financial or business affairs of a particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

SPR/081/2019: NEWRY BID DEBT COLLECTION OFFICER

Read: Report dated 13 June 2019 from Mr F O'Connor, Head of Legal Administration (Acting), regarding Newry BID debt collection officer (**Copy circulated**)

Agreed: On the proposal of Councillor Burgess, seconded by Councillor Hanlon, it was agreed the Committee come out of closed session.

Agreed: On the proposal of Councillor O'Muire, seconded by Councillor Mason, it was agreed to extend the Newry BID Debt Collection officer post.

SPR/082/2019: LEASE OF LAND AT CARRIGENAGH ROAD, KILKEEL BY BALLYVEA FOOTBALL CLUB

Read: Report dated 13 June 2019 from Mr F O'Connor, Head of Legal Administration (Acting), regarding lease of land at Carrigenagh Road, Kilkeel by Ballyvea Football Club (**Copy circulated**)

Agreed: On the proposal of Councillor Burgess, seconded by Councillor Hanlon, it was agreed the Committee come out of closed session.

Agreed: On the proposal of Councillor Doran, seconded by Councillor Sharvin, it was agreed that Council approve the recommendations as set out in para 3 of the officer's report to enter into a supplemental lease with the club which will change the term of the lease by including the additional 25 years which the club are entitled to under a new lease at the end of the current term; to amend the lease to remove any contractual right to a future extension of the lease beyond this time; to transfer the benefit of the lease from the trustees of the club to the newly formed limited company Ballyvea FC Ltd; and that Council's legal costs to be paid by the club.

SPR/083/2019: BUSINESS CASE FOR THE PROVISION MEDIA MONITORING SERVICES FOR COUNCIL'S REQUIREMENTS

Read: Report dated 13 June 2019 from Ms V Keegan, Head of Communications and Marketing, regarding Business Case for the Provision Media Monitoring Services for Council's Requirements. (**Copy circulated**)

Agreed: On the proposal of Councillor Burgess, seconded by Councillor Hanlon, it was agreed the Committee come out of closed session.

Agreed: On the proposal of Councillor O'Muire, seconded by Councillor Howell, it was agreed that Council approve to proceed with Option 2, as per the officer's report, to appoint, through a tender process, a competent media monitoring supplier to ensure that Council can monitor activities in the media in a timely manner.

SPR/084/2019: BUSINESS CASE FOR VALUATION SERVICES

Read: Report dated 13 June 2019 from Mrs A Robb, regarding Business Case for Procurement of general Valuation Services. **(Copy circulated)**

Agreed: On the proposal of Councillor Burgess, seconded by Councillor Hanlon, it was agreed the Committee come out of closed session.

Agreed: On the proposal of Councillor Burgess, seconded by Councillor Gallagher, it was agreed that Council approve the Business Case to enable the procurement for general Valuation Services to proceed.

SPR/85/2019 BUSINESS CASE TO EXTEND LEGAL ADVISOR POST

Read: Report dated 13 June 2019 from Mrs A Robb, regarding Business Case to extend Legal Advisor Post. **(Copy circulated)**

Agreed: On the proposal of Councillor Burgess, seconded by Councillor Hanlon, it was agreed the Committee come out of closed session.

Agreed: On the proposal of Councillor Sharvin, seconded by Councillor Tinnelly, it was agreed to extend the post as highlighted in the officer's report, for a 12-month period from September 2019, with the option to designate permanent subject to business need.

SPR/86/2019 DEBT WRITE OFF AT 31ST MARCH 2019

Read: Report dated 13 June 2019 from Mrs B Phillips, regarding Debt Write Off at 31st March 2019. **(Copy circulated)**

Agreed: On the proposal of Councillor Burgess, seconded by Councillor Hanlon, it was agreed the Committee come out of closed session.

Agreed: On the proposal of Councillor Doran, seconded by Councillor Byrne, it was agreed that Council approve the writing-off of £1009.50 bad debt, which has been included in the Bad Debt provision on the Council's Balance Sheet as at 31st March 2019.

SPR/87/2019 MOORHILL FORMER REFUSE SITE – EXPRESSION OF INTEREST

Read: Report dated 13 June 2019 from Mr C Mallon, Assistant Director of Estates and Project Management, regarding Moorhill Former Refuse Site – Expression of Interest. **(Copy circulated)**

Agreed: On the proposal of Councillor Burgess, seconded by Councillor Hanlon, it was agreed the Committee come out of closed session.

Agreed: On the proposal of Councillor Howell, seconded by Councillor Doran, it was agreed that Council consider the expression of interest from Mountaineering Ireland, and agree to pass the item to for consideration, and to agree to delay the private sector sale pending the outcome of the assessment of the Expression of Interest by AHC.

SPR/88/2019 TRANSFER OF PORTION OF LAND AT ISLAND PARK, NEWCASTLE

Read: Report dated 13 June 2019 from Mr F O'Connor, Head of Legal Administration (Acting), regarding Transfer of portion of land at Island Park, Newcastle. **(Copy circulated)**

Agreed: On the proposal of Councillor Burgess, seconded by Councillor Hanlon, it was agreed the Committee come out of closed session.

Agreed: On the proposal of Councillor Howell, seconded by Councillor Doran, it was agreed that Council approve, in principle the transfer of the area sought; prepare a formal map of the area to be transferred internally by Council's mapper and then apply for a valuation of the area by LPS to secure best value for disposal by Council; ensure the rights of neighbouring properties are protected and guaranteed in respect of access onto the public pathway on the Council owned lands at the rear of the properties on Bryansford Road; ensure that the land can only be used as a garden area; and that the requester pay Council's legal and valuation costs.

SPR/89/2019 TRANSFER OF PORTION OF LAND AT CHURCH STREET CAR PARK, DOWNPATRICK

Read: Report dated 13 June 2019 from Mr F O'Connor, Head of Legal Administration (Acting), regarding Transfer of portion of land at Church Street Car Park, Downpatrick. **(Copy circulated)**

Agreed: On the proposal of Councillor Burgess, seconded by Councillor Hanlon, it was agreed the Committee come out of closed session.

Agreed: On the proposal of Councillor Sharvin, seconded by Councillor Hanlon, it was agreed that Council approve the

transfer of the site outlined in the officer's report to the bar owner at a nominal value; and to charge the Council's legal costs and outlay to the bar owner.

FOR NOTING

SPR/90/2019

MANAGEMENT ACCOUNTS

Read: Report dated 13 June 2019 from Mr K Montgomery, Assistant Director of Finance, regarding Management Accounts to 31st March 2019, **(Copy circulated)**

Agreed: On the proposal of Councillor Burgess, seconded by Councillor Hanlon, it was agreed the Committee come out of closed session.

Agreed: It was agreed to note the Management Accounts to 31st March 2019.

SPR/91/2019

ACTION SHEET – ALBERT BASIN TASK & FINISH GROUP 12 MARCH 2019

Read: Action Sheet of the Albert Basin Task & Finish Group held on 12 March 2019 **(Copy circulated)**

Mrs Carville reminded the Unionist grouping that they needed to nominate to the Albert Basin Task and Finish Working Group.

Agreed: On the proposal of Councillor Burgess, seconded by Councillor Hanlon, it was agreed the Committee come out of closed session.

Agreed: It was agreed to note the contents of action sheet of Albert Basin Task & Finish Working Group Management Accounts to 31st March 2019.

SPR/92/2019

RATES SUPPORT GRANT (RSG) LETTER

Read: Copy of letter dated 28th May 2019 sent to Tracy Meharg, Permanent Secretary at the Department for Communities **(Copy circulated)**

Agreed: On the proposal of Councillor Burgess, seconded by Councillor Hanlon, it was agreed the Committee come out of closed session.

Agreed: It was agreed to note the contents of the letter sent to the Department for Communities from the Chief Executive regarding Rates Support Grant and to invite Land and Property Services to Special Council meeting.

There being no further business, the Meeting concluded at 7.06pm

Signed: **Councillor Michael Savage**
 Chairperson

Signed: **Dorinnia Carville**
 Director of Corporate Services

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: AHC/2019

**Minutes of Active and Healthy Communities Committee Meeting held on
Monday 17 June 2019 at 6.00pm in the Mourne Room, Downshire Civic
Centre, Downpatrick**

Chairperson: Councillor L Kimmins

In attendance: (Councillors)

Councillor G Bain	Councillor S Doran
Councillor H Gallagher	Councillor M Gibbons
Councillor L McEvoy	Councillor K McKevitt
Councillor G O'Hare	Councillor B Ó Muirí
Councillor M Ruane	Councillor M Savage
Councillor D Taylor	Councillor J Trainor
Councillor B Walker	

Also in attendance:

Councillor T Andrews	Councillor P Brown
Councillor C Enright	Councillor J Tinnelly

Officials in attendance:

Mr Liam Hannaway, Chief Executive
 Mrs J Hillen, Assistant Director, Community Engagement
 Mr M Lipsett, Director of Active & Healthy Communities
 Mr E Devlin, Assistant Director Health and Wellbeing
 Mr P Tamati, Assistant Director Leisure and Sport
 Miss S Taggart, Democratic Services Manager (Acting)
 Ms L O'Hare, Democratic Services Officer

AHC/073/2019: APOLOGIES & CHAIRPERSON'S REMARKS

Apologies were received from Councillor Doran.

The Chairperson welcomed the new Councillors to the meeting and also welcomed Mr Paul Tamati who had recently been appointed as Assistant Director of Leisure and Sport.

The Chairperson advised that Saintfield Community Centre official opening would take place on Thursday 27 June 2019 at 11.00am and all Members were invited to attend.

The Chairperson congratulated Ballynahinch Community Centre staff who collected an energy saving award for 2019 for having the Councils most improved energy performing building with an impressive 42% reduction in annual electricity usage.

The Chairperson thanked all community groups for their continued hard work and congratulated those who received awards at the afternoon tea event held on the 9 June 2019 where a total of 28 awards were presented under various categories:

AHC/074/2019: DECLARATIONS OF INTEREST

There were no declarations of interest.

AHC/075/2019 TO AGREE A STARTING TIME FOR ACTIVE AND HEALTHY COMMUNITIES

Agreed: On the proposal of Councillor Taylor, seconded by Councillor Walker, it was agreed to start the Active and Healthy Communities Committee meetings at 6pm.

AHC/076/2019: ACTION SHEET OF THE ACTIVE & HEALTHY COMMUNITIES COMMITTEE MEETING HELD ON THURSDAY 21 MARCH 2019

Read: Action sheet of the Active & Healthy Communities Committee Meeting held on Thursday 21 March 2019 **(Copy circulated)**

Agreed: On the proposal of Councillor Gallagher, seconded by Councillor McEvoy, it was agreed the Action Sheet of Thursday 21 March 2019 be noted and actions removed as marked.

It was agreed to take agenda items 27 and 28 at this stage of the meeting

AHC/077/2019 NOTICE OF MOTION REFERRED FROM THE COUNCIL MEETING MONDAY 3 JUNE 2019 – SUICIDE DOWN TO ZERO

The following Notice of Motion came forward for consideration in the name of Councillor Brown:

‘This Council will adopt a ‘suicide down to zero’ approach to combating the high prevalence of suicide across our district. It commits to closer partnership working with local mental health and suicide prevention charities and will establish a suicide prevention working group with a dedicated Council officer responsible, meeting quarterly with representation from all party groupings and the necessary resources to develop and implement a strategy to deliver the commitment of bringing suicides in the district down to zero.

The Council will establish a new small grants scheme within the existing financial assistance programme to fund projects specifically dealing with mental health and suicide in the district, the criteria and performance of which will be drawn up by the working group and monitored by the Active and Healthy Communities Directorate.

Council will also write to the Permanent Secretary of the Department of Health lamenting the abject failure of the Department to implement the Protect Life 2 strategy, and that this strategy should have been signed off regardless of the absence of an Executive given its vital lifesaving and non-contentious nature.’

Councillor Brown presented the motion and raised the following points:

- He dedicated the motion to the many community groups and charities across the

district including Suicide Down to Zero, Pop Up Art, AWARE, MYMY, PIPS, Men's Shed, Sophie Bridges Foundation and many others.

- Northern Ireland had a 25% higher rate of poorer mental health than the rest of UK, yet spend far less per capita on mental health services, currently around 7% of annual budget.
- Some areas of Newry, Mourne and Down District had some of the highest rates of suicide in the UK.
- Setting up a dedicated resourced Suicide Working Group to tackle the problem would be one way to reduce the rate of suicide in our area and to push for zero deaths by suicide and by putting resources directly into the community through charity and community partners would help to reduce and improve mental health through a small grants scheme.
- That Council should write to the Permanent Secretary expressing its frustration and criticising the failure of the department to adequately address this situation to protect life.

The motion was proposed by Councillor Gibbons, seconded by Councillor Bain and Members spoke unanimously in support of the motion.

ACTION: It was agreed on the proposal of Councillor Gibbons, seconded by Councillor Bain that officers investigate the possibility of adopting a 'suicide down to zero' approach to combating the high prevalence of suicide across our district; exploring closer partnership working with local mental health and suicide prevention charities; investigate the establishment of a suicide prevention working group with a dedicated Council officer responsible; explore the possibility of establishing a new small grants scheme within the existing financial assistance programme to fund projects specifically dealing with mental health and suicide in the district; Council also to write to the Permanent Secretary of the Department of Health lamenting the abject failure of the Department to implement the Protect Life 2 strategy, and that this strategy should have been signed off regardless of the absence of an Executive given its vital lifesaving and non-contentious nature.

AHC/078/2019

**NOTICE OF MOTION REFERRED FROM THE COUNCIL MEETING
MONDAY 3 JUNE 2019 – VENDING MACHINES**

The following Notice of Motion came forward for consideration in the name of Councillor Clarke:

'This Council will introduce a policy to ensure Council buildings and leisure centres with vending machines, will replenish them with healthy choice snacks and drinks and will reduce the availability of high-sugar items such as sweets, high sugar fizzy drinks and high fat snacks. Furthermore, Council will encourage other partner organisations on the community planning partnership board to follow the example of Council and implement similar interventions within their organisations, these measures will assist us in tackling obesity, creating "nudge" strategies to facilitate healthier choices to help people to change their diet.'

Councillor Ruane proposed the motion on behalf of Councillor Clarke stating the premise of the motion was to assist in tackling obesity, particularly among young people. Councillor Ó Muirí seconded the motion.

Members raised the following points:

- Council should set an example first and foremost.
- This was a policy that is being rolled out in schools and should be widely supported.
- Due to people with diabetic disorders a complete eradication could not be supported however a reduction would be welcomed.

ACTION: It was agreed on the proposal of Councillor Ruane, seconded by Councillor Ó Muirí, that officers investigate the possibility of introducing a policy to ensure Council buildings and leisure centres with vending machines will replenish them with healthy choice snacks alongside reducing high-sugar items and to work in partnership with partner organisations on the community planning partnership board to follow the example of Council in implementing similar interventions.

AHC/079/2019 PRESENTATION BY OUTDOOR RECREATION NORTHERN IRELAND WALKING TRAILS SLA

The Chairperson welcomed Caro-lynn Ferris from Outdoor Recreation Northern Ireland Walking Trails and invited her to make her presentation.

Ms Ferris highlighted key achievements against the 2018/19 SLA and outlined the main priorities contained within the 2019/20 SLA.

Members raised the following points:

- Work that has been carried out to date has been excellent.
- Money should be made available to develop the link between Downpatrick and Delamont as flagged up in the consultation last year.
- Referred to a motion that was previously passed in Council to prioritise the Ulster Way in Rowallane as the small amount of trails being developed was proving to have a very significant effect linking villages together.

The Chairperson thanked Ms Ferris for attending the meeting and for her presentation.

AHC/080/2019 COMMUNITY TRAIL PLANS SLA WITH ORNI 2019/20

Read: Report dated 17 June 2019 from Mr C Haughey, Head of Outdoor Leisure, regarding Community Trails Plans SLA with ORNI 2019-2020 (Copy circulated)

Agreed: On the proposal of Councillor Walker, seconded by Councillor Ó Muirí, it was agreed that the Committee approve the Service Level Agreement with Outdoor Recreation NI (ORNI) for the 2019-2020 financial year at the total cost of £116,400.

AHC/081/2019

GATING LANES TO MITIGATE ANTI-SOCIAL BEHAVIOUR

Read: Report dated 17 June 2019 from Mr J Campbell, Head of Environmental Health (Residential) **(Copy circulated)**

Councillor Savage queried what role the Policing and Community Safety Partnership (PCSP) would have going forward.

Mr Lipsett advised the role of the PCSP would be crucial as they had various working groups looking at anti-social behaviour. They would be involved in information gathering that would be useful in determining whether a gating order was required, they could be a project sponsor, would advise community groups and other statutory agencies wishing to consider erecting alley gates to deal with particular problems.

Councillor Ruane highlighted within the report it stated that Council would issue the order but it did not specifically state they would be funders of it. Council need to be clear that other agencies could also fund gating orders.

Mr Devlin advised that legislation had been written stating Council would not be the promoter, Council had a statutory responsibility within Environmental Health to go through the process and adjudicate on that and issue the order.

Councillor Enright requested a slight amendment to the document to include roads and lanes.

Agreed: **On the proposal of Councillor Walker, seconded by Councillor Savage, it was agreed that the Committee use the circulated procedure when applications were made to Newry Mourne and Down District Council for gating orders.**

AHC/082/2019

ACTIVE AND HEALTHY COMMUNITIES DIRECTORATE BUSINESS PLAN FOR 2019/20

Read: Report dated 17 June 2019 from Mrs J Hillen, Assistant Director of Community Engagement, Mr E Devlin, Assistant Director of Health and Wellbeing, Mr P Tamati, Assistant Director of Leisure and Sports, regarding Active and Healthy Communities Directorate Business Plan for 2019/20 **(Copy circulated)**

Councillor Ó Muirí raised an issue regarding the playpark in Newtownhamilton and proposed a second consultation to take place on the siting of the playpark. This was seconded by Councillor Ruane.

Councillor Taylor stated he would not support a proposal to have a second consultation as the issue had been raised time and again and the site was passed by Planning with any further consultation delaying the process.

The Chairperson put the proposal to a vote, the results of which were as follows:

FOR:	6
AGAINST:	7
ABSTENTIONS:	0

The proposal was LOST

Agreed: On the proposal of Councillor Ó Muirí, seconded by Councillor Ruane, it was agreed to accept the Active and Healthy Communities Business Plans for 2019/20.

COMMUNITY ENGAGEMENT

AHC/083/2019: DEA FORA UPDATE REPORT

Read: Report dated 17 June 2019 from Mr D Brannigan, Head of Engagement, regarding District Electoral Area (DEA) Fora Update. **(Copy circulated)**

Councillor Savage asked for an update on the Rapid Bins installations as there was a growing subscription drugs problem that needed addressed as soon as possible.

Mrs Hillen confirmed there had been huge progress in the installation of rapid bins throughout the District and she would provide an update at the next meeting.

Agreed: On the proposal of Councillor McEvoy, seconded by Councillor Ruane, it was agreed to note the report and agree the action sheets from the following DEA Forum Private Meetings:

- Newry DEA Forum Private Meeting held on Thursday 31 January 2019.
- Crotlieve DEA Forum Private Meeting held on Tuesday 12 March 2019.
- Mournes DEA Forum Private Meeting held on Tuesday 12 March 2019
- Downpatrick DEA Forum Private Meeting held on 11 June 2019 to be forwarded at next AHC with permission granted to allow the Education Authority & the Downpatrick DEA to erect a mural designed by the young people of Ardglass onto the wall of the Pavilion in the Meadow Playing Fields or the Playpark, Quay Street.

AHC/084/2019: FINANCIAL ASSISTANCE: SERVICE LEVEL AGREEMENTS (SLAs)

Read: Report dated 17 June 2019 from Ms J McCabe, Programmes Manager regarding Peace IV Local Action Plan **(Copy circulated)**

Agreed: On the proposal of Councillor Ruane, seconded by Councillor Trainor, it was agreed to note the report and agree:

- To allocate legacy SLA groups 50% of legacy payments for 2019-2020 and 2020-2021.

- To allow all groups, including new groups to reapply to Financial Assistance interim SLA open call (April 2021 – March 2023)

AHC/085/2019: PEACE IV REPORT JUNE 2019

Read: Report dated 17 June 2019 from Ms J McCabe, Programmes Manager, regarding PEACE IV Local Action Plan **(Copy circulated)**

Agreed: It was agreed on the proposal of Councillor Ruane, seconded by Councillor O'Hare, it was agreed to note the report and approve to request SEUPB to extend Letter of Offer until June 2021; and approve to process 190k and the remaining Animation Fund budget through the approved Council Financial Assistance process (subject to SEUPB's approval).

AHC/086/2019 LOGISTICAL SUPPORT FOR EVENTS

Read: Report dated 17 June 2019 from Ms J McCann, Head of Community Services, Facilities and Events, regarding Financial Assistance Call 1 2019/20 **(Copy circulated)**

The Chairperson queried if funding could still be applied for large events if required.

Mrs Hillen confirmed that this would still be an eligible cost under the Financial Assistance scheme.

Agreed: It was agreed on the proposal of Councillor Savage, seconded by Councillor Gallagher, to cap the number of barriers that would be delivered by Council to any one group to 50 – (maximum 2 journeys in Council van).

AHC/087/2019 ENFORCED CLOSURE COMPENSATION FOR COMMUNITY ASSOCIATIONS

Read: Report dated 17 June 2019 from Ms J McCann, Head of Community Services Facilities and Events, regarding Enforced Closure Compensation for Community Associations Trust **(Copy circulated)**

Agreed: It was agreed on the proposal of Councillor Savage, seconded by Councillor O'Hare, that fees paid by the Electoral Office to Council for use of community managed facilities at elections were passed on to the relevant Community Association;
It was also agreed that a payment of £150 per day for utilities or associated costs incurred when the facility is being used as an emergency rest centre by Council be approved. This figure is in line with current rates given by the electoral office for use as polling stations.

AHC/088/2019

FINANCIAL ASSISTANCE CALL 2/3

Read: Report dated 17 June 2019 from Ms J McCabe, Programmes Manager, regarding Financial Assistance: Service Level Agreements (SLA's) **(Copy circulated)**

Councillor Ruane proposed that any slippage in Sports Capital monies was identified throughout the year, the other schemes that had been successful but missed out could be carried forward. This was seconded by Councillor Savage.

Mrs Hillen confirmed that it was a possibility letters could be issued to successful groups stating that if additional funds should become available they would be forwarded onto them if there was agreement from Committee and Council.

Agreed: It was agreed on the proposal of Councillor Ruane, seconded by Councillor Gallagher, to fund applications in Call 2 as per the Appendices and to open Financial Assistance Call 3 in Autumn 2019 (subject to the confirmation of budgets).

It was also agreed on the proposal of Councillor Ruane, seconded by Councillor Savage, that should slippage monies become available those successful groups who missed out on funding be allocated those monies.

LEISURE AND SPORT

AHC/089/2019:

KILBRONEY PARK PITCHES

Read: Report dated 17 June 2019 from Mr P Tamati, Assistant Director of Leisure and Sport, regarding Kilbroney Park Pitches **(Copy circulated)**

Agreed: It was agreed on the proposal of Councillor Gibbons, seconded by Councillor Ruane, to proceed with the appointment of a design team and business plan consultants for the upgrading of Kilbroney playing pitches.

AHC/090/2019:

CARLINGFORD PARK PLAY AREA

Read: Report dated 17 June 2019 from Mr C Haughey, Head of Outdoor Leisure, regarding Carlingford Park Play Area **(Copy circulated)**

Mr Lipsett highlighted Council had previously agreed that a section of this park would be surplus to requirements and subject to the D1 process and by accepting the tabled proposal that would no longer be the case and would be referred to Strategic Projects Working Group for their consideration.

Councillor Savage welcomed the scheme and asked for an update as to what stage Carrickmaclone and Newtownclogue playparks are at.

Mr Tamati agreed to revert to the Member with an update on these playparks.

Agreed: It was agreed on the proposal of Councillor Savage, seconded by Councillor McKevitt to approve the construction of a Play Area in Carlingford Play in Newry at a revised budget of £180,605.08.

AHC/091/2019: KILKEEL RIVER WALK LIGHTS

Read: Report dated 17 June 2019 from Mr C Haughey, Head of Outdoor Leisure, regarding Kilkeel River Walk Lights **(Copy circulated)**

Agreed: It was agreed on the proposal of Councillor Ruane, seconded by Councillor Ó Muirí, to proceed with the Kilkeel River Walk Lights Upgrade at a cost of £34,000.

AHC/092/2019: LEASING OF COUNCIL LAND KNOWN AS ROSCONNOR PLAYING FIELDS, STRANGFORD PLAYING FIELDS AND THE BACK PITCH, GREENBANK, NEWRY

Read: Report dated 17 June 2019 from Mr C Haughey, Head of Outdoor Leisure, regarding Leasing of Council land known as Rosconnor Playing Fields, Strangford Playing Fields and the Back Pitch, Greenbank, Newry **(Copy circulated)**

Agreed: It was agreed on the proposal of Councillor Ruane, seconded by Councillor Trainor, subject to Departmental Consent that the following leases be agreed at a peppercorn rent:

- Lease of Rosconnor Playing Fields, Downpatrick to Teconnaught GAC for the term of 5 years.
- Lease of Strangford Playing Fields, Strangford to Strangford FC for the term of 5 years.
- Lease of the Back Pitch, Greenbank, Newry to Newry AFC for the term of 25 years.

HEALTH & WELLBEING

AHC/093/2019 MEMBERSHIP OF ACTION RENEWALS ASSOCIATION

Read: Report dated 17 June 2019 from Ms S Mc Eldowney, Head of Sustainability, regarding Membership of Action Renewals Association **(Copy circulated)**

Agreed: It was agreed on the proposal of Councillor Trainor, seconded by Councillor Ruane, to acquire Partner Membership of Action Renewables Energy Association (AREA) at a cost of £1,000 with benefits reviewed annually before membership renewal is agreed.

AHC/0094/2019 ALL PARTY GROUP ON SUSTAINABLE DEVELOPMENT - NOMINEES

Read: Report dated 17 June 2019 from Ms S Mc Eldowney, Head of Sustainability, regarding All Party Group on Sustainable Development – Nominees **(Copy circulated)**

Agreed: **It was agreed on the proposal of Councillor Ruane, seconded by Councillor Trainor to nominate two Councillors as representatives to the All Party Group on Sustainable Development.**

AHC/095/2019 MOTOR NEURONE DISEASE CHARTER

Read: Report dated 17 June 2019 from Ms Sinead Trainor, Senior Environmental Health Officer (Health Improvement) regarding Motor Neurone Disease Charter **(Copy circulated)**

Agreed: **On the proposal of Councillor Savage, seconded by Councillor McKevitt it was agreed to accept the following recommendations:**

- **Pass the resolution to adopt the charter and arrange a publicity event to mark the official signing of motion.**
- **Request a member of the Motor Neurone Disease Association to attend a council meeting to give a short presentation around the condition and what it means for people living with this palliative condition.**

AHC/096/2019 CONSULTATION ON STROKE SERVICES

Read Report dated 17 June 2019 from Mr E Devlin, Assistant Director Health and Wellbeing, Consultation on Stroke Services **(Copy circulated)**

Members highlighted the following points:

- Services should be retained in Daisy Hill so that everyone has a fair chance of being treated in acceptable time due to travel times and transport constraints.
- The key issue was locality, centralisation may work in major urban area in the centre of Northern Ireland but does not work in Newry Mourne and Down as we don't have the infrastructure.
- A decision cannot be made on Stroke services without a transportation plan in place which was years away.
- It would be totally immoral to remove services from the local area, statistics show there are 3117 on the Stroke register in Newry Mourne and Down area in 2018 highlighting the level of need.
- The Stroke Consultation be sent to all members of staff to be given a fair response by all.

The Chairperson highlighted question 8 of the Consultation, saying that she believed it was a potential infringement on human rights due to the time people and family members would take to attend hospital appointments and travel, longer distances for medical treatment and

asked if this could be reflected in the reply.

Agreed: It was agreed on the proposal of Councillor Gallagher, seconded by Councillor Savage, to return the attached Consultation response questionnaire.

AHC/097/2019 **CONSULTATION ON BREAST SCREENING SERVICES**

Read Report dated 17 June 2019 from Mr E Devlin, Assistant Director Health and Wellbeing, Consultation on Breast Screening Services **(Copy circulated)**

Agreed: It was agreed on the proposal of Councillor McKeivitt, seconded by Councillor Savage, to return the attached Consultation response to the Department for Health.

AHC/098/2019 **CONSULTATION REPORT ON MODEL LICENCE CONDITIONS UNDER THE CARAVANS ACT (NI) 1963**

Read: Report dated 17 June 2019 from Ms S Murphy, Assistant Director – Health and Wellbeing, regarding Consultation Report on Model Licence Conditions under the Caravan Action (NI) 1963 **(Copy circulated)**

Agreed: It was agreed on the proposal of Councillor Ruane, seconded by Councillor Savage, to submit the consultation report to the Department for Infrastructure in relation to Model License Conditions under Caravans Act (Northern Ireland) 1963.

AHC/099/2019: **TERMS OF REFERENCE FOR SUSTAINABILITY AND CLIMATE CHANGE**

Read: Report dated 17 June 2019 from Mr M Lipsett, Director: Active & Healthy Communities, Mr E Devlin, Assistant Director: Health & Wellbeing & Mr J McBride, Assistant Director: Waste Management (Acting), regarding Sustainability & Climate Change Forum **(Copy circulated)**

Agreed: On the proposal of Councillor Trainor, seconded by Councillor Ó Muirí, it was agreed to establish a Sustainability & Climate Change Forum and agree to the recommended Terms of Reference.

FOR NOTING LEISURE AND SPORTS

AHC/100/2019: **RELOCATION OF EXISTING RESOURCES AT CARNBANE YOUTH PITCHES**

Read: Report dated 17 June 2019 from Mr C Haughey, Head of Outdoor Leisure, regarding Carnbane Youth Pitches **(Copy circulated)**

Chairperson welcomed the work that had been done and Councillor Ó Muirí also commended the Council's Sports and Development section for their work.

Agreed: **It was agreed to note the contents of the report.**

AHC/101/2019: CLOSURE OF SWIMMING POOLS

Read: Report dated 17 June 2019 from Mr C Haughey, Head of Outdoor Leisure, regarding Newry Leisure Centre Swimming Pool Opening Times and Closure Dates **(Copy circulated)**

Chairperson stated members of the leisure centres felt there were not getting value for money given the amount of pool closures, particularly at weekends.

Mr Tamati advised closures for events such as swimming galas were reviewed annually and where possible would be kept to a minimum.

Agreed: **It was agreed to note the contents of the report.**

AHC/102/2019 SPORT NI YOUR SCHOOL YOUR CLUB FUNDING

Read: Report dated 17 June 2019 from Mr C Haughey, Head of Outdoor Leisure, regarding Sport NI Your School Your Club Funding **(Copy circulated)**

Agreed: **It was agreed to note the contents of the report.**

FOR NOTING HEALTH AND WELLBEING

AHC/103/2019 AFFORDABLE WARMTH SCHEME

Read: Report dated 17 June 2019 from Ms S Trainor, Senior EHO (Health & Improvement) regarding Affordable Warmth Scheme **(Copy circulated)**

Agreed: **It was agreed to note the contents of the report.**

FOR NOTING – COMMUNITY ENGAGEMENT

AHC/104/2019 NEWRY NEIGHBOURHOOD RENEWAL PARTNERSHIP (NRP) REPORT

Read: Report dated 17 June 2019 from Mr D Brannigan, Head of Engagement, regarding Newry Neighbourhood Renewal Partnership (NRP) Repot **(Copy circulated)**

Agreed: **It was agreed to note the contents of the report.**

AHC/105/2019 POLICING AND COMMUNITY SAFETY PARTNERSHIP (PCSP)

REPORT

Read: Report dated 17 June 2019 from Mr D Brannigan, Head of Engagement, regarding Policing & Community Safety Partnership (PCSP) Report **(copy circulated)**

Agreed: It was agreed to note the contents of the report.

AHC/106/2019 AREAS AT RISK FUNDING FOR BESSBROOK AND CROSSMAGLEN

Read: Report dated 17 June 2019 from Ms J McCann, Head of Community Services, Facilities and Events, regarding Areas at Risk Funding for Bessbrook and Crossmaglen **(copy circulated)**

Agreed: It was agreed to note the contents of the report.

AHC/107/2019 SOUTH ARMAGH/SOUTH DOWN PEACE CENTRE

Read: Report dated 17 June 2019 from Ms J McCabe, Head of Programmes, regarding South Armagh/South Down Peace Centre **(copy circulated)**

Agreed: It was agreed to note the contents of the report.

FOR NOTING – DIRECTOR

AHC/108/2019: SCHEDULE OF SCHEME OF DELEGATION

Read: Report dated 17 June 2019 from Mr M Lipsett, Director of Active and Healthy Communities, regarding Schedule of Scheme of Delegation **(Copy circulated)**

Noted: It was agreed to note the contents of the report.

AHC/109/2019: TERMS OF REFERENCE FOR COMMITTEE AND WORKING GROUPS

Read: Report dated 17 June 2019 from Mrs J Hillen, Assistant Director of Community Engagement, Mr E Devlin, Assistant Director of Health and Wellbeing, Mr P Tamati, Assistant Director of Leisure and Sports, regarding Terms of Reference for Committee and Working Groups **(Copy circulated)**

Noted: It was agreed to note the contents of the report.

ITEMS RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2014

Agreed: On the proposal of Councillor Savage, seconded by Councillor McKevitt, it was agreed to exclude the public and press from the meeting during discussion on the next matters which related to exempt information by virtue of para. 3 of Part 1 of Schedule 6 of the Local Government (Northern Ireland) 2014 – Information relating to the financial or business affairs of a particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

AHC/110/2019: CASTLEWELLAN COMMUNITY CENTRE LEASE

Read: Report dated 21 March 2019 from Mrs J Hillen, Assistant Director Community Engagement regarding Castlewellan Community Centre Lease **(Copy circulated)**

Agreed: On the proposal of Councillor Ruane, seconded by Councillor Trainor, it was agreed the Committee come out of closed session

Agreed: On the proposal of Councillor Ó Muirí, seconded by Councillor O'Hare, it was agreed that Newry, Mourne and Down District Council enters into a 25yr lease agreement with Castlewellan Community Partnership to include the Community Centre, 3G Pitch and mobile units at a peppercorn rate £25 per annum.

There being no further business the meeting ended at 7.36pm.

Signed: Councillor L Kimmins
Chairperson

Signed: Mr M Lipsett
Director of Active and Healthy Communities

NEWRY, MOURNE AND DOWN DISTRICT COUNCIL

RTS/M

Minutes of Inaugural Meeting of Neighbourhood Services Committee held on Wednesday 19 June 2019 at 6.00pm in the Boardroom, District Council Offices, Monaghan Row, Newry

Chair Councillor H Harvey

Deputy Chair: Councillor G Stokes

Members:

Councillor T Andrews	Councillor D Curran
Councillor W Clarke	Councillor V Harte
Councillor T Hearty	Councillor L Kimmins
Councillor O Magennis	Councillor G Malone
Councillor C Mason	Councillor H McKee
Councillor K McKevitt	Councillor D Taylor
Councillor J Tinnelly	

Officials in Attendance: Mr R Moore, Director of Neighbourhood Services
Mr J McBride, Assistant Director, Waste Management (Acting)
Mr K Scullion, Assistant Director Facilities Management and Maintenance
Ms C McAteer, Democratic Services Officer

NS/001/2019: APOLOGIES AND CHAIRPERSON'S REMARKS

There were no apologies received.

Councillor Harvey, Chairman, welcomed everyone to the first meeting of the Neighbourhood Services Committee and in particular the newly elected Councillors. He extended best wishes to Councillor Casey in his role as Chairman of the Council for the incoming year and also thanked officers, and in particular Roland Moore, Director, for all their hard work.

NS/002/2019: DECLARATIONS OF "CONFLICTS OF INTEREST"

There were no declarations of Conflicts of Interest.

NS/003/2019: ACTION SHEET OF THE REGULATORY AND TECHNICAL SERVICES COMMITTEE MEETING HELD ON WEDNESDAY 20 MARCH 2019

Read: Action Sheet of the Regulatory and Technical Services Committee Meeting held on Wednesday 20 March 2019. **(Circulated).**

Agreed: **On the proposal of Councillor Kimmins, seconded by Councillor Magennis, it was agreed the Action Sheet of**

Wednesday 20 March 2019 be noted and actions removed as marked.

In response to queries, Mr Scullion advised the Council maintained a considerable amount of Dfi owned grass verges at an annual cost of approximately £100k.

Councillors said consideration should be given to promoting bio-diversity by planting wildflowers and creating bee-friendly and natural habitat zones.

In response to a query from Councillor McKeivitt, Mr McBride confirmed the Council's response to the consultation was made on its behalf by arc21. This was previously agreed by Council.

FOR CONSIDERATION AND/OR DECISION

NS/004/2019: START TIME FOR NEIGHBOURHOOD SERVICES COMMITTEE MEETINGS FROM JUNE 2019 – MAY 2020

Read: Meetings Schedule to agree start time for Neighbourhood Services Committee Meetings from June 2019 – May 2020. **(Circulated)**.

AGREED: **On the proposal of Councillor Andrews, seconded by Councillor Kimmins, it was agreed to approve the schedule of Meeting dates for the Neighbourhood Services Committee from June 2019-May 2020 with a start-time of 6.00 pm.**

NS/005/2019: BUSINESS PLAN

Read: Report dated 19 June 2019 from Mr Roland Moore, Director of Neighbourhood Services re: Neighbourhood Services Business Plan 2018/19. **(Circulated)**.

AGREED: **On the proposal of Councillor Stokes, seconded by Councillor Andrews, it was agreed to approve the annual review of the Neighbourhood Services Business Plan 2018-2019 and the Neighbourhood Services Business Plan 2019-20.**

In response to a query, Mr Moore said a number of targets had not been met due to resource issues but the resources were expected to be in place in the next number of months and he anticipated all targets would be met in the incoming year.

NEIGHBOURHOOD SERVICES TRANSFORMATION

NS/006/2019: NEIGHBOURHOOD SERVICES WORKING GROUP

Read: Report dated 19 June 2019 from Mr Roland Moore, Director of Neighbourhood Services re: Neighbourhood Services Working Group. **(Circulated)**

AGREED: On the proposal of Councillor Andrews, seconded by Councillor Taylor, it was agreed to approve the updated Neighbourhood Working Group Terms of Reference and also the Action Sheet from the Neighbourhood Services Working Group Meeting held on 20 March 2019.

Noted: Councillor Taylor advised the UUP representative would be Councillor McKee. Councillor Andrews advised the SDLP nominations would be forwarded.

FACILITIES MANAGEMENT AND MAINTENANCE

NS/007/2019: ULSTER IN BLOOM

Read: Report dated 19 June 2019 from Mr Kevin Scullion, Assistant Director Facilities Management & Maintenance re: Ulster in Bloom. **(Circulated).**

Members raised the following issues:-

- Concern that Crossmaglen was not getting enough help and support from the Council for the provision of floral displays/hanging baskets despite having a very active Community Association who would be willing to work with the Council.
- Kilkeel or Annalong Village to be considered if the Council was going to add to the Towns/Villages to be entered for this and other similar competitions.
- Very important that the community/voluntary and business sectors worked in partnership with the Council as Council resources were stretched.
- Welcome the start to formalise the process with involvement through the DEAs.
- Like to see other towns and villages included – what was the rationale for deciding which towns/villages should be entered?
- The Council should be responsible for any insurance element of these floral schemes.
- There were a number of community groups who grew flowers/plants and the Council should consider supporting them by purchasing plants from such Groups.

Mr Scullion advised the Council had to work within their resources but were keen to engage with local communities. The Council had recently appointed a Grounds Maintenance Manager and also had a very experienced Bio-Diversity Officer who would work with communities and help them with funding sources such as “Live Here Love Here”.

AGREED: On the proposal of Councillor Clarke, seconded by Councillor Taylor, it was agreed to note the contents of the report dated 19 June 2019 giving an update on the Council submission to Translink Ulster in Bloom 2019.

NS/008/2019: CHRISTMAS ILLUMINATIONS GROUP TERMS OF REFERENCE

Read: Report dated 19 June 2019 from Mr Kevin Scullion, Assistant Director Facilities Management & Maintenance re: Christmas Illuminations Terms of Reference. ***(Circulated)***.

AGREED: **On the proposal of Councillor Taylor, seconded by Councillor Tinnelly, it was agreed to note the contents of the above report and to agree to the Terms of Reference for the Councillors Christmas Illuminations/Celebrations Group.**

NS/009/2019: PUBLIC CONVENIENCES STRATEGY

Read: Report dated 19 June 2019 from Mr Kevin Scullion, Assistant Director Facilities Management & Maintenance re: update on Public Convenience Capital Project. ***(Circulated)***.

Members raised the following issues:-

- The needs of people with autism should be considered.
- This project needed to be progressed quickly as it was coming into another busy summer season and many of the PCs were in very poor condition (reference made to the PCs in Newcastle)
- The PC facilities at Loughross, Crossmaglen, needed to be upgraded.
- Need for PC facilities to serve the Monaghan Street area of Newry.
- PCs vulnerable to vandalism – possibility of cameras being installed?

AGREED: **On the proposal of Councillor Andrews, seconded by Councillor Clarke, it was agreed to note the content of the above report: to carry out a public consultation, starting with engagement through the local DEA Forum, on the public toilet provision within the District and to present the draft Public Convenience Strategy document to Council at the Summer/Autumn 2019 Neighbourhood Services Committee Meeting.**

NS/010/2019: FLOOD ALLEVIATION OF DRAIN ALONG NEWRY/PORTADOWN CANAL AT LOCK GATE 5

Read: Report dated 19 June 2019 from Mr Kevin Scullion, Assistant Director Facilities Management & Maintenance re: flood alleviation of drain along Newry/Portadown Canal at Lock Gate 5. ***(Circulated)***.

AGREED: On the proposal of Councillor Stokes, seconded by Councillor Taylor, it was agreed to approve the Council participating in the provision of improved drainage arrangements in the area of Lock Gate Number 5 at Carnbane Industrial Estate up to a maximum value of £15,000.

NS/011/2019: DEFECTIVE WALL AT SHIMNA RIVER, NEWCASTLE

Read: Report dated 19 June 2019 from Mr Kevin Scullion, Assistant Director Facilities Management and Maintenance re: defective wall at Shimna River, Newcastle. *(Circulated)*.

AGREED: On the proposal of Councillor Clarke, seconded by Councillor McKee, it was agreed to note the contents of the above report and, depending on the outcome of the Structural Engineer's Report, if there were emergency issues, that authority be given to officers to proceed quickly with the necessary works.

It was also agreed Council Officers contact the Library Service on the opposite side of the bridge regarding cracks which had appeared in that section of wall, and to discuss necessary action.

WASTE MANAGEMENT

NS/012/2019: REFUSE COLLECTION COMMUNICATIONS

Read: Refuse Collection Communications. *(Circulated)*

AGREED: On the proposal of Councillor McKevitt, seconded by Councillor Andrews, it was agreed to note the update provided on the recent improvements to the communication activities of the Council's refuse collection service, in particular specific changes to collection calendars and the on-line post code search facility.

Noted: Members congratulated Officers and staff and mentioned in particular the officers they dealt with on a day to day basis who were very helpful in sorting out refuse issues.

(Councillor Harte left the meeting – 7.00 pm)

NS/013/2019: ENFORCEMENT ACTION PLAN

Read: Report dated 19 June 2019 from Mr Johnny McBride, Assistant Director Waste Management (Acting) re: Enforcement Action Plan. *(Circulated)*

Members raised the following issues:-

- Place on record their appreciation for the work carried out by the Enforcement Officers.
- There was a need for additional Enforcement staff and this should be fed into the rates process.
- Engage in an education strategy with schools.
- Roll out the programme for installing closed litter bins, similar to those in Newcastle, to prevent seagulls and birds pulling rubbish from the bins.
- Enforcement Officers should have the power to ask dog walkers to produce evidence that they have a dog fouling disposal bag with them.
- Query as to whether there was sufficient litter/dog fouling bins throughout the District.

Mr McBride advised the Council currently employed 4 Enforcement Officers to cover the District and this was supplemented by seasonal staff. Officers would be bringing forward an Action Plan in relation to the requirement for additional resources and improving the capacity to issue fixed penalty notices.

AGREED: **On the proposal of Councillor Andrews, seconded by Councillor Stokes, it was agreed to approve the Report of the Elected Member Workshop held on 22 March 2019 and to authorise Officials to develop the range of supporting actions identified in the Enforcement Improvement Plan (Executive Summary).**

NS/014/2019: **REVIEW OF OPERATIONS AT HOUSEHOLD RECYCLING CENTRES**

Read: Report dated 19 June 2019 from Mr Johnny McBride, Assistant Director Waste Management (Acting) re: Review of Operations at Household Recycling Centres. **(Circulated).**

Members raised the following issues:-

- A monthly litter pick should be carried out on roads within a 3 mile radius of Household Recycling Centres (Newry HRC and the HRC on the Ballymageough Road were referred to).
- The limit of 25kg rubble waste should be re-examined with a view to increasing the quantity allowed.
- The limit of 4 household doors to be re-examined with a view to increasing the quantity allowed.

In response Mr McBride said he would be happy to look at litter picking around HRCs although he imagined they were already on the cleaning schedule but he would check. He advised under licencing agreement HRCs were only permitted to accept 25kg of rubble as over 25kg was classed as industrial waste. However he would explore with the NIEA if there was scope for increasing this although his understanding was that if a change to the licence was allowed, that it could be very expensive.

Mr McBride referred to the permit system for both commercial and domestic vans and said there would be a single use permit included which people could avail of – they would just need to demonstrate that they owned the vehicle. He said he felt there was enough safeguards built into the Policy around this issue but there would be an opportunity before finalising it to bring greater clarity around this issue.

In terms of the issue regarding doors, Mr McBride said he would look at the possibility of making it more flexible and easier to accept a higher number.

AGREED: On the proposal of Councillor Clarke, seconded by Councillor Curran, it was agreed to approve the Guiding Principles for a suite of Policies governing access to and the usage of the Council's HRCs and approval to apply these Principles to the new Downpatrick HRC to enable new operating arrangements to be secured upon its opening.

(Councillor Magennis left the meeting – 7.25 pm)

NS/015/2019: **CONSULTATION RESPONSES TO EXTENDED PRODUCER RESPONSIBILITY FOR PACKAGING, DEPOSIT RETURN AND PLASTICS NON RECYCLED CONTENT TAX**

Read: Report dated 19 June 2019 from Mr Johnny McBride, Assistant Director Waste Management (Acting) re: Consultation Responses to Extended Producer Responsibility for Packaging, Deposit Return and Plastics Non-Recycled Content Tax. **(Circulated)**.

AGREED: On the proposal of Councillor Stokes, seconded by Councillor Clarke, it was agreed to note the copies of the Arc21 response to three UK Government consultations on Extended Producer Responsibility for Packaging, Deposit Return and Plastics Non-Recycled Content Tax.

Noted: Mr McBride advised the proposals had the potential to significantly impact on Local Government operations but DEFR would be bringing forward further consultation which would allow the Council to feed more detailed consultation into the process.

NS/016/2019: **SUSTAINABILITY AND CLIMATE CHANGE FORUM**

Read: Report dated 19 June 2019 from Mr Roland Moore, Director Neighbourhood Services re: Sustainability and Climate Change Forum. **(Circulated)**.

The report advised that subject to agreement this Forum would replace the work of other Working Groups and Fora that existed in the previous Council term including the Sustainable Development and Climate Change Standing Forum; Strategic Waste Working Group and the Marine Task Force. Proposed Membership:-

- Sinn Fein (x 2)
- SDLP (x 2)
- UUP (x 1)
- DUP (x 1)
- Alliance/Independents (x 1)

Councillor Tinnelly said this was a serious issue for the Council and he thought that additional Members who had a genuine interest should be allowed to sit on the Forum, potentially doubling the total number of Members.

AGREED: Following discussion it was agreed on the proposal of Councillor McKevitt, seconded by Councillor Andrews, to approve the recommendation in the report to establish a Sustainability and Climate Change Forum and to agree to the recommended Terms of Reference, subject to a request that Officers clarify if the Membership of the Forum could be increased to include additional Members, should the Council wish to do so.

(Councillor Taylor and Councillor Andrews left the meeting – 7.40 pm)

NS/017/2019: **TEMPORARY CLOSURE OF BANN ROAD HOUSEHOLD RECYCLING CENTRE TO FACILITATE THE MOURNE TRIATHLON**

Read: Report dated 19 June 2019 from Mr Johnny McBride, Assistant Director Waste Management (Acting) re: temporary closure of Bann Road Household Recycling Centre to facilitate the Mourne Triathlon. *(Circulated)*

AGREED: On the proposal of Councillor Andrews, seconded by Councillor McKevitt, it was agreed to temporarily close the Bann Road (Castlewellan) HRC between 09.45 to 11.45 on Saturday 24 August 2019 to facilitate the Mourne Triathlon.

FOR NOTING

NS/018/2019: **ARC 21 MEMBERS MONTHLY BULLETIN**
– **28 MARCH 2019**

Read: ARC 21 Members Monthly Bulletin 28 March 2019. *(Circulated)*.

AGREED: It was unanimously agreed to note the contents of the above Monthly Bulletin.

NS/019/2019: **ARC 21 JOINT COMMITTEE MINUTES – 28 FEBRUARY 2019**

Read: ARC 21 Joint Committee Minutes 28 February 2019. *(Circulated)*.

AGREED: It was unanimously agreed to note the contents of the above Joint Committee Minutes.

NS/020/2019: **ARC 21 MEMBERS MONTHLY BULLETIN**
- **25 APRIL 2019**

Read: ARC 21 Members Monthly Bulletin 25 April 2019. *(Circulated)*

AGREED: It was unanimously agreed to note the contents of the above Monthly Bulletin.

NS/021/2019: **ARC 21 JOINT COMMITTEE MINUTES – 28 MARCH 2019**

Read: ARC 21 Joint Committee Minutes 28 March 2019. *(Circulated)*

AGREED: It was unanimously agreed to note the contents of the above Joint Committee Minutes.

NS/022/2019: **ARC 21 MEMBERS MONTHLY BULLETIN**
- **30 MAY 2019**

Read: ARC 21 Members Monthly Bulletin 30 May 2019. *(Circulated)*

AGREED: It was unanimously agreed to note the contents of the above Monthly Bulletin.

NS/023/2019: **ARC 21 JOINT COMMITTEE MINUTES – 25 APRIL 2019**

Read: ARC 21 Joint Committee Minutes 25 April 2019. *(Circulated)*

AGREED: It was unanimously agreed to note the contents of the above Joint Committee Minutes.

ITEMS RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2014

Items 24, 25, 26, 27, 28 and 29 were deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

On the proposal of Councillor McKevitt, seconded by Councillor Hearty, it was agreed to exclude the public and press from the meeting during discussion on these items.

NS/024/2019: IN COMMITTEE ITEMS FROM ARC 21 JOINT COMMITTEE MINUTES 28 FEBRUARY 2019

Read: In Committee items from Arc21 Joint Committee Minutes – 28 February 2019. ***(Circulated)***

NS/025/2019: IN COMMITTEE ITEMS FROM ARC 21 JOINT COMMITTEE MINUTES – 28 MARCH 2019

Read: In Committee items from Arc21 Joint Committee Minutes – 28 March 2019. ***(Circulated)***

NS/026/2019: IN COMMITTEE ITEMS FROM ARC 21 JOINT COMMITTEE MINUTES – 25 APRIL 2019

Read: In Committee items from Arc21 Joint Committee Minutes – 25 April 2019. ***(Circulated)***

NS/027/2019: APPOINTMENT OF A CONTRACTOR TO INSTALL REPLACEMENT EMERGENCY LIGHTING IN COUNCIL OFFICES, GREENBANK DEPOT, NEWRY

Read: Report dated 19 June 2019 from Kevin Scullion, Assistant Director, Facilities Management and Maintenance re: business case for appointment of a contractor to install replacement Emergency Lighting in Council Offices, Greenbank Depot, Newry. ***(Circulated)***

NS/028/2019: HOUSEHOLD RECYCLING CENTRES CONTRACTS BUSINESS CASE

Read: Report dated 19 June 2019 from Johnny McBride, Assistant Director, Waste Management (Acting) re: Household Recycling Centre (HRC) and Landfill Site Service Contracts – Business Case Approval. ***(Circulated)***

NS/029/2019: SAFETY TILES BUSINESS CASE

Read: Report dated 19 June 2019 from Kevin Scullion, Assistant Director, Facilities Management and Maintenance, re: Business Case for replacement of Safety Tiles with Wet-Pour Surfacing in various Council Play Areas. ***(Circulated)***

Councillor Hearty proposed and Councillor McKevitt seconded to come out of closed session.

When the Committee was out of closed session the Chairman reported the following had been agreed:-

In Committee Items from Arc21 Joint Committee Minutes – 28 February 2019

On the proposal of Councillor Stokes, seconded by Councillor McKee, it was agreed to note the In-Committee Items from the Arc21 Joint Committee Minutes of 28 February 2019.

In Committee Items from Arc21 Joint Committee Minutes – 28 March 2019

On the proposal of Councillor Stokes, seconded by Councillor McKee, it was agreed to note the In-Committee Items from the Arc21 Joint Committee Minutes of 28 March 2019.

In Committee Items from Arc21 Joint Committee Minutes – 25 April 2019

On the proposal of Councillor Stokes, seconded by Councillor McKee, it was agreed to note the In-Committee Items from the Arc21 Joint Committee Minutes of 25 April 2019.

Emergency Lights Business Case – Council Offices, Greenbank Depot, Newry

On the proposal of Councillor McKeivitt, seconded by Councillor Stokes, it was agreed to note the content of the report dated 19 June 2019 and associated Business Case and to grant retrospective approval to accept the conclusion of the Emergency Lights Business Case that Option 1 was chosen as the preferred option. Option 1 would see the appointment, through a tender process, of a competent Contractor who would undertake this installation.

Household Recycling Centres Contracts Business Case

On the proposal of Councillor Clarke, seconded by Councillor McKee, it was agreed to note the content of the report dated 19 June 2019 and associated Business Case and to approve the business cases (at para 2.3) to enable the procurement of new service contracts for the Council's HRCs and Landfill Sites.

Safety Tiles Business Case

On the proposal of Councillor Stokes, seconded by Councillor Mason, it was agreed to note the content of the report dated 19 June 2019 and associated Business Case and to accept the conclusion of the Business Case that Option 2 was chosen as the preferred option. Option 2 would see the appointment, through a tender process, of a competent Contractor who would remove the old safety tiles and install wet-pour surfacing at identified play areas as per specifications.

There being no further business the meeting ended at 8.00 pm.

For adoption at the Council Meeting to be held on Monday 1 July 2019.

Signed: **Councillor Harvey**
 Chairperson of Neighbourhood Services Committee

Signed: **Mr R Moore**
 Director of Neighbourhood Services

Report to:	Council
Date of Meeting:	01 July 2019
Subject:	Department of Health Consultation on Guidance on Information Sharing for Child Protection Purposes
Reporting Officer (Including Job Title):	Catrina Miskelly (Assistant Director Corporate Services (HR & Safeguarding))
Contact Officer (Including Job Title):	Gary Scott (Safeguarding Coordinator)

Confirm how this Report should be treated by placing an x in either: -

For decision	x	For noting only	
1.0			Purpose and Background
1.1			The Department of Health is consulting on draft guidance on Information Sharing for Child Protection Purposes from 23 May 2019 until 1 August 2019. It is intended that the guidance will be part of a framework that will replace HSS Circular 3/96 (Revised) – Sharing to Safeguard – September 2008 (amended May 2009).
1.2			The recommended response to this consultation is appended to this report.
2.0			Key issues
2.1			Children have a right to be safeguarded and protected. This is enshrined within the Children (Northern Ireland) Order 1995 (the Children Order) and the United Nations Convention on the Rights of the Child (UNCRC). Effective child protection stands or falls on the quality of assessment and analysis of the risks to an individual child. Effective analysis and assessment of risk in turn relies on the availability of, and access to, relevant, accurate and up to date information. Access to relevant and up to date information for child protection purposes often means that personal, often sensitive, information has to be shared with and by Health and Social Care Trusts (HSCTs) and Newry Mourne and Down District Council.
2.2			This is non-statutory guidance for HSCTs which aims to give practitioners the confidence to know when and how they can lawfully share information with Newry Mourne and Down District Council and when to expect information to be shared with them for child protection purposes by Newry Mourne and Down District Council. In all considerations on sharing information for child protection purposes, the welfare of the child must be the paramount consideration.
2.3			<p>The purpose of this draft guidance document is to:</p> <ul style="list-style-type: none"> describe the legal framework within which the sharing of personal information between HSCT's and Newry Mourne and Down District Council for child protection purposes takes place and by which it is facilitated; establish clear principles which apply to the sharing of personal information between HSCT's and Newry Mourne and Down District Council for child protection purposes; provide guidance on the sharing of personal information between HSCT's and Newry Mourne and Down District Council who are engaged in work with children and with other third parties for child protection purposes;

2.3 (continued)	<ul style="list-style-type: none"> distinguish information sharing between HSCT's and Newry Mourne and Down District Council for child protection purposes from information sharing for wider public protection purposes; and identify other relevant information documents which should be read in conjunction with this guidance in relation to the sharing of information between HSCT's and Newry Mourne and Down District Council.
3.0	Recommendations
3.1	To approve the proposed Consultation Response to the Department of Health 'Information Sharing for Child Protection Purposes', on behalf of Newry Mourne and Down District Council; as appended to this report.
3.2	Members should note responses to this consultation are submitted on-line therefore this hand-written response is for the purposes of this report however, the actual response will be submitted through the Department Of Health's website.
3.3	<p>In the interests of clarity, the answer to question 13 is as follows:</p> <p><i>Paragraph 8.2 – The term 'Vulnerable Adult' is used. This term should be amended to 'Adult at Risk/Adult in need of Protection' to afford consistency with the terminology used within Adult Safeguarding and the Northern Ireland Adult Safeguarding Partnership (NIASP) definition.</i></p> <p><i>If the term 'Vulnerable Adult' was intended for a wider definition, the term 'Vulnerable Adult' should be amended to 'Adult who is Vulnerable'</i></p>
4.0	Resource implications
4.1	None arising
5.0	Equality and good relations implications
5.1	Reflected in the Equality Screening, Disability Duties and Human Rights Assessment document as attached in the appendix.
6.0	Rural Proofing implications
6.1	Reflected in the Rural Needs Assessment document as attached in the appendix.
7.0	Appendices
	<ol style="list-style-type: none"> Draft guidance on information sharing for child protection purposes Equality Screening, Disability Duties and Human Rights Assessment Rural Needs Assessment Department of Health – Information Sharing for Child Protection Purposes Consultation Response - Newry Mourne and Down District Council
8.0	Background Documents
	None

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Information Sharing for Child Protection Purposes

1. Introduction

- 1.1 Children have a right to be safeguarded and protected. This is enshrined within the Children (Northern Ireland) Order 1995 (the Children Order) and the United Nations Convention on the Rights of the Child (UNCRC). Effective child protection stands or falls on the quality of assessment and analysis of the risks to an individual child. Effective analysis and assessment of

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risk in turn relies on the availability of, and access to, relevant, accurate and up to date information. Access to relevant and up to date information for child protection purposes often means that personal, often sensitive, information has to be shared with and by Health and Social Care Trusts (HSCTs).

- 1.2 This is non-statutory guidance for HSCTs which aims to give practitioners the confidence to know when and how they can lawfully share information and when to expect information to be shared with them for child protection purposes. In all considerations on sharing information for child protection purposes, the welfare of the child must be the paramount consideration.
- 1.3 The purpose of this guidance document is to:
 - describe the legal framework within which the sharing of personal information for child protection purposes takes place and by which it is facilitated;
 - establish clear principles which apply to the sharing of personal information for child protection purposes;
 - provide guidance on the sharing of personal information to and from agencies and practitioners who are engaged in work with children and with other third parties for child protection purposes;
 - distinguish information sharing for child protection purposes from information sharing for wider public protection purposes; and
 - identify other relevant information documents which should be read in conjunction with this guidance.
- 1.4 In this guidance the term 'information sharing' can refer both to:
 - the reciprocal sharing of personal information for child protection purposes between HSCTs and agencies and practitioners who are engaged in work with children, including when information needs to be shared in order to obtain information; or
 - the sharing of personal information to an individual or third party for the purpose of assisting with the management of risk that an individual may pose to a specific child or children.

'...the legislation was not the problem. I suggest, however, better guidance is needed on the collection, retention, deletion, use and sharing of information, so that police officers, social workers and other professionals can feel more confident in using information properly.'

Sir Michael Bichard in his Public Inquiry on child protection procedures in Humberside Police and Cambridgeshire Constabulary following the murders of Jessica Chapman and Holly Wells (2004)

- 1.5 This guidance replaces circular HSS CC 3/96 (Revised) – Sharing to Safeguard – September 2008 (amended May 2009). It should be considered within the context of 'Cooperating to

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Safeguard Children and Young People in Northern Ireland'¹, the overarching policy framework for safeguarding children and young people in the statutory, private, independent, community and voluntary sectors. This document complements the Regional Core Child Protection Policy and Procedures,² guidance on the UNOCINI assessment framework³ and the 'Code of Practice on Protecting the Confidentiality of Service User Information.'⁴ It is intended that HSCT procedures for sharing information for child protection purposes will be developed and agreed on a regional basis.

2. Legal Framework for Information Sharing for Child Protection Purposes

- 2.1 Chapter 1 of 'Cooperating to Safeguard Children and Young People in Northern Ireland' provides an overview of the legal framework for child safeguarding in Northern Ireland. 'The Code of Practice on Protecting the Confidentiality of Service User Information'⁵ provides a comprehensive summary of the law relating to sharing information generally by health and social care services. The following section focuses on the legal framework as it relates specifically to the sharing of information for child protection purposes.

Children (Northern Ireland) Order 1995 (the Children Order)

- 2.2 The Children Order is the principal statute governing the care, upbringing and protection of children in Northern Ireland. It applies to all those who work with, and care for children, whether parents, paid carers or volunteers.
- 2.3 Under Article 66(1) of the Children Order, where a HSCT has reasonable cause to suspect that a child is suffering, or is likely to suffer significant harm, a HSCT has a duty to make inquiries or cause inquiries to be made to enable it to make a decision as to whether it should take any action to safeguard or promote the child's welfare. Where, as a result of the inquiries made under Article 66(1) a HSCT concludes that it should take action to safeguard or promote the child's welfare, Article 66(8) states that it must take that action, so far as it is within the power of the HSCT and reasonably practicable to do so. Article 66(9) requires certain bodies including the HSCB, the Education Authority, HSCTs and the Northern Ireland Housing Executive to assist when called upon to do so by a HSCT making inquiries under Article 66, in particular by providing relevant information and advice. Article 66(5) requires a HSCT to consult with the Education Authority where matters connected with a child's education become apparent during the course of inquiries made by the HSCT under Article 66.

The General Data Protection Regulation and the Data Protection Act 2018

¹ <https://www.health-ni.gov.uk/publications/co-operating-safeguard-children-and-young-people-northern-ireland>

² The Regional Core Child Protection Policies and Procedures are available at: <http://www.proceduresonline.com/sbni/>

³ <https://www.health-ni.gov.uk/publications/understanding-needs-children-northern-ireland-unocini-guidance>

⁴ <https://www.health-ni.gov.uk/publications/code-practice-protecting-confidentiality-service-user-information>

⁵ The Code of Practice is currently being updated to reflect the GDPR and DPA 2018

The General Data Protection Regulation

- 2.4 The sharing of information by a HSCT must be in accordance with the General Data Protection Regulation (GDPR)⁶ and the Data Protection Act 2018. The GDPR and the DPA 2018 **do** allow for personal data to be shared where the sharing is lawful, fair and executed in a transparent manner in relation to the data subject. **This legislation should never be a barrier to sharing information where the failure to do so would result in a child being harmed, or placed at risk of harm.** The GDPR updates and modernises Data Protection law across the EU. It forms part of the data protection regime in the UK, together with the new Data Protection Act 2018 (DPA 2018).

There are 7 principles for the processing⁷ (including sharing) of personal data set out under Article 5 of the GDPR⁸. In summary they are that data should be:

1. processed fairly, lawfully and in a transparent manner;
2. collected for purposes that are specified, explicit and legitimate (purpose limitation);
3. adequate, relevant and limited to what is necessary for the purposes for which it is processed (data minimisation);
4. accurate and kept up to date;
5. kept no longer than is necessary for the purposes for which the personal data is processed (storage limitation); and
6. processed in a secure manner.

The 7th principle under GDPR requires the data controller to demonstrate compliance with the first 6 principles; this is generally referred to as the 'Accountability principle.'

2.5 Personal Data

Article 4 of the GDPR defines 'personal data' as any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

The GDPR makes provision in respect of various types of data, the processing of which require different conditions to be met in respect of each type of data.

Article 6 makes provision in relation to the processing of personal data and sets out the valid grounds under which personal data may be processed lawfully.

Article 9 makes provision in relation to the processing of personal data which is more sensitive in nature and therefore requires a higher level of protection. This type of data, called '**special category personal data**,' includes information about an individual's: race;

⁶ Comprehensive guidance on the GDPR can be found on the Information Commissioner's Website: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/principles/>

⁷ 'Processing' is defined by the GDPR as 'any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.'

⁸ The 8 principles of data protection under the Data Protection Act 1998 are largely carried over into the 6 principles of the GDPR and the data subject rights, which are covered under Chapter 3 of GDPR.

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ethnic origin; politics; religion; trade union membership; genetics; biometrics (where used for ID purposes); health; sex life; or sexual orientation.

Article 10 makes provision in relation to the processing of **personal data relating to criminal allegations, proceedings or convictions** which also requires a higher level of protection.

The Data Protection Act 2018

- 2.6 The GDPR should be read side by side with **the Data Protection Act 2018 (the DPA 2018)**⁹ - it provides the details for the areas where the GDPR has given Member States discretion on specific points or where Member States must make their own rules.
- 2.7 The processing of personal data by the police and other criminal justice agencies for law enforcement purposes – the investigation, detection or prosecution of criminal offences or the execution of criminal penalties (law enforcement) - is dealt with under Part 3 of the DPA 2018.

The Human Rights Act 1998 (HRA)

- 2.9 The Human Rights Act (HRA) gives effect in domestic law to the rights and freedoms guaranteed under the European Convention on Human Rights (ECHR). The HRA, makes it unlawful for public authorities to act in a manner which is incompatible with an individual's rights, and places a positive obligation on public authorities to take reasonable action within their powers to safeguard individual rights under the ECHR. The rights and freedoms guaranteed under the ECHR belong to all, there is no distinction between adult and child. The rights with particular relevance to this circular include the Article 2 right to life, the Article 3 right not to be subjected to torture or to inhuman or degrading treatment or punishment and, particularly in relation to the sharing of information, the Article 8 right to respect for private and family life:

"Article 8 – Right to respect for private and family life

- i. Everyone has the right to respect for his private and family life, his home and his correspondence.
- ii. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of crime and disorder, for the protection of health and morals, or for the protection of the rights and freedoms of others."

Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (the SVGO)

- 2.10 Under the SVGO, HSCTs have the power¹⁰ to provide information to the Disclosure and Barring Service (DBS) on an individual who is, has been, or might in future be, engaged in

⁹ The main provisions of this Act commenced on 25 May 2018.

¹⁰ Article 41 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

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regulated activity¹¹ and who has committed a relevant offence or who the HSCT believes may harm a child (or vulnerable adult), cause a child (or vulnerable adult) to be harmed, put a child (or vulnerable adult) at risk of harm, attempt to harm a child (or vulnerable adult) or incite another to harm a child (where the HSCT is the regulated activity provider, it must refer the individual to the DBS¹²). HSCTs also have a duty to provide information on request to the DBS¹³. The DBS may provide relevant information for child protection purposes to a HSCT. It must provide information as to whether a person is barred by the DBS where the HSCT has requested it for child protection purposes.¹⁴

Common Law Duty of Confidentiality

- 2.11 Personal information about children and families held by HSCTs is subject to a common law duty of confidentiality. When information is given in circumstances where it is expected that a duty of confidentiality applies, that information cannot normally be shared without the information provider's consent. **The sharing of information without consent can be justified in some circumstances, including:**

- **where not sharing would not be in the best interests of a child; or**
- **if there is a legal duty or obligation to share or if the sharing is for a public interest which overrides the public interest in maintaining confidentiality and other private interests. The public interest may include child protection or the prevention of serious harm to third parties.**

Criminal Justice (Northern Ireland) Order 2008

- 2.12 Under Article 50 of the Criminal Justice (Northern Ireland) Order 2008, HSCTs have a statutory obligation to give effect to the Public Protection Arrangements Northern Ireland (PPANI) guidance (see section 7.6)

United Nations Convention on the Rights of the Child

- 2.13 The United Nations Convention on the Rights of the Child is an international human rights treaty setting out the civil, political, economic, social and cultural rights of the child. It should be applied in conjunction with the HRA and provides the overarching framework to guide the development of local laws, policies and services so that all children and young people are nurtured, protected and empowered. Articles with particular relevance to this circular include:
- *Article 4 (Protection of rights):* governments have a responsibility to take all available measures to make sure children's rights are respected, protected and fulfilled.¹⁵

¹¹ Regulated activity is work that a barred person must not do. Regulated activity with children includes activities such as teaching, training, caring, supervising, transporting or providing advice to children, providing health care or personal care to child and work in specified places such as schools, nursery schools and children's homes. See Schedule 2 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, for a full definition of regulated activity. Factual notes on regulated activity with children (and adults) are available at <https://www.health-ni.gov.uk/articles/safeguarding-vulnerable-groups-disclosure-and-barring-service>

¹² Article 37 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

¹³ Article 42 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

¹⁴ Paragraphs (IB) and (1C) of Article 52A of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

¹⁵ UNCRC Article 4:

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and

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- *Article 19 (Protection from all forms of violence):* governments should ensure that children are properly cared for and their right to be protected from harm and mistreatment is upheld.¹⁶

Safeguarding Board Act (Northern Ireland) 2011

- 2.14 Section 11 of the Safeguarding Board Act (Northern Ireland) 2011 places a duty on bodies or persons to supply information requested by the Safeguarding Board Northern Ireland (SBNI) and sets out the specific conditions to be satisfied before such requests for information can be met.

While the law rightly seeks to preserve individuals' privacy and confidentiality, it should not be used (and was never intended) as a barrier to appropriate information sharing between professionals.

The Protection of Children in England: A Progress Report Lord Laming (March 2009)

3. Principles for sharing information for child protection purposes

- 3.1 There are principles that have emerged from statute and from judicial decisions on information sharing by public bodies that should inform the processes and procedures HSCTs develop for sharing personal or sensitive information for child protection purposes. These have been grouped into 3 categories:

- i. **Lawful Authority;**
- ii. **Proportionality;**
- iii. **Accountability.**

i) Lawful Authority

- 3.2 The sharing of personal data must be lawful under both the GDPR and the DPA 2018 and, when done by a public authority, it must be done by that authority acting within their

cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

¹⁶ UNCRC Article 19:

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

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statutory powers.

Lawful processing under the GDPR and the DPA 2018.

- 3.3 The guidance in this document seeks to ensure that information sharing for child protection purposes happens in accordance with the 7 GDPR principles as set out at para 2.4. This section addresses a specific aspect of the first principle: that the sharing of personal data must be lawful.
- 3.4 Under the GDPR there must be valid grounds for sharing personal data, known as a **lawful basis** in order to share personal data (Article 6).

The table at Appendix 1 sets out the most relevant lawful bases for the sharing of personal data for child protection purposes including **public task**; **legal obligation** and, on occasion, **vital interests**. Under the GDPR, **consent** must be considered carefully before it is used as a lawful basis to share personal data by a public authority (see 3.22).

3.5 Public Task Basis¹⁷

The public task basis can be used as a lawful basis for sharing personal data when the:

‘processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.’¹⁸

3.6 This can apply if you are **either**:

- carrying out a specific task in the public interest which is laid down by law; **or**
- exercising official authority (for example, a public body’s tasks, functions, duties or powers) which is laid down by law.

The DPA 2018¹⁹ says that this includes (but is not limited to) processing of personal data that is necessary for-

- (a) the administration of justice,
- (b) the exercise of a function conferred on a person by an enactment or rule of law, or
- (c) the exercise of a function of the Crown, a Minister of the Crown or a government department.

3.7 The relevant task or authority must be laid down by domestic or EU law²⁰. This will most often be a statutory function, however, it does not have to be an explicit statutory provision, providing the application of the law is clear and foreseeable. It can include clear

¹⁷ The ICO uses the term ‘public task’ to help describe and label this lawful basis.

¹⁸ Article 6(1)(e) of GDPR

¹⁹ Section 8 of the Data Protection Act 2018 (c.12).

²⁰ Article 6(3) of GDPR.

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common law tasks, functions or powers as well as those set out in statute or statutory guidance.²¹

- 3.8 Specific legal authority for the actual sharing is not required. What is required is that the person/body proposing to rely on this basis can demonstrate that they are carrying out a task in the public interest or that they are exercising official authority and that that overall task or authority has a sufficiently clear basis in law.
- 3.9 To be lawful under the public task basis (in the absence of the data subject's consent), the processing must be necessary. The ICO guide advises that "necessary" means that the processing must be a targeted and proportionate way of achieving your purpose. This basis cannot be relied upon as a lawful basis for processing if there is another reasonable and less intrusive way to achieve the same result.²² If you are a UK public authority the view of the ICO is that this is likely to give you a lawful basis for many if not all of your activities: *"If you need to process personal data to carry out your official functions or a task in the public interest - and you have a legal basis for the processing under UK law – you can."*²³
- 3.10 As the sharing of information for child protection purposes by HSCTs will take place in the exercise of **functions conferred on a HSCT by the Children (Northern Ireland) Order 1995**, the public task basis is likely to be the most relevant basis for the sharing of information for child protection purposes by HSCTs.

Sharing Special Category Personal Data

- 3.11 For the sharing of special category personal data, both an Article 6 (GDPR) lawful basis and an additional condition for processing special category data (Article 9(2)) must be identified. Some of the conditions can be used directly, and some are dependent on further conditions in the DPA 2018. One of the conditions for processing special category data under the GDPR is where the processing is necessary for reasons of **substantial public interest** (Article 9(2)(g)).
- 3.12 Section 10(3) of the DPA 2018 says this GDPR condition is met where a condition in Part 2 of Schedule 1 to the DPA 2018, 'Substantial Public Interest Conditions,' is met. 'Substantial Public Interest Conditions' include where the sharing is necessary for the exercise of **a function** conferred on a person by an enactment or rule of law, and it is necessary for reasons of substantial public interest.²⁴
- 3.13 **Safeguarding of children** and of individuals at risk is included as a 'Substantial Public Interest Condition.' This would apply where sharing personal data is necessary for

²¹ Recital 41 of GDPR

²² ICO Guide to the General Data Protection Regulation <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/>

²³ ICO GDPR Guidance on Consent <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/consent/>

²⁴ Section 10(3) and paragraph 6 of Part 2 of Schedule 1 to the DPA 2018.

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protecting an individual from neglect or physical, mental or emotional harm or protecting the physical, mental or emotional well-being of an individual, where the sharing has to take place without the consent of the data subject because a) consent cannot be given; b) the data controller cannot be expected to obtain the consent; or c) obtaining the consent would prejudice the provision of protection to the individual, and where the processing is necessary for reasons of substantial public interest. The DPA 2018 makes clear that the reference to the protection of an individual or of the well-being of an individual in this provision includes both protection relating to a particular individual and protection relating to a **type** of individual, for example, where it is necessary to share information in order to safeguard children, even where a specific child has not been identified at risk of harm.

3.14 The DPA 2018 also says that the administration of justice and preventing or detecting unlawful acts can meet the GDPR Article 9(g) condition of substantial public interest.

3.15 **The conditions most likely to be relevant to sharing special category personal data for child protection purposes are set out in the table at Appendix 1.**

Sharing criminal record personal data

3.16 Under Article 10 of the GDPR, personal data relating to criminal convictions and offences or related security measures can only be shared where it is being shared in an official capacity or where there is specific legal authorisation to do so. In the UK this authorisation is found in a condition under Part 1, 2 or 3 of Schedule 1 to the DPA 2018. This includes where the data sharing is necessary for reasons of substantial public interest and for the purpose of exercising a statutory function as set out in section 3.12 above.

3.17 **The Conditions most likely to be relevant to sharing criminal record personal data for child protection purposes are set out in the table at Appendix 1.**

Consent

3.20 One of the lawful bases for sharing personal data under the GDPR is that consent has been obtained (explicit consent for special category personal data). Explicit consent also allows information, which is subject to the common law duty of confidentiality, to be shared.²⁵

3.21 The GDPR definition of consent is: “any freely given, specific, informed and **unambiguous** indication of the data subject’s wishes by which he or she, **by a statement or by a clear affirmative action**, signifies agreement to the processing of personal data relating to him or her.”

²⁵ The ICO has published draft guidance on consent under the GDPR: <https://ico.org.uk/media/about-the-ico/consultations/2013551/draft-gdpr-consent-guidance-for-consultation-201703.pdf>

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- 3.22 The ICO has advised that while there is no ban on public authorities using consent as a lawful basis, it will be more difficult under GDPR for public authorities to use consent as a lawful basis for sharing personal data as consent will not be 'freely given' where there is an imbalance in the relationship between the individual to whom the information relates and the data controller. **The nature of child protection work means it will be inappropriate to seek consent in many instances where doing so, or the delay incurred from doing so, could put a child at increased risk of harm, place an adult at risk of serious harm or jeopardise a criminal investigation.** In addition the ICO advises that where personal data is likely to be shared regardless of whether consent has been given or not, for example where it needs to be shared in order to protect a child, leading the individual to believe they have a genuine choice by seeking consent is inherently unfair and likely to breach of the first data processing principle which states that information must be used fairly and lawfully.
- 3.23 While cognisance also needs to be taken of the common law duty of confidentiality, outlined above, the general rule is that consent should not be sought where there is a statutory obligation or court order to disclose or where the sharing needs to take place regardless of whether the individual consents or not. Therefore it will not be appropriate for a HSCT to seek consent in fulfilling its statutory duties under Article 66 where it is established that a HSCT has reasonable cause to suspect that a child is suffering or likely to suffer significant harm. Sharing to fulfil these duties will take place regardless of whether the individual consents.
- 3.24 When the threshold for a child protection investigation under Article 66 has not yet been reached, it may be appropriate to seek consent but where consent cannot be obtained, and the threshold for an Article 66 investigation has still not been reached, information may be shared in order to make an initial assessment of the child's circumstances. Careful consideration must be given to notifying the individual to whom the information relates **in advance** of sharing the information. The sharing of information must be purposive and proportionate to the making of an initial assessment; only that information which is necessary to facilitate an initial assessment should be shared.
- 3.25 ICO guidance says that children should be provided with the same information about what you do with their personal data as adults receive. This needs to be given in age appropriate terms and in the context of a child's level of understanding.²⁶
- 3.26 The Assistant Information Commissioner for Scotland and Northern Ireland previously acknowledged that practitioners are at times less confident about sharing information where circumstances do not yet reach the 'child protection trigger' but professional concerns exist. The Assistant Commissioner advised that, *'where a practitioner believes, in their professional opinion, that there is risk to a child or young person that may lead to harm, proportionate sharing of information is unlikely to constitute a breach of the Act in such circumstances.'* That advice issued in 2013 remains relevant under the new data protection legislation. The

²⁶ ICO Children and the GDPR Guidance <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/children-and-the-gdpr/how-does-the-right-to-be-informed-apply-to-children/>

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assistant commissioner also advised that, *'it is very important that the practitioner uses all available information before they decide whether or not to share. Experience, professional instinct and other available information will all help with the decision making process as will anonymised discussions with colleagues about the case. If there is any doubt about the wellbeing of the child and the decision is to share, the Data Protection Act should not be viewed as a barrier to proportionate sharing.'*

- 3.27 Fairness demands that a HSCT is able to demonstrate that the sharing of personal data is lawful and proportionate – personal data should not be shared in ways that unjustifiably have a negative effect on the individual. When consent is not sought it should be explained to the individual to whom the information relates, that the information will be shared. An individual should at least be aware that personal data about them has been, or is going to be shared even if their consent for the sharing is not appropriate.
- 3.28 An individual **must not** be informed of proposed personal data sharing, however, where:
- it would put a child at increased risk of significant harm²⁷ or an adult at risk of serious harm²⁸;
 - the delay in seeking consent would increase the risk of harm to the child;
 - it would undermine the prevention, detection or prosecution of a serious crime including where seeking consent might lead to interference with any potential investigation.
- 3.29 Where appropriate, notice should be given to an individual of the fact that allegations or concerns have been made in respect of him/her and also the details of those allegations or concerns so that the individual can understand what is being alleged and can respond. The decision as to whether an individual should be put on notice of allegations or concerns made in respect of him/her must be made jointly with the PSNI on a case by case basis and will depend on a number of factors including the nature of the information: for example, where there are allegations of abuse, consideration should be given to providing the individual with the right to reply; where the accuracy or validity of information is not in dispute, it may not be necessary to seek representations. An individual should not be informed of allegations or concerns made against them or given the opportunity to make representations if doing so would put a child at risk of significant harm, or an adult at risk of serious harm, cause a delay that would increase the risk of harm to a child or **would undermine the prevention, detection or prosecution of a serious crime or lead to interference with a police investigation**. The grounds for a decision not to inform an individual of allegations or concerns made against them or to afford an individual the opportunity to make representations should be clearly documented. When a HSCT receives

²⁷ See section 2.3 of *Co-operating to Safeguard Children and Young People* and the *Regional Child Protection Policies and Procedures* for more on 'significant harm'

²⁸ See the adult safeguarding policy for Northern Ireland – *Adult Safeguarding: Prevention and Protection in Partnership* - for further information on 'serious harm' in relation to adults.

<https://www.health-ni.gov.uk/articles/adult-safeguarding-prevention-and-protection-partnership>

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information on historical allegations of abuse, the individual should not be alerted to the fact that allegations have been made without consulting first with the PSNI.

A decision to share personal or sensitive information without consent, and the reasons for doing so, must be clearly recorded.

Subject Access Requests

- 3.30 A data subject's right of access, commonly referred to as subject access, under Article 45 of the DPA 2018 gives individuals the right to obtain a copy of their personal data as well as other supplementary information. Only a data subject has the right to make a subject access request to a data controller. A subject access request is **not** an appropriate way to gather information in relation to Article 66 inquiries. Any request by a public authority to submit a subject access request to obtain information for the purpose of a child protection inquiry or investigation should be challenged in the strongest terms.

Statutory Functions, Duties and Powers

- 3.31 Public sector organisations derive their authority from statute and must act in accordance with that authority. The sharing of information by a public sector organisation will not be lawful when acting outside of its statutory authority (*ultra vires*). Authority to share information can be derived from an express obligation or duty to share, such as the duty in Article 66(9) to share information with a HSCT. It can also be derived from an express power to share, such as the powers a HSCT has to share information with the DBS under the SVGO. A public sector organisation may rely on implied powers to share information, when the sharing of the information is reasonably incidental to those functions which are expressly permitted or required to be carried out.
- 3.32 The sharing of personal data for child protection purposes should normally be carried out within the child protection functions established under Article 66 of the Children (Northern Ireland) Order 1995.
- 3.33 There are 2 likely scenarios where a HSCT has powers to share personal data under Article 66:
- where a HSCT is collecting, weighing and analysing information in the course of a child protection investigation;
 - where a HSCT discloses information as an action to safeguard or promote the welfare of a child who is at risk of significant harm.

Collecting, weighing and analysing information in the course of a child protection investigation.

- 3.34 Where a HSCT has reasonable cause to suspect that a child is suffering, or is likely to suffer significant harm,²⁹ it must make (or cause to be made) such inquiries as it considers necessary

²⁹ See section 2.3 of *Co-operating to Safeguard Children and Young People* and the *Regional Child Protection Policies and Procedures* for more on 'significant harm'

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to enable it to decide whether it should take any action to safeguard or promote the child's welfare. Such inquiries will require HSCTs to collect information, including information known to other organisations, agencies and professionals, weigh that information (to determine whether - on the balance of probabilities - the information is credible) and then analyse it to assess the risk and to determine if and what action should be taken to safeguard or promote the child's welfare. Inquiries under Article 66 will involve the receipt of and sharing of personal data with other agencies or with third parties in various forms. Article 66 (9) compels certain bodies including the HSCB, the Education Authority, HSCTs and the Northern Ireland Housing Executive to assist with such inquiries.

Taking action to safeguard or promote the welfare of a child at risk of significant harm

- 3.35 Where a HSCT has established that it should take action to safeguard or promote the child's welfare, it must then decide what that action should be. The action may include the sharing of personal data. For example, where a HSCT has made findings of fact (on the balance of probabilities), that an individual poses a risk of significant harm to a child, an appropriate action to protect that child may be to disclose personal data about that individual to a third party or other agency. There is an implied power to do so under Article 66 if, as a result of the inquiries under Article 66, it is decided that this action is necessary to safeguard the child or promote the child's welfare.

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Sharing Information for Child Protection Purposes				
Action	Statutory Power	Consent	Duty under Article 66(9) of bodies, including HSCB, the Education Authority, HSCTs and NIHE to assist with inquiries.	The sharing must be necessary and proportionate and the rationale for sharing clearly articulated and recorded.
Sharing information for the purposes of making an initial assessment of a child's circumstances to establish if there is 'reasonable cause' to suspect that a child is suffering or is likely to suffer significant harm.	Article 66	Consideration should be given as to whether consent should be sought or is required to share information.. If it is not appropriate to seek consent or if consent is withheld or cannot be obtained, personal data may be shared in a purposeful and proportionate manner in order to make an initial assessment. Only that information which is necessary to facilitate an initial assessment should be shared.		
Sharing information in the course of Article 66 inquiries to assess the harm or risk of harm and to determine what action, if any, is required to safeguard or promote the welfare of the child	Article 66(1)(b):Where an authority has reasonable cause to suspect that a child who lives, or is found, in the authority's area is suffering, or is likely to suffer, significant harm, the authority shall make, or cause to be made, such inquiries as it considers necessary to enable it to decide whether it should take any action to safeguard or promote the child's welfare.	In undertaking Article 66 inquiries the HSCT has established reasonable cause to suspect that a child is suffering or at risk of suffering significant harm, therefore consent should not be sought as the individual has no real choice in the matter – the information will be shared regardless of whether consent is obtained or not. The reasons for sharing information without consent must be formally recorded. The individual should be informed of the personal data to be shared unless to do so would place the child at risk of significant harm; an adult at risk of serious harm; or would undermine the prevention, detection or prosecution of a serious crime including where seeking consent might lead to interference with any potential investigation		
Sharing information as an action to safeguard or promote the child's welfare	Article 66(8): Where, as a result of complying with this Article, an authority concludes that it should take action to safeguard or promote the child's welfare the authority shall take that action (so far as it is both within the power of the authority and reasonably practicable for it to do so).	In taking action under Article 66, the HSCT is fulfilling a statutory obligation and it is not appropriate to seek consent as the information will be shared regardless of whether the individual consents or not. The individual should be informed of the personal data to be shared unless to do so would place the child at risk of significant harm; an adult at risk of serious harm; the delay in seeking consent would increase the risk of harm to the child; or seeking consent would undermine the prevention, detection or prosecution of a serious crime including where seeking consent might lead to interference with any potential investigation. Consider whether an individual should be informed of allegations/concerns and/or given the opportunity to make representations.		

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ii) Proportionality

- 3.37 The information shared must be proportionate to the purpose for sharing the information. This requires the HSCT to apply **professional judgment** in weighing the relevant interests and considerations and to make **reasonable** decisions on the outcome of this **balancing exercise**. The decision maker must take reasonable steps to ensure all available information is obtained and considered for the purposes of this balancing exercise. There must be evidence that this balancing exercise has been carefully conducted. The following factors should be considered:
- The sharing must be **rationally connected to the legitimate purpose**. For the purposes of this guidance the legitimate purpose is to safeguard the child or promote the child's welfare under Article 66 of the Children Order.
 - Whether the **rights** of an individual (most commonly an individual's Article 8 ECHR rights to privacy and right to confidentiality) are endangered as a consequence of the sharing. The child also has rights under both the HRA and the UNCRC that must be respected, protected and fulfilled; neither individual's entitlement to rights has precedence over the other, but, where there is an apparent conflict, in line with the principles on which the Children Order is based, the welfare of the child is paramount.
 - The sharing must be **necessary** to achieve the legitimate purpose and there must be a "**pressing need**" to share (where failing to share would put the child at risk of significant harm).
 - The **impact** the sharing may have on the life of the subject of the information. The risk to the individual should be considered and mitigated as far as possible, but it should not outweigh the potential risk to the child were the information not to be shared. The impact on other persons affected by sharing information should also be considered, this may require ascertaining the views and interests of the individual and of others who may be adversely affected. Where appropriate an individual should be informed of allegations or concerns made against him/her and given the opportunity to make representations before the information is shared, for example in relation to allegations of abuse - see paragraph 3.29.
 - The **nature** and the **extent** of the information to be shared. The information must be relevant and no more than is necessary in order to achieve the legitimate purpose for which it is being shared. The **integrity** of the information should be considered and a judgment made about its accuracy, veracity and credibility. The process of assessing the credibility of the information may require a HSCT to find facts on the balance of probabilities and in some situations, **fairness** will require that individuals are given a **right to reply**, for example in relation to allegations of abuse. Where the information is already in the public domain, it will be easier to justify the sharing of it.
 - The **vulnerabilities** of the child or children who may be at risk.
 - The **magnitude of the risk**: the more serious the potential risk to the child, the more likely the sharing of information is to be justified.
 - The ability of the **parent** and others to protect the child may be a factor to consider in making a decision as to whether information needs to be shared more widely with others who could act in a protective role for the child.

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iii) Accountability

- 3.38 A decision to share, or *not* to share information may be challenged by way of judicial review. A judicial review will succeed where the person bringing the case can show that either the HSCT is under a legal duty to act or make a decision in a certain way and is unlawfully refusing or failing to do so (the HSCT should have done something and did not); or a decision or action that has been taken is *ultra vires* (the HSCT did something it should not have done or did it outwith its proper powers).³⁰
- 3.39 A HSCT should demonstrate that its decisions are considered, measured, balanced and proportionate and should **have a clearly articulated rationale for disclosing, or not disclosing, information and be able to demonstrate how the sharing of information was assessed to be necessary for the purposes of safeguarding a child or promoting the child's welfare.** Accurate, clear and timely record keeping is important. A full record must be made of all discussions, actions and decisions taken.
- 3.40 Under the GDPR 'accountability principle' (Article 5(2)), data controllers must be able to demonstrate compliance with the principles for the processing of personal data contained in Article 5. This means that a HSCT must be able to evidence proper consideration behind the selection of a lawful basis for the sharing of personal data and be able to justify that decision. When relying on the public task basis, the relevant task, function or power should be specified and the basis in common law or statute identified. It is also important to be able to demonstrate that there was no other reasonable and less intrusive means to achieve the purpose than by sharing the personal data. Article 30 of GDPR and Part 4 of Schedule 1 to the DPA 2018 requires organisations to document their processing activities.
- 3.41 HSCTs, in designing and implementing processes for the lawful sharing of information for child protection purposes, must consider the types of information that they share and are in receipt of, identify and document the lawful basis (or bases), additional conditions for processing personal data, special category personal data and criminal record personal data and establish processes for documenting the lawful basis and special category conditions in order to be able to demonstrate compliance and accountability, as required under Article 5(2) of GDPR and Part 4 of Schedule 1 to the DPA 2018³¹. Further information on the accountability principles can be found in the ICO's GDPR Guide.³²

³⁰ See the Public Law Project brief guide to the grounds for judicial review: http://publiclawproject.org.uk/wp-content/uploads/data/resources/113/PLP_2006_Guide_Grounds_JR.pdf

³¹ The Data Protection Act 2018 - para 5(1) of Part 2 of Schedule 1 and paras 38 and 39 of Part 4 of Schedule 1 require data controllers to have a policy document in place for the processing of special category personal data and personal data relating to criminal conviction information in certain circumstances, including when the information is shared using the additional condition of substantial public interest. The document must explain the controller's procedures for securing compliance with the principles in Article 5 of the GDPR, the controller's policies as regards the retention and erasure of personal data processed in reliance on the condition, with an indication of how long the personal data is likely to be retained. The controller must, during the relevant period, keep the policy document under review and updated and must make it available to the Commissioner on request.

³² <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/>

4. Sharing Information with Third Parties for Child Protection Purposes

- 4.1 The principles set out in section 3 must be more arduously applied when a HSCT is making a decision to share personal data with third parties where no information sharing agreement or protocol is in place. There is no hard or fast rule either for or against sharing; each case turns on its own facts and must be considered individually.
- 4.2 The principles must be applied and the balancing exercise at section 3.34 carried out. The HSCT must ensure that the information is being disclosed to the right person and for the right reasons. The right person will be the person who needs to know for the purposes of safeguarding the child or promoting the child's welfare. The person with whom the information is shared must know **why** they have been given it, understand the confidential and sensitive nature of the information they have received; and be informed on how to make use of the information, including the need to manage the information securely and what to do or who to contact should they need to share further information.
- 4.3 **A HSCT must not take a decision to share information in respect of an individual believed to pose a risk to a child or to a third party without consulting the PSNI. Such action could prejudice a police investigation or place others at risk of harm.**

5. Information Sharing Agreements

- 5.1 HSCTs must have **information sharing agreements** (ISAs) or protocols in place with those agencies, practitioners and organisations with which they share personal data regularly. This extends to those bodies which provide services under contract to HSCTs. Those who have a statutory duty to cooperate with HSCTs under Article 66(9) of the Children Order must have procedures in place to comply with this. Sections 8 and 14 of the ICO Data Sharing Code of Practice³³ provides guidance on what an information sharing agreement should cover. The SBNI Information Sharing Agreement for Safeguarding Children provides a framework for the sharing of information between agencies which work with children and young people. ISAs ensure that proper processes for sharing information are identified and in place so that organisations can share information in a lawful and efficient way for child protection purposes.

6. Protocol for Joint Investigation

³³ The ICO Data Sharing Code of Practice is currently being reviewed in light of GDPR and the DPA 2018.

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- 6.1 The 'Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – Northern Ireland (March 2016)' ("the Joint Protocol") provides an agreed way of working, including on the sharing of information, on the investigation of alleged or suspected child abuse between social workers and the PSNI. Investigations may be conducted under the Joint Protocol where there is an allegation or reasonable cause to suspect the abuse of a child or suspicion that a crime has been committed against a child.

7. Information Sharing for Public Protection Purposes

- 7.1 There will be times when a HSCT will receive information that indicates that an individual may pose a risk to children, this can include information on historical allegations of abuse. Where an initial assessment by the HSCT does not identify a specific child as being at risk of significant harm, child protection procedures under Article 66 cannot be initiated: a HSCT cannot demonstrate reasonable cause relating to children 'unknown.' **In such circumstances the HSCT should formally discuss the information with PSNI and as part of that discussion determine whether a multi-agency meeting should be convened with any other agency or professional.** The DPA 2018 introduced a condition that allows the sharing of personal data to protect the physical, mental or emotional well-being of an individual including where this relates to a particular individual and where it relates to a *type* of individual (see section 3.13 above). PSNI will take the lead in public protection where no specific child is identified as being at risk of significant harm. Procedural guidance on the multi-agency meetings will be developed on a regional basis.
- 7.2 The PSNI has statutory responsibility to prevent and detect crime and to gather evidence in the investigation of alleged or suspected offences committed against children. Where a HSCT has reason to suspect that a criminal offence may have been committed or may potentially be committed against an unspecified child or children, a referral must immediately be made to the PSNI. Investigations by PSNI may lead to a specific child or children being identified as at risk of harm. When this occurs the relevant HSCT will be informed and should then initiate child protection procedures under Article 66 and a joint investigation may be commenced under the Joint Protocol.

Common Law Police Disclosure

- 7.3 Common Law Police Disclosure (CLPD) is a scheme that ensures that where there is a public protection risk, the PSNI will pass relevant information to an employer or regulatory body to enable them to act swiftly and put in place measures to mitigate any danger. The focus of CLPD is to provide timely and relevant information which might indicate that a person poses a public protection risk. Information is passed on at the time someone is arrested or charged, rather than on conviction as happened previously.

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- 7.4 Where the HSCT has concerns about an individual who works closely with children in a voluntary or paid capacity, the HSCT should ensure that the information is formally shared with the PSNI, and that the sharing, including the details of what has been shared, when, and with whom in PSNI, is recorded.
- 7.5 The Department of Education Circular 2014/27 outlines the arrangements that are in place between schools and the PSNI in relation to sharing information on individuals who may pose a risk to children in, or in connection with attendance, at school.

Public Protection Arrangements Northern Ireland (PPANI)

- 7.6 Certain sexual and violent offenders are managed on a multi-agency basis within the Public Protection Arrangements Northern Ireland (PPANI). HSCTs have a statutory obligation to give effect to PPANI guidance under Article 50 of the Criminal Justice (Northern Ireland) Order 2008. Each HSCT has an individual officer with lead responsibility for that HSCT's involvement in PPANI who acts as the Health and Social Care Local Area Public Protection Panel (LAPPP) representative. The LAPPP representative can be a useful source of advice to HSCT professionals and should always be consulted when considering issues on sharing information about individuals who may pose a risk of harm to children. When making a decision to share or disclose information in relation to offenders being managed by PPANI, a HSCT should act in accordance with PPANI guidance and the Regional Child Protection Policy and Procedures. The principles outlined in this document on the sharing of information, however, will still apply.

Child Protection Disclosure Arrangements

- 7.7 Individual members of the public can apply at a police station for the disclosure of relevant conviction information under the Child Protection Disclosure Arrangements. This scheme builds on existing PPANI processes by offering a direct route for a member of the public to bring any concerns they may have to the police about someone they know who has access to a child. Information about relevant convictions will only be provided to the person with primary care responsibility for the specific child (children) and only if considered as necessary to protect that child.³⁴ Where there is information that may indicate a child protection concern the police will consult with the relevant HSCT as set out in PPANI guidance.³⁵

8. Information Sharing in relation to individuals working or volunteering with children

- 8.1 Where a HSCT has reasonable cause to suspect that a child has suffered or is likely to have suffered significant harm due to the action or inaction of an individual, including in relation to allegations of historical abuse, and the HSCT is aware that the individual works or volunteers

³⁴ PPANI Manual of Practice 2016 (Revised July) and Child Protection Disclosure Arrangements - Information Leaflet.
<http://www.publicprotectionni.com/index.php/publications>

³⁵ Appendix 9 of PPANI Manual of Practice 2016 (Revised July)

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closely with children, the information should be shared with the PSNI.

- 8.2 A HSCT should also use its powers under the SVGO to refer an individual who is, has been, or may be engaged in regulated activity and who has committed a relevant offence or who the HSCT believes may harm a child (or vulnerable adult), cause a child (or vulnerable adult) to be harmed, put a child (or vulnerable adult) at risk of harm, attempt to harm a child (or vulnerable adult) or incite another to harm a child to the DBS. Where a HSCT, as a regulated activity provider has removed an individual from regulated activity because of concerns that they may harm a child or vulnerable adult, the HSCT has a *duty* to refer to the DBS. HSCTs also have duties to provide information on request to the DBS.
- 8.3 The Joint Protocol requires that once a decision is made to conduct a joint investigation, every effort should be made from the outset to determine if the alleged perpetrator is in paid or voluntary employment with children; has been AccessNI checked; DBS (Disclosure Barring Service) checked; or subject of a Bench Warrant or European Arrest Warrant. The DBS must provide information as to whether a person is barred by the DBS where the HSCT has requested it for child protection purposes.³⁶

9. References and Further Information

Adult Safeguarding: Prevention and Protection in Partnership, DHSSPS (2015).
<https://www.health-ni.gov.uk/articles/adult-safeguarding-prevention-and-protection-partnership>

Code of Practice on Protecting the Confidentiality of Service User Information, DHSSPS (2012).
<https://www.health-ni.gov.uk/publications/code-practice-protecting-confidentiality-service-user-information>

Common Law Police Disclosure, Home Office
<https://www.gov.uk/government/publications/common-law-police-disclosure>

Co-operating to Safeguard Children and Young People in Northern Ireland DHSSPS (2017).
<https://www.health-ni.gov.uk/publications/co-operating-safeguard-children-and-young-people-northern-ireland>

Centre of Excellence on Information Sharing. <http://informationsharing.co.uk/>

Circular HSS CC 3/96 (Revised) –Sharing to Safeguard, DHSSPS (2008, revised May 2009)
<https://www.health-ni.gov.uk/publications/hss-cc-396-sharing-safeguard-information-sharing-about-individuals-who-may-pose-risk>

³⁶ Paragraphs (1B) and (1C) of Article 52A of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

CONSULTATION DOCUMENT

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Circular 2014/27 Managing Information on Persons who pose a Risk to Pupils, Department of Education (2014). <https://www.education-ni.gov.uk/publications/circular-201427-managing-information-persons-who-pose-risk-pupils>

Guidance on Disclosure and Barring under the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 <https://www.health-ni.gov.uk/articles/safeguarding-vulnerable-groups-disclosure-and-barring-service>

Guidance to HSC Trust Staff and Police Regarding the Information Sharing Agreement (ISA) for Concurrent Care and Criminal Proceedings.

Information Commissioner's Office Data Sharing Code of Practice: https://ico.org.uk/media/for-organisations/documents/1068/data_sharing_code_of_practice.pdf

Information Commissioner's Office Guide to Data Protection: <https://ico.org.uk/for-organisations/guide-to-data-protection/>

Information Commissioner's Office Guide to General Data Protection Regulation: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

Information Commissioner's Office Letter of Advice – Information Sharing Between Services in Respect of Children and Young People (2013).

Inter-jurisdictional Protocol for Transfer of Children's Care Cases between Northern Ireland and the Republic of Ireland, 2011. <https://www.health-ni.gov.uk/publications/inter-jurisdictional-protocol-transfer-children%E2%80%99s-social-care-cases-between-northern>

Information sharing: Advice for practitioners providing safeguarding services, HM Government (2018) <https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice>

Information: To share or not to share? The Information Governance Review. 2013. Caldicott, F Department of Health. <https://www.gov.uk/government/publications/the-information-governance-review>

Information Sharing Agreement between the Protective Disclosure Unit (PDU) and Central Referral Unit (CRU) of the Police Service of Northern Ireland and Health and Social Care Trusts Children's Services Directorate, April 2019.

MARAC Information Sharing Guidance. <http://www.safelives.org.uk/practice-support/resources-marac-meetings/resources-professionals-northern-ireland>

CONSULTATION DOCUMENT

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Pathways to Harm, Pathways to Protection: a Triennial Analysis of Serious Case Reviews 2011 to 2014. May 2016. Sidebotham, P; Brandon, M; Bailey, S; Belderson P; Dodsworth, J; Garstang, J; Harrison, E; Retzer, A; Sorensen, P
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/533826/Triennial_Analysis_of_SCRs_2011-2014_-_Pathways_to_harm_and_protection.pdf

Police Service of Northern Ireland and An Garda Síochána Information Sharing Agreement for Safeguarding Children, June 2016.

Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – Northern Ireland (revised March 2016).
<http://www.hscboard.hscni.net/download/PUBLICATIONS/policies-protocols-and-guidelines/Protocol-for-joint-investigation-by-social-workers-and-police-officers-of-alleged-and-suspected-cases-of-child-abuse-NI.pdf>

Public Law Project Information Leaflet 3 : A brief guide to the grounds for judicial review.
http://publiclawproject.org.uk/wp-content/uploads/data/resources/113/PLP_2006_Guide_Grounds_JR.pdf

Public Protection Arrangements Northern Ireland – Manual of Practice
https://www.publicprotectionni.com/app/uploads/2018/04/PPANI_MoP_2016_v2.pdf

Public Protection Arrangements Northern Ireland – Protocol for the Sharing and Disclosure of Information.
http://www.publicprotectionni.com/index.php/publications/view/ppani_protocol_for_the_sharing_and_disclosure_of_information

Regional Core Child Protection Policy and Procedures
<http://www.proceduresonline.com/sbni/>

Serious Case Review: Ian Huntley. North East Lincolnshire 1996-2001. Christopher Kelly (2004)

SBNI ISA Protocol
<http://www.safeguardingni.org/sites/default/files/sites/default/files/imce/Final%20SBNI%20%20ISA%20Version%202%200.pdf>

The Bichard Inquiry Report, A Public Inquiry Report, Sir Michael Bichard (2004) (HC653)

The Protection of Children in England: A Progress Report, Lord Laming (2009).
<https://www.gov.uk/government/publications/the-protection-of-children-in-england-a-progress-report>

UNOCINI Guidance (revised June 2011)
<https://www.health-ni.gov.uk/publications/understanding-needs-children-northern-ireland-unocini-guidance>

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Legislation

The Children (NI) Order 1995

www.legislation.gov.uk/nisi/1995/755/contents

The Human Rights Act 1998 www.legislation.gov.uk/ukpga/1998/42/contents

The Safeguarding Vulnerable (NI) Groups Order 2007

<http://www.legislation.gov.uk/nisi/2007/1351/contents>

Safeguarding Board Act (NI) Act 2011 <http://www.legislation.gov.uk/nia/2011/7/contents>

Protection of Freedoms Act 2012 <http://www.legislation.gov.uk/ukpga/2012/9/contents>

Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32011L0093>

Protection of Freedoms Act 2012 <http://www.legislation.gov.uk/ukpga/2012/9/contents>

The General Data Protection Regulation

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>

The Data Protection Act 2018 <http://www.legislation.gov.uk/ukpga/2018/12/contents>

United Nations Convention on the Rights of the Child

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

Caselaw

Application by James Martin for Judicial Review [2002] NIQB 67

[http://www.bailii.org/cgi-bin/format.cgi?doc=/nie/cases/NIHC/QB/2002/67.html&query=\(james\)+AND+\(martin\)+AND+\(2002\)](http://www.bailii.org/cgi-bin/format.cgi?doc=/nie/cases/NIHC/QB/2002/67.html&query=(james)+AND+(martin)+AND+(2002))

L, R (on the application of) v Commissioner of Police of the Metropolis [2009] UKSC 3

<http://www.bailii.org/uk/cases/UKSC/2009/3.html>

H and L v A City Council [2011] EWCA Civ 403

<http://www.bailii.org/ew/cases/EWCA/Civ/2011/403.html>

Application by JR59 for Judicial Review [2012] NIQB 66

<https://www.judiciary-ni.gov.uk/sites/judiciary/files/decisions/JR59%27s%20Application.pdf>

Application by JR57 for Judicial Review [2013] NIQB 33

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<https://www.judiciary-ni.gov.uk/sites/judiciary/files/decisions/JR%2057%E2%80%99s%20Application.pdf>

Application of (1) AB (2) CD and the London Borough of Haringey [2013] EWHC 416
<http://www.bailii.org/ew/cases/EWHC/Admin/2013/416.html>

In the Matter of J (Children) [2013] UKSC 9
<http://www.bailii.org/uk/cases/UKSC/2013/9.pdf>

MW's Application (Leave Stage) [2015] NIQB 50
<http://www.bailii.org/cgi-bin/markup.cgi?doc=/nie/cases/NIHC/QB/2015/50.html&query=MW&method=boolean>

KC's Application [2016] NIQB 29 <https://www.judiciary-ni.gov.uk/sites/judiciary/files/decisions/KC%E2%80%99s%20Application.pdf>

R v Norfolk County Council, ex parte M QUEEN'S BENCH DIVISION (CROWN OFFICE LIST)[1989] 2 All ER 359, [1989] 3 WLR 502, [1989] 2 FLR 120, 1989 Fam Law 310, 87 LGR 598
http://www.hrcr.org/safrica/childrens_rights/R_NorfolkCountyCouncil.htm

REGINA V CHIEF CONSTABLE FOR NORTH WALES POLICE AREA AUTHORITY EX PARTE AB AND CD ETC: ADMN 10 JUL 1997: [1997] EWHC Admin 667 <https://swarb.co.uk/regina-v-chief-constable-for-north-wales-police-area-authority-ex-parte-ab-and-cd-etc-admn-10-jul-1997/>

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Appendix 1

GDPR Article 6 Lawful Bases for processing personal data relevant to sharing information for child protection purposes	Article 9 Conditions re: processing of special category personal data relevant to sharing information for child protection purposes.*	“Substantial Public Interest” Conditions relevant to sharing information for child protection purposes: Part 2 of Schedule 1 to the Data Protection Act 2018.	“Additional Conditions Relating to Criminal Convictions Etc”: Part 3 of Schedule 1 of the Data Protection Act 2018.**
<ul style="list-style-type: none"> • Consent (6(1)(a)); • Contract (6(1)(b)); • Legal Obligation (6(1)(c)); • Vital Interests (6(1)(d)); • Public Task (6(1)(e)); • Legitimate Interests (only available to public authorities in very limited circumstances, which would not include sharing for child protection purposes) (6(1)(f)). 	<ul style="list-style-type: none"> • Necessary for reasons of public interest in the area of public health (9(2)(i)); • <i>Explicit</i> consent(9(2)(a)); • Necessary for carrying out obligations or exercising rights under employment, social security, or social protection law (9(2)(b)) • Vital interests (9(2)(c)) • Information has been made public by the individual (9(2)(e)) • Necessary for establishment, exercise or defence of legal claims or by courts acting in judicial capacity (9(2)(f)) • Substantial public 	<ul style="list-style-type: none"> • Statutory and government purposes: sharing is necessary for the exercise of a function conferred on a person by an enactment or rule of law; the exercise of a function of the Crown, a Minister of the Crown or a government department (paragraph 6). • Administration of justice (paragraph 7(a)) • Preventing or detecting unlawful acts (paragraph 10) • Counselling (paragraph 17) • Safeguarding of children and of individuals at risk (paragraph 18) • Publication of legal judgments (para 26). 	<ul style="list-style-type: none"> • Consent (paragraph 29) • Vital interests (paragraph 30) • The information has been made public by the individual (paragraph 32) • Necessary in connection with legal proceeding; obtaining legal advice; establishing, exercising or defending legal rights (paragraph 33) • Administration of accounts used in commission of indecency offences involving children (para 35); • Where processing

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	<p>interest (9)(2)(g)</p> <ul style="list-style-type: none"> • Necessary for preventative / occupational medicine; medical assessments; diagnosis; health or social care treatment; management of health or social care systems and services (9(2)(h)) • Necessary for archiving purposes (9(2)(j)) 		would meet a Part 2 condition except for the express requirement for the sharing to be necessary for substantial public interest (para 36).
--	--	--	---

This table shows the lawful conditions **most relevant** to sharing information by HSC bodies for child protection purposes. It does not list all the GDPR conditions for sharing special category personal data nor all the conditions for processing under the DPA 2018.

* special category personal data can be lawfully shared when a lawful basis under Article 6, and a separate condition for processing special category personal data under Article 9 are identified.

When using some conditions under Article 9, additional conditions under the DPA 2018 must also be met. For Article 9(2)(b), (h), (i) or (j) additional conditions under Part 1 of Schedule 1 to the DPA 2018 must also be met.

Article 9(2)(g) of the GDPR is the condition most relevant to sharing personal data for child protection purposes. The requirement in Article 9(2)(g) (ie that processing is necessary for reasons of substantial public interest) is met where a condition in Part 2 of Schedule 1 to the DPA 2018 is met.

** Criminal conviction personal data can be shared when a condition under Part 1, 2 or 3 of Schedule 1 to the Data Protection Act 2018 is met.

The Data Protection Act 2018 (para 5(1) of Part 2 of Schedule 1 and paras 38 and 39 of Part 4 of Schedule 1) require data controllers to have a policy document in place for the processing of special category personal data and personal data relating to criminal conviction information in certain circumstances, including when the information is shared using the additional condition of substantial public interest. The document must explain the controller's procedures for securing compliance with the principles in Article 5 of the GDPR, the controller's policies as regards the retention and erasure of personal data processed in reliance on the condition, with an indication of how long the personal data is likely to be retained. The controller must, during the relevant period, keep the policy document under review and updated and must make it available to the Commissioner on request.

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Eilís McDaniel
Family and Children’s Policy Directorate



Tel: 028 90 523263
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Date: 22 May 2019

Dear Consultee,

CONSULTATION ON GUIDANCE ON INFORMATION SHARING FOR CHILD PROTECTION PURPOSES

The Department of Health is consulting on draft guidance on *Information Sharing for Child Protection Purposes* from 23 May 2019 until 1 August 2019.

It is intended that the guidance will be part of a framework that will replace HSS Circular 3/96 (Revised) – Sharing to Safeguard – September 2008 (amended May 2009). The guidance seeks to:

- describe the legal framework within which the sharing of personal information for child protection purposes takes place and by which it is facilitated;
- establish clear principles which apply to the sharing of personal information for child protection purposes;
- provide guidance on the sharing of personal information to and from agencies and practitioners who are engaged in work with children and with other third parties for child protection purposes;

- distinguish information sharing for child protection purposes from information sharing for wider public protection purposes; and
- identify other relevant information documents.

A copy of the consultation document and questionnaire is available at

<https://consultations.nidirect.gov.uk/doh-fcpd-directorate/information-sharing-for-child-protection-purposes/>. Respondents are encouraged to use the online survey to submit their views.

If, for any reason, you are unable to access the electronic versions of the documents you can request a paper copy by contacting Cathy Foster on 028 90 520013 or via email to:

fcpdadmin@health-ni.gov.uk or by writing to the address below. These addresses can also be used to request the documents in an alternative format, or to submit your response.

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Family and Children's Policy Directorate
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Yours faithfully,



Eilís McDaniel
Director of Family and Children's Policy



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Information Sharing for Child Protection Purposes

1. Introduction

- 1.1 Children have a right to be safeguarded and protected. This is enshrined within the Children (Northern Ireland) Order 1995 (the Children Order) and the United Nations Convention on the Rights of the Child (UNCRC). Effective child protection stands or falls on the quality of assessment and analysis of the risks to an individual child. Effective analysis and assessment of

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risk in turn relies on the availability of, and access to, relevant, accurate and up to date information. Access to relevant and up to date information for child protection purposes often means that personal, often sensitive, information has to be shared with and by Health and Social Care Trusts (HSCTs).

- 1.2 This is non-statutory guidance for HSCTs which aims to give practitioners the confidence to know when and how they can lawfully share information and when to expect information to be shared with them for child protection purposes. In all considerations on sharing information for child protection purposes, the welfare of the child must be the paramount consideration.
- 1.3 The purpose of this guidance document is to:
 - describe the legal framework within which the sharing of personal information for child protection purposes takes place and by which it is facilitated;
 - establish clear principles which apply to the sharing of personal information for child protection purposes;
 - provide guidance on the sharing of personal information to and from agencies and practitioners who are engaged in work with children and with other third parties for child protection purposes;
 - distinguish information sharing for child protection purposes from information sharing for wider public protection purposes; and
 - identify other relevant information documents which should be read in conjunction with this guidance.
- 1.4 In this guidance the term 'information sharing' can refer both to:
 - the reciprocal sharing of personal information for child protection purposes between HSCTs and agencies and practitioners who are engaged in work with children, including when information needs to be shared in order to obtain information; or
 - the sharing of personal information to an individual or third party for the purpose of assisting with the management of risk that an individual may pose to a specific child or children.

'...the legislation was not the problem. I suggest, however, better guidance is needed on the collection, retention, deletion, use and sharing of information, so that police officers, social workers and other professionals can feel more confident in using information properly.'

Sir Michael Bichard in his Public Inquiry on child protection procedures in Humberside Police and Cambridgeshire Constabulary following the murders of Jessica Chapman and Holly Wells (2004)

- 1.5 This guidance replaces circular HSS CC 3/96 (Revised) – Sharing to Safeguard – September 2008 (amended May 2009). It should be considered within the context of 'Cooperating to

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Safeguard Children and Young People in Northern Ireland'¹, the overarching policy framework for safeguarding children and young people in the statutory, private, independent, community and voluntary sectors. This document complements the Regional Core Child Protection Policy and Procedures,² guidance on the UNOCINI assessment framework³ and the 'Code of Practice on Protecting the Confidentiality of Service User Information.'⁴ It is intended that HSCT procedures for sharing information for child protection purposes will be developed and agreed on a regional basis.

2. Legal Framework for Information Sharing for Child Protection Purposes

- 2.1 Chapter 1 of 'Cooperating to Safeguard Children and Young People in Northern Ireland' provides an overview of the legal framework for child safeguarding in Northern Ireland. 'The Code of Practice on Protecting the Confidentiality of Service User Information'⁵ provides a comprehensive summary of the law relating to sharing information generally by health and social care services. The following section focuses on the legal framework as it relates specifically to the sharing of information for child protection purposes.

Children (Northern Ireland) Order 1995 (the Children Order)

- 2.2 The Children Order is the principal statute governing the care, upbringing and protection of children in Northern Ireland. It applies to all those who work with, and care for children, whether parents, paid carers or volunteers.
- 2.3 Under Article 66(1) of the Children Order, where a HSCT has reasonable cause to suspect that a child is suffering, or is likely to suffer significant harm, a HSCT has a duty to make inquiries or cause inquiries to be made to enable it to make a decision as to whether it should take any action to safeguard or promote the child's welfare. Where, as a result of the inquiries made under Article 66(1) a HSCT concludes that it should take action to safeguard or promote the child's welfare, Article 66(8) states that it must take that action, so far as it is within the power of the HSCT and reasonably practicable to do so. Article 66(9) requires certain bodies including the HSCB, the Education Authority, HSCTs and the Northern Ireland Housing Executive to assist when called upon to do so by a HSCT making inquiries under Article 66, in particular by providing relevant information and advice. Article 66(5) requires a HSCT to consult with the Education Authority where matters connected with a child's education become apparent during the course of inquiries made by the HSCT under Article 66.

The General Data Protection Regulation and the Data Protection Act 2018

¹ <https://www.health-ni.gov.uk/publications/co-operating-safeguard-children-and-young-people-northern-ireland>

² The Regional Core Child Protection Policies and Procedures are available at: <http://www.proceduresonline.com/sbni/>

³ <https://www.health-ni.gov.uk/publications/understanding-needs-children-northern-ireland-unocini-guidance>

⁴ <https://www.health-ni.gov.uk/publications/code-practice-protecting-confidentiality-service-user-information>

⁵ The Code of Practice is currently being updated to reflect the GDPR and DPA 2018

The General Data Protection Regulation

- 2.4 The sharing of information by a HSCT must be in accordance with the General Data Protection Regulation (GDPR)⁶ and the Data Protection Act 2018. The GDPR and the DPA 2018 **do** allow for personal data to be shared where the sharing is lawful, fair and executed in a transparent manner in relation to the data subject. **This legislation should never be a barrier to sharing information where the failure to do so would result in a child being harmed, or placed at risk of harm.** The GDPR updates and modernises Data Protection law across the EU. It forms part of the data protection regime in the UK, together with the new Data Protection Act 2018 (DPA 2018).

There are 7 principles for the processing⁷ (including sharing) of personal data set out under Article 5 of the GDPR⁸. In summary they are that data should be:

1. processed fairly, lawfully and in a transparent manner;
2. collected for purposes that are specified, explicit and legitimate (purpose limitation);
3. adequate, relevant and limited to what is necessary for the purposes for which it is processed (data minimisation);
4. accurate and kept up to date;
5. kept no longer than is necessary for the purposes for which the personal data is processed (storage limitation); and
6. processed in a secure manner.

The 7th principle under GDPR requires the data controller to demonstrate compliance with the first 6 principles; this is generally referred to as the 'Accountability principle.'

2.5 Personal Data

Article 4 of the GDPR defines 'personal data' as any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

The GDPR makes provision in respect of various types of data, the processing of which require different conditions to be met in respect of each type of data.

Article 6 makes provision in relation to the processing of personal data and sets out the valid grounds under which personal data may be processed lawfully.

Article 9 makes provision in relation to the processing of personal data which is more sensitive in nature and therefore requires a higher level of protection. This type of data, called '**special category personal data**,' includes information about an individual's: race;

⁶ Comprehensive guidance on the GDPR can be found on the Information Commissioner's Website: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/principles/>

⁷ 'Processing' is defined by the GDPR as 'any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.'

⁸ The 8 principles of data protection under the Data Protection Act 1998 are largely carried over into the 6 principles of the GDPR and the data subject rights, which are covered under Chapter 3 of GDPR.

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ethnic origin; politics; religion; trade union membership; genetics; biometrics (where used for ID purposes); health; sex life; or sexual orientation.

Article 10 makes provision in relation to the processing of **personal data relating to criminal allegations, proceedings or convictions** which also requires a higher level of protection.

The Data Protection Act 2018

- 2.6 The GDPR should be read side by side with **the Data Protection Act 2018 (the DPA 2018)**⁹ - it provides the details for the areas where the GDPR has given Member States discretion on specific points or where Member States must make their own rules.
- 2.7 The processing of personal data by the police and other criminal justice agencies for law enforcement purposes – the investigation, detection or prosecution of criminal offences or the execution of criminal penalties (law enforcement) - is dealt with under Part 3 of the DPA 2018.

The Human Rights Act 1998 (HRA)

- 2.9 The Human Rights Act (HRA) gives effect in domestic law to the rights and freedoms guaranteed under the European Convention on Human Rights (ECHR). The HRA, makes it unlawful for public authorities to act in a manner which is incompatible with an individual's rights, and places a positive obligation on public authorities to take reasonable action within their powers to safeguard individual rights under the ECHR. The rights and freedoms guaranteed under the ECHR belong to all, there is no distinction between adult and child. The rights with particular relevance to this circular include the Article 2 right to life, the Article 3 right not to be subjected to torture or to inhuman or degrading treatment or punishment and, particularly in relation to the sharing of information, the Article 8 right to respect for private and family life:

"Article 8 – Right to respect for private and family life

- i. Everyone has the right to respect for his private and family life, his home and his correspondence.
- ii. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of crime and disorder, for the protection of health and morals, or for the protection of the rights and freedoms of others."

Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (the SVGO)

- 2.10 Under the SVGO, HSCTs have the power¹⁰ to provide information to the Disclosure and Barring Service (DBS) on an individual who is, has been, or might in future be, engaged in

⁹ The main provisions of this Act commenced on 25 May 2018.

¹⁰ Article 41 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

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regulated activity¹¹ and who has committed a relevant offence or who the HSCT believes may harm a child (or vulnerable adult), cause a child (or vulnerable adult) to be harmed, put a child (or vulnerable adult) at risk of harm, attempt to harm a child (or vulnerable adult) or incite another to harm a child (where the HSCT is the regulated activity provider, it must refer the individual to the DBS¹²). HSCTs also have a duty to provide information on request to the DBS¹³. The DBS may provide relevant information for child protection purposes to a HSCT. It must provide information as to whether a person is barred by the DBS where the HSCT has requested it for child protection purposes.¹⁴

Common Law Duty of Confidentiality

- 2.11 Personal information about children and families held by HSCTs is subject to a common law duty of confidentiality. When information is given in circumstances where it is expected that a duty of confidentiality applies, that information cannot normally be shared without the information provider's consent. **The sharing of information without consent can be justified in some circumstances, including:**

- **where not sharing would not be in the best interests of a child; or**
- **if there is a legal duty or obligation to share or if the sharing is for a public interest which overrides the public interest in maintaining confidentiality and other private interests. The public interest may include child protection or the prevention of serious harm to third parties.**

Criminal Justice (Northern Ireland) Order 2008

- 2.12 Under Article 50 of the Criminal Justice (Northern Ireland) Order 2008, HSCTs have a statutory obligation to give effect to the Public Protection Arrangements Northern Ireland (PPANI) guidance (see section 7.6)

United Nations Convention on the Rights of the Child

- 2.13 The United Nations Convention on the Rights of the Child is an international human rights treaty setting out the civil, political, economic, social and cultural rights of the child. It should be applied in conjunction with the HRA and provides the overarching framework to guide the development of local laws, policies and services so that all children and young people are nurtured, protected and empowered. Articles with particular relevance to this circular include:
- *Article 4 (Protection of rights):* governments have a responsibility to take all available measures to make sure children's rights are respected, protected and fulfilled.¹⁵

¹¹ Regulated activity is work that a barred person must not do. Regulated activity with children includes activities such as teaching, training, caring, supervising, transporting or providing advice to children, providing health care or personal care to child and work in specified places such as schools, nursery schools and children's homes. See Schedule 2 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, for a full definition of regulated activity. Factual notes on regulated activity with children (and adults) are available at <https://www.health-ni.gov.uk/articles/safeguarding-vulnerable-groups-disclosure-and-barring-service>

¹² Article 37 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

¹³ Article 42 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

¹⁴ Paragraphs (IB) and (1C) of Article 52A of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

¹⁵ UNCRC Article 4:

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and

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- *Article 19 (Protection from all forms of violence):* governments should ensure that children are properly cared for and their right to be protected from harm and mistreatment is upheld.¹⁶

Safeguarding Board Act (Northern Ireland) 2011

- 2.14 Section 11 of the Safeguarding Board Act (Northern Ireland) 2011 places a duty on bodies or persons to supply information requested by the Safeguarding Board Northern Ireland (SBNI) and sets out the specific conditions to be satisfied before such requests for information can be met.

While the law rightly seeks to preserve individuals' privacy and confidentiality, it should not be used (and was never intended) as a barrier to appropriate information sharing between professionals.

The Protection of Children in England: A Progress Report Lord Laming (March 2009)

3. Principles for sharing information for child protection purposes

- 3.1 There are principles that have emerged from statute and from judicial decisions on information sharing by public bodies that should inform the processes and procedures HSCTs develop for sharing personal or sensitive information for child protection purposes. These have been grouped into 3 categories:

- i. **Lawful Authority;**
- ii. **Proportionality;**
- iii. **Accountability.**

i) Lawful Authority

- 3.2 The sharing of personal data must be lawful under both the GDPR and the DPA 2018 and, when done by a public authority, it must be done by that authority acting within their

cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

¹⁶ UNCRC Article 19:

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

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statutory powers.

Lawful processing under the GDPR and the DPA 2018.

- 3.3 The guidance in this document seeks to ensure that information sharing for child protection purposes happens in accordance with the 7 GDPR principles as set out at para 2.4. This section addresses a specific aspect of the first principle: that the sharing of personal data must be lawful.
- 3.4 Under the GDPR there must be valid grounds for sharing personal data, known as a **lawful basis** in order to share personal data (Article 6).

The table at Appendix 1 sets out the most relevant lawful bases for the sharing of personal data for child protection purposes including **public task; legal obligation** and, on occasion, **vital interests**. Under the GDPR, **consent** must be considered carefully before it is used as a lawful basis to share personal data by a public authority (see 3.22).

3.5 Public Task Basis¹⁷

The public task basis can be used as a lawful basis for sharing personal data when the:

‘processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.’¹⁸

3.6 This can apply if you are **either**:

- carrying out a specific task in the public interest which is laid down by law; **or**
- exercising official authority (for example, a public body’s tasks, functions, duties or powers) which is laid down by law.

The DPA 2018¹⁹ says that this includes (but is not limited to) processing of personal data that is necessary for-

- (a) the administration of justice,
- (b) the exercise of a function conferred on a person by an enactment or rule of law, or
- (c) the exercise of a function of the Crown, a Minister of the Crown or a government department.

3.7 The relevant task or authority must be laid down by domestic or EU law²⁰. This will most often be a statutory function, however, it does not have to be an explicit statutory provision, providing the application of the law is clear and foreseeable. It can include clear

¹⁷ The ICO uses the term ‘public task’ to help describe and label this lawful basis.

¹⁸ Article 6(1)(e) of GDPR

¹⁹ Section 8 of the Data Protection Act 2018 (c.12).

²⁰ Article 6(3) of GDPR.

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common law tasks, functions or powers as well as those set out in statute or statutory guidance.²¹

- 3.8 Specific legal authority for the actual sharing is not required. What is required is that the person/body proposing to rely on this basis can demonstrate that they are carrying out a task in the public interest or that they are exercising official authority and that that overall task or authority has a sufficiently clear basis in law.
- 3.9 To be lawful under the public task basis (in the absence of the data subject's consent), the processing must be necessary. The ICO guide advises that "necessary" means that the processing must be a targeted and proportionate way of achieving your purpose. This basis cannot be relied upon as a lawful basis for processing if there is another reasonable and less intrusive way to achieve the same result.²² If you are a UK public authority the view of the ICO is that this is likely to give you a lawful basis for many if not all of your activities: *"If you need to process personal data to carry out your official functions or a task in the public interest - and you have a legal basis for the processing under UK law – you can."*²³
- 3.10 As the sharing of information for child protection purposes by HSCTs will take place in the exercise of **functions conferred on a HSCT by the Children (Northern Ireland) Order 1995**, the public task basis is likely to be the most relevant basis for the sharing of information for child protection purposes by HSCTs.

Sharing Special Category Personal Data

- 3.11 For the sharing of special category personal data, both an Article 6 (GDPR) lawful basis and an additional condition for processing special category data (Article 9(2)) must be identified. Some of the conditions can be used directly, and some are dependent on further conditions in the DPA 2018. One of the conditions for processing special category data under the GDPR is where the processing is necessary for reasons of **substantial public interest** (Article 9(2)(g)).
- 3.12 Section 10(3) of the DPA 2018 says this GDPR condition is met where a condition in Part 2 of Schedule 1 to the DPA 2018, 'Substantial Public Interest Conditions,' is met. 'Substantial Public Interest Conditions' include where the sharing is necessary for the exercise of **a function** conferred on a person by an enactment or rule of law, and it is necessary for reasons of substantial public interest.²⁴
- 3.13 **Safeguarding of children** and of individuals at risk is included as a 'Substantial Public Interest Condition.' This would apply where sharing personal data is necessary for

²¹ Recital 41 of GDPR

²² ICO Guide to the General Data Protection Regulation <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/>

²³ ICO GDPR Guidance on Consent <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/consent/>

²⁴ Section 10(3) and paragraph 6 of Part 2 of Schedule 1 to the DPA 2018.

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protecting an individual from neglect or physical, mental or emotional harm or protecting the physical, mental or emotional well-being of an individual, where the sharing has to take place without the consent of the data subject because a) consent cannot be given; b) the data controller cannot be expected to obtain the consent; or c) obtaining the consent would prejudice the provision of protection to the individual, and where the processing is necessary for reasons of substantial public interest. The DPA 2018 makes clear that the reference to the protection of an individual or of the well-being of an individual in this provision includes both protection relating to a particular individual and protection relating to a **type** of individual, for example, where it is necessary to share information in order to safeguard children, even where a specific child has not been identified at risk of harm.

- 3.14 The DPA 2018 also says that the administration of justice and preventing or detecting unlawful acts can meet the GDPR Article 9(g) condition of substantial public interest.
- 3.15 **The conditions most likely to be relevant to sharing special category personal data for child protection purposes are set out in the table at Appendix 1.**

Sharing criminal record personal data

- 3.16 Under Article 10 of the GDPR, personal data relating to criminal convictions and offences or related security measures can only be shared where it is being shared in an official capacity or where there is specific legal authorisation to do so. In the UK this authorisation is found in a condition under Part 1, 2 or 3 of Schedule 1 to the DPA 2018. This includes where the data sharing is necessary for reasons of substantial public interest and for the purpose of exercising a statutory function as set out in section 3.12 above.
- 3.17 **The Conditions most likely to be relevant to sharing criminal record personal data for child protection purposes are set out in the table at Appendix 1.**

Consent

- 3.20 One of the lawful bases for sharing personal data under the GDPR is that consent has been obtained (explicit consent for special category personal data). Explicit consent also allows information, which is subject to the common law duty of confidentiality, to be shared.²⁵
- 3.21 The GDPR definition of consent is: “any freely given, specific, informed and **unambiguous** indication of the data subject’s wishes by which he or she, **by a statement or by a clear affirmative action**, signifies agreement to the processing of personal data relating to him or her.”

²⁵ The ICO has published draft guidance on consent under the GDPR: <https://ico.org.uk/media/about-the-ico/consultations/2013551/draft-gdpr-consent-guidance-for-consultation-201703.pdf>

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- 3.22 The ICO has advised that while there is no ban on public authorities using consent as a lawful basis, it will be more difficult under GDPR for public authorities to use consent as a lawful basis for sharing personal data as consent will not be ‘freely given’ where there is an imbalance in the relationship between the individual to whom the information relates and the data controller. **The nature of child protection work means it will be inappropriate to seek consent in many instances where doing so, or the delay incurred from doing so, could put a child at increased risk of harm, place an adult at risk of serious harm or jeopardise a criminal investigation.** In addition the ICO advises that where personal data is likely to be shared regardless of whether consent has been given or not, for example where it needs to be shared in order to protect a child, leading the individual to believe they have a genuine choice by seeking consent is inherently unfair and likely to breach of the first data processing principle which states that information must be used fairly and lawfully.
- 3.23 While cognisance also needs to be taken of the common law duty of confidentiality, outlined above, the general rule is that consent should not be sought where there is a statutory obligation or court order to disclose or where the sharing needs to take place regardless of whether the individual consents or not. Therefore it will not be appropriate for a HSCT to seek consent in fulfilling its statutory duties under Article 66 where it is established that a HSCT has reasonable cause to suspect that a child is suffering or likely to suffer significant harm. Sharing to fulfil these duties will take place regardless of whether the individual consents.
- 3.24 When the threshold for a child protection investigation under Article 66 has not yet been reached, it may be appropriate to seek consent but where consent cannot be obtained, and the threshold for an Article 66 investigation has still not been reached, information may be shared in order to make an initial assessment of the child’s circumstances. Careful consideration must be given to notifying the individual to whom the information relates **in advance** of sharing the information. The sharing of information must be purposive and proportionate to the making of an initial assessment; only that information which is necessary to facilitate an initial assessment should be shared.
- 3.25 ICO guidance says that children should be provided with the same information about what you do with their personal data as adults receive. This needs to be given in age appropriate terms and in the context of a child’s level of understanding.²⁶
- 3.26 The Assistant Information Commissioner for Scotland and Northern Ireland previously acknowledged that practitioners are at times less confident about sharing information where circumstances do not yet reach the ‘child protection trigger’ but professional concerns exist. The Assistant Commissioner advised that, *‘where a practitioner believes, in their professional opinion, that there is risk to a child or young person that may lead to harm, proportionate sharing of information is unlikely to constitute a breach of the Act in such circumstances.’* That advice issued in 2013 remains relevant under the new data protection legislation. The

²⁶ ICO Children and the GDPR Guidance <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/children-and-the-gdpr/how-does-the-right-to-be-informed-apply-to-children/>

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assistant commissioner also advised that, *'it is very important that the practitioner uses all available information before they decide whether or not to share. Experience, professional instinct and other available information will all help with the decision making process as will anonymised discussions with colleagues about the case. If there is any doubt about the wellbeing of the child and the decision is to share, the Data Protection Act should not be viewed as a barrier to proportionate sharing.'*

- 3.27 Fairness demands that a HSCT is able to demonstrate that the sharing of personal data is lawful and proportionate – personal data should not be shared in ways that unjustifiably have a negative effect on the individual. When consent is not sought it should be explained to the individual to whom the information relates, that the information will be shared. An individual should at least be aware that personal data about them has been, or is going to be shared even if their consent for the sharing is not appropriate.
- 3.28 An individual **must not** be informed of proposed personal data sharing, however, where:
- it would put a child at increased risk of significant harm²⁷ or an adult at risk of serious harm²⁸;
 - the delay in seeking consent would increase the risk of harm to the child;
 - it would undermine the prevention, detection or prosecution of a serious crime including where seeking consent might lead to interference with any potential investigation.
- 3.29 Where appropriate, notice should be given to an individual of the fact that allegations or concerns have been made in respect of him/her and also the details of those allegations or concerns so that the individual can understand what is being alleged and can respond. The decision as to whether an individual should be put on notice of allegations or concerns made in respect of him/her must be made jointly with the PSNI on a case by case basis and will depend on a number of factors including the nature of the information: for example, where there are allegations of abuse, consideration should be given to providing the individual with the right to reply; where the accuracy or validity of information is not in dispute, it may not be necessary to seek representations. An individual should not be informed of allegations or concerns made against them or given the opportunity to make representations if doing so would put a child at risk of significant harm, or an adult at risk of serious harm, cause a delay that would increase the risk of harm to a child or **would undermine the prevention, detection or prosecution of a serious crime or lead to interference with a police investigation**. The grounds for a decision not to inform an individual of allegations or concerns made against them or to afford an individual the opportunity to make representations should be clearly documented. When a HSCT receives

²⁷ See section 2.3 of *Co-operating to Safeguard Children and Young People* and the *Regional Child Protection Policies and Procedures* for more on 'significant harm'

²⁸ See the adult safeguarding policy for Northern Ireland – *Adult Safeguarding: Prevention and Protection in Partnership* - for further information on 'serious harm' in relation to adults.

<https://www.health-ni.gov.uk/articles/adult-safeguarding-prevention-and-protection-partnership>

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information on historical allegations of abuse, the individual should not be alerted to the fact that allegations have been made without consulting first with the PSNI.

A decision to share personal or sensitive information without consent, and the reasons for doing so, must be clearly recorded.

Subject Access Requests

- 3.30 A data subject's right of access, commonly referred to as subject access, under Article 45 of the DPA 2018 gives individuals the right to obtain a copy of their personal data as well as other supplementary information. Only a data subject has the right to make a subject access request to a data controller. A subject access request is **not** an appropriate way to gather information in relation to Article 66 inquiries. Any request by a public authority to submit a subject access request to obtain information for the purpose of a child protection inquiry or investigation should be challenged in the strongest terms.

Statutory Functions, Duties and Powers

- 3.31 Public sector organisations derive their authority from statute and must act in accordance with that authority. The sharing of information by a public sector organisation will not be lawful when acting outside of its statutory authority (*ultra vires*). Authority to share information can be derived from an express obligation or duty to share, such as the duty in Article 66(9) to share information with a HSCT. It can also be derived from an express power to share, such as the powers a HSCT has to share information with the DBS under the SVGO. A public sector organisation may rely on implied powers to share information, when the sharing of the information is reasonably incidental to those functions which are expressly permitted or required to be carried out.
- 3.32 The sharing of personal data for child protection purposes should normally be carried out within the child protection functions established under Article 66 of the Children (Northern Ireland) Order 1995.
- 3.33 There are 2 likely scenarios where a HSCT has powers to share personal data under Article 66:
- where a HSCT is collecting, weighing and analysing information in the course of a child protection investigation;
 - where a HSCT discloses information as an action to safeguard or promote the welfare of a child who is at risk of significant harm.

Collecting, weighing and analysing information in the course of a child protection investigation.

- 3.34 Where a HSCT has reasonable cause to suspect that a child is suffering, or is likely to suffer significant harm,²⁹ it must make (or cause to be made) such inquiries as it considers necessary

²⁹ See section 2.3 of *Co-operating to Safeguard Children and Young People* and the *Regional Child Protection Policies and Procedures* for more on 'significant harm'

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to enable it to decide whether it should take any action to safeguard or promote the child's welfare. Such inquiries will require HSCTs to collect information, including information known to other organisations, agencies and professionals, weigh that information (to determine whether - on the balance of probabilities - the information is credible) and then analyse it to assess the risk and to determine if and what action should be taken to safeguard or promote the child's welfare. Inquiries under Article 66 will involve the receipt of and sharing of personal data with other agencies or with third parties in various forms. Article 66 (9) compels certain bodies including the HSCB, the Education Authority, HSCTs and the Northern Ireland Housing Executive to assist with such inquiries.

Taking action to safeguard or promote the welfare of a child at risk of significant harm

- 3.35 Where a HSCT has established that it should take action to safeguard or promote the child's welfare, it must then decide what that action should be. The action may include the sharing of personal data. For example, where a HSCT has made findings of fact (on the balance of probabilities), that an individual poses a risk of significant harm to a child, an appropriate action to protect that child may be to disclose personal data about that individual to a third party or other agency. There is an implied power to do so under Article 66 if, as a result of the inquiries under Article 66, it is decided that this action is necessary to safeguard the child or promote the child's welfare.

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3.36

Sharing Information for Child Protection Purposes				
Action	Statutory Power	Consent	Duty under Article 66(9) of bodies, including HSCB, the Education Authority, HSCTs and NIHE to assist with inquiries.	The sharing must be necessary and proportionate and the rationale for sharing clearly articulated and recorded.
Sharing information for the purposes of making an initial assessment of a child's circumstances to establish if there is 'reasonable cause' to suspect that a child is suffering or is likely to suffer significant harm.	Article 66	Consideration should be given as to whether consent should be sought or is required to share information.. If it is not appropriate to seek consent or if consent is withheld or cannot be obtained, personal data may be shared in a purposeful and proportionate manner in order to make an initial assessment. Only that information which is necessary to facilitate an initial assessment should be shared.		
Sharing information in the course of Article 66 inquiries to assess the harm or risk of harm and to determine what action, if any, is required to safeguard or promote the welfare of the child	Article 66(1)(b):Where an authority has reasonable cause to suspect that a child who lives, or is found, in the authority's area is suffering, or is likely to suffer, significant harm, the authority shall make, or cause to be made, such inquiries as it considers necessary to enable it to decide whether it should take any action to safeguard or promote the child's welfare.	In undertaking Article 66 inquiries the HSCT has established reasonable cause to suspect that a child is suffering or at risk of suffering significant harm, therefore consent should not be sought as the individual has no real choice in the matter – the information will be shared regardless of whether consent is obtained or not. The reasons for sharing information without consent must be formally recorded. The individual should be informed of the personal data to be shared unless to do so would place the child at risk of significant harm; an adult at risk of serious harm; or would undermine the prevention, detection or prosecution of a serious crime including where seeking consent might lead to interference with any potential investigation		
Sharing information as an action to safeguard or promote the child's welfare	Article 66(8): Where, as a result of complying with this Article, an authority concludes that it should take action to safeguard or promote the child's welfare the authority shall take that action (so far as it is both within the power of the authority and reasonably practicable for it to do so).	In taking action under Article 66, the HSCT is fulfilling a statutory obligation and it is not appropriate to seek consent as the information will be shared regardless of whether the individual consents or not. The individual should be informed of the personal data to be shared unless to do so would place the child at risk of significant harm; an adult at risk of serious harm; the delay in seeking consent would increase the risk of harm to the child; or seeking consent would undermine the prevention, detection or prosecution of a serious crime including where seeking consent might lead to interference with any potential investigation. Consider whether an individual should be informed of allegations/concerns and/or given the opportunity to make representations.		

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ii) Proportionality

- 3.37 The information shared must be proportionate to the purpose for sharing the information. This requires the HSCT to apply **professional judgment** in weighing the relevant interests and considerations and to make **reasonable** decisions on the outcome of this **balancing exercise**. The decision maker must take reasonable steps to ensure all available information is obtained and considered for the purposes of this balancing exercise. There must be evidence that this balancing exercise has been carefully conducted. The following factors should be considered:
- The sharing must be **rationally connected to the legitimate purpose**. For the purposes of this guidance the legitimate purpose is to safeguard the child or promote the child's welfare under Article 66 of the Children Order.
 - Whether the **rights** of an individual (most commonly an individual's Article 8 ECHR rights to privacy and right to confidentiality) are endangered as a consequence of the sharing. The child also has rights under both the HRA and the UNCRC that must be respected, protected and fulfilled; neither individual's entitlement to rights has precedence over the other, but, where there is an apparent conflict, in line with the principles on which the Children Order is based, the welfare of the child is paramount.
 - The sharing must be **necessary** to achieve the legitimate purpose and there must be a "**pressing need**" to share (where failing to share would put the child at risk of significant harm).
 - The **impact** the sharing may have on the life of the subject of the information. The risk to the individual should be considered and mitigated as far as possible, but it should not outweigh the potential risk to the child were the information not to be shared. The impact on other persons affected by sharing information should also be considered, this may require ascertaining the views and interests of the individual and of others who may be adversely affected. Where appropriate an individual should be informed of allegations or concerns made against him/her and given the opportunity to make representations before the information is shared, for example in relation to allegations of abuse - see paragraph 3.29.
 - The **nature** and the **extent** of the information to be shared. The information must be relevant and no more than is necessary in order to achieve the legitimate purpose for which it is being shared. The **integrity** of the information should be considered and a judgment made about its accuracy, veracity and credibility. The process of assessing the credibility of the information may require a HSCT to find facts on the balance of probabilities and in some situations, **fairness** will require that individuals are given a **right to reply**, for example in relation to allegations of abuse. Where the information is already in the public domain, it will be easier to justify the sharing of it.
 - The **vulnerabilities** of the child or children who may be at risk.
 - The **magnitude of the risk**: the more serious the potential risk to the child, the more likely the sharing of information is to be justified.
 - The ability of the **parent** and others to protect the child may be a factor to consider in making a decision as to whether information needs to be shared more widely with others who could act in a protective role for the child.

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iii) Accountability

- 3.38 A decision to share, or *not* to share information may be challenged by way of judicial review. A judicial review will succeed where the person bringing the case can show that either the HSCT is under a legal duty to act or make a decision in a certain way and is unlawfully refusing or failing to do so (the HSCT should have done something and did not); or a decision or action that has been taken is *ultra vires* (the HSCT did something it should not have done or did it outwith its proper powers).³⁰
- 3.39 A HSCT should demonstrate that its decisions are considered, measured, balanced and proportionate and should **have a clearly articulated rationale for disclosing, or not disclosing, information and be able to demonstrate how the sharing of information was assessed to be necessary for the purposes of safeguarding a child or promoting the child's welfare.** Accurate, clear and timely record keeping is important. A full record must be made of all discussions, actions and decisions taken.
- 3.40 Under the GDPR 'accountability principle' (Article 5(2)), data controllers must be able to demonstrate compliance with the principles for the processing of personal data contained in Article 5. This means that a HSCT must be able to evidence proper consideration behind the selection of a lawful basis for the sharing of personal data and be able to justify that decision. When relying on the public task basis, the relevant task, function or power should be specified and the basis in common law or statute identified. It is also important to be able to demonstrate that there was no other reasonable and less intrusive means to achieve the purpose than by sharing the personal data. Article 30 of GDPR and Part 4 of Schedule 1 to the DPA 2018 requires organisations to document their processing activities.
- 3.41 HSCTs, in designing and implementing processes for the lawful sharing of information for child protection purposes, must consider the types of information that they share and are in receipt of, identify and document the lawful basis (or bases), additional conditions for processing personal data, special category personal data and criminal record personal data and establish processes for documenting the lawful basis and special category conditions in order to be able to demonstrate compliance and accountability, as required under Article 5(2) of GDPR and Part 4 of Schedule 1 to the DPA 2018³¹. Further information on the accountability principles can be found in the ICO's GDPR Guide.³²

³⁰ See the Public Law Project brief guide to the grounds for judicial review: http://publiclawproject.org.uk/wp-content/uploads/data/resources/113/PLP_2006_Guide_Grounds_JR.pdf

³¹ The Data Protection Act 2018 - para 5(1) of Part 2 of Schedule 1 and paras 38 and 39 of Part 4 of Schedule 1 require data controllers to have a policy document in place for the processing of special category personal data and personal data relating to criminal conviction information in certain circumstances, including when the information is shared using the additional condition of substantial public interest. The document must explain the controller's procedures for securing compliance with the principles in Article 5 of the GDPR, the controller's policies as regards the retention and erasure of personal data processed in reliance on the condition, with an indication of how long the personal data is likely to be retained. The controller must, during the relevant period, keep the policy document under review and updated and must make it available to the Commissioner on request.

³² <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/>

4. Sharing Information with Third Parties for Child Protection Purposes

- 4.1 The principles set out in section 3 must be more arduously applied when a HSCT is making a decision to share personal data with third parties where no information sharing agreement or protocol is in place. There is no hard or fast rule either for or against sharing; each case turns on its own facts and must be considered individually.
- 4.2 The principles must be applied and the balancing exercise at section 3.34 carried out. The HSCT must ensure that the information is being disclosed to the right person and for the right reasons. The right person will be the person who needs to know for the purposes of safeguarding the child or promoting the child's welfare. The person with whom the information is shared must know **why** they have been given it, understand the confidential and sensitive nature of the information they have received; and be informed on how to make use of the information, including the need to manage the information securely and what to do or who to contact should they need to share further information.
- 4.3 **A HSCT must not take a decision to share information in respect of an individual believed to pose a risk to a child or to a third party without consulting the PSNI. Such action could prejudice a police investigation or place others at risk of harm.**

5. Information Sharing Agreements

- 5.1 HSCTs must have **information sharing agreements** (ISAs) or protocols in place with those agencies, practitioners and organisations with which they share personal data regularly. This extends to those bodies which provide services under contract to HSCTs. Those who have a statutory duty to cooperate with HSCTs under Article 66(9) of the Children Order must have procedures in place to comply with this. Sections 8 and 14 of the ICO Data Sharing Code of Practice³³ provides guidance on what an information sharing agreement should cover. The SBNI Information Sharing Agreement for Safeguarding Children provides a framework for the sharing of information between agencies which work with children and young people. ISAs ensure that proper processes for sharing information are identified and in place so that organisations can share information in a lawful and efficient way for child protection purposes.

6. Protocol for Joint Investigation

³³ The ICO Data Sharing Code of Practice is currently being reviewed in light of GDPR and the DPA 2018.

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- 6.1 The 'Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – Northern Ireland (March 2016)' ("the Joint Protocol") provides an agreed way of working, including on the sharing of information, on the investigation of alleged or suspected child abuse between social workers and the PSNI. Investigations may be conducted under the Joint Protocol where there is an allegation or reasonable cause to suspect the abuse of a child or suspicion that a crime has been committed against a child.

7. Information Sharing for Public Protection Purposes

- 7.1 There will be times when a HSCT will receive information that indicates that an individual may pose a risk to children, this can include information on historical allegations of abuse. Where an initial assessment by the HSCT does not identify a specific child as being at risk of significant harm, child protection procedures under Article 66 cannot be initiated: a HSCT cannot demonstrate reasonable cause relating to children 'unknown.' **In such circumstances the HSCT should formally discuss the information with PSNI and as part of that discussion determine whether a multi-agency meeting should be convened with any other agency or professional.** The DPA 2018 introduced a condition that allows the sharing of personal data to protect the physical, mental or emotional well-being of an individual including where this relates to a particular individual and where it relates to a *type* of individual (see section 3.13 above). PSNI will take the lead in public protection where no specific child is identified as being at risk of significant harm. Procedural guidance on the multi-agency meetings will be developed on a regional basis.
- 7.2 The PSNI has statutory responsibility to prevent and detect crime and to gather evidence in the investigation of alleged or suspected offences committed against children. Where a HSCT has reason to suspect that a criminal offence may have been committed or may potentially be committed against an unspecified child or children, a referral must immediately be made to the PSNI. Investigations by PSNI may lead to a specific child or children being identified as at risk of harm. When this occurs the relevant HSCT will be informed and should then initiate child protection procedures under Article 66 and a joint investigation may be commenced under the Joint Protocol.

Common Law Police Disclosure

- 7.3 Common Law Police Disclosure (CLPD) is a scheme that ensures that where there is a public protection risk, the PSNI will pass relevant information to an employer or regulatory body to enable them to act swiftly and put in place measures to mitigate any danger. The focus of CLPD is to provide timely and relevant information which might indicate that a person poses a public protection risk. Information is passed on at the time someone is arrested or charged, rather than on conviction as happened previously.

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- 7.4 Where the HSCT has concerns about an individual who works closely with children in a voluntary or paid capacity, the HSCT should ensure that the information is formally shared with the PSNI, and that the sharing, including the details of what has been shared, when, and with whom in PSNI, is recorded.
- 7.5 The Department of Education Circular 2014/27 outlines the arrangements that are in place between schools and the PSNI in relation to sharing information on individuals who may pose a risk to children in, or in connection with attendance, at school.

Public Protection Arrangements Northern Ireland (PPANI)

- 7.6 Certain sexual and violent offenders are managed on a multi-agency basis within the Public Protection Arrangements Northern Ireland (PPANI). HSCTs have a statutory obligation to give effect to PPANI guidance under Article 50 of the Criminal Justice (Northern Ireland) Order 2008. Each HSCT has an individual officer with lead responsibility for that HSCT's involvement in PPANI who acts as the Health and Social Care Local Area Public Protection Panel (LAPPP) representative. The LAPPP representative can be a useful source of advice to HSCT professionals and should always be consulted when considering issues on sharing information about individuals who may pose a risk of harm to children. When making a decision to share or disclose information in relation to offenders being managed by PPANI, a HSCT should act in accordance with PPANI guidance and the Regional Child Protection Policy and Procedures. The principles outlined in this document on the sharing of information, however, will still apply.

Child Protection Disclosure Arrangements

- 7.7 Individual members of the public can apply at a police station for the disclosure of relevant conviction information under the Child Protection Disclosure Arrangements. This scheme builds on existing PPANI processes by offering a direct route for a member of the public to bring any concerns they may have to the police about someone they know who has access to a child. Information about relevant convictions will only be provided to the person with primary care responsibility for the specific child (children) and only if considered as necessary to protect that child.³⁴ Where there is information that may indicate a child protection concern the police will consult with the relevant HSCT as set out in PPANI guidance.³⁵

8. Information Sharing in relation to individuals working or volunteering with children

- 8.1 Where a HSCT has reasonable cause to suspect that a child has suffered or is likely to have suffered significant harm due to the action or inaction of an individual, including in relation to allegations of historical abuse, and the HSCT is aware that the individual works or volunteers

³⁴ PPANI Manual of Practice 2016 (Revised July) and Child Protection Disclosure Arrangements - Information Leaflet.
<http://www.publicprotectionni.com/index.php/publications>

³⁵ Appendix 9 of PPANI Manual of Practice 2016 (Revised July)

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closely with children, the information should be shared with the PSNI.

- 8.2 A HSCT should also use its powers under the SVGO to refer an individual who is, has been, or may be engaged in regulated activity and who has committed a relevant offence or who the HSCT believes may harm a child (or vulnerable adult), cause a child (or vulnerable adult) to be harmed, put a child (or vulnerable adult) at risk of harm, attempt to harm a child (or vulnerable adult) or incite another to harm a child to the DBS. Where a HSCT, as a regulated activity provider has removed an individual from regulated activity because of concerns that they may harm a child or vulnerable adult, the HSCT has a *duty* to refer to the DBS. HSCTs also have duties to provide information on request to the DBS.
- 8.3 The Joint Protocol requires that once a decision is made to conduct a joint investigation, every effort should be made from the outset to determine if the alleged perpetrator is in paid or voluntary employment with children; has been AccessNI checked; DBS (Disclosure Barring Service) checked; or subject of a Bench Warrant or European Arrest Warrant. The DBS must provide information as to whether a person is barred by the DBS where the HSCT has requested it for child protection purposes.³⁶

9. References and Further Information

Adult Safeguarding: Prevention and Protection in Partnership, DHSSPS (2015).
<https://www.health-ni.gov.uk/articles/adult-safeguarding-prevention-and-protection-partnership>

Code of Practice on Protecting the Confidentiality of Service User Information, DHSSPS (2012).
<https://www.health-ni.gov.uk/publications/code-practice-protecting-confidentiality-service-user-information>

Common Law Police Disclosure, Home Office
<https://www.gov.uk/government/publications/common-law-police-disclosure>

Co-operating to Safeguard Children and Young People in Northern Ireland DHSSPS (2017).
<https://www.health-ni.gov.uk/publications/co-operating-safeguard-children-and-young-people-northern-ireland>

Centre of Excellence on Information Sharing. <http://informationsharing.co.uk/>

Circular HSS CC 3/96 (Revised) –Sharing to Safeguard, DHSSPS (2008, revised May 2009)
<https://www.health-ni.gov.uk/publications/hss-cc-396-sharing-safeguard-information-sharing-about-individuals-who-may-pose-risk>

³⁶ Paragraphs (1B) and (1C) of Article 52A of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

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Circular 2014/27 Managing Information on Persons who pose a Risk to Pupils, Department of Education (2014). <https://www.education-ni.gov.uk/publications/circular-201427-managing-information-persons-who-pose-risk-pupils>

Guidance on Disclosure and Barring under the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 <https://www.health-ni.gov.uk/articles/safeguarding-vulnerable-groups-disclosure-and-barring-service>

Guidance to HSC Trust Staff and Police Regarding the Information Sharing Agreement (ISA) for Concurrent Care and Criminal Proceedings.

Information Commissioner's Office Data Sharing Code of Practice: https://ico.org.uk/media/for-organisations/documents/1068/data_sharing_code_of_practice.pdf

Information Commissioner's Office Guide to Data Protection: <https://ico.org.uk/for-organisations/guide-to-data-protection/>

Information Commissioner's Office Guide to General Data Protection Regulation: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

Information Commissioner's Office Letter of Advice – Information Sharing Between Services in Respect of Children and Young People (2013).

Inter-jurisdictional Protocol for Transfer of Children's Care Cases between Northern Ireland and the Republic of Ireland, 2011. <https://www.health-ni.gov.uk/publications/inter-jurisdictional-protocol-transfer-children%E2%80%99s-social-care-cases-between-northern>

Information sharing: Advice for practitioners providing safeguarding services, HM Government (2018) <https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice>

Information: To share or not to share? The Information Governance Review. 2013. Caldicott, F Department of Health. <https://www.gov.uk/government/publications/the-information-governance-review>

Information Sharing Agreement between the Protective Disclosure Unit (PDU) and Central Referral Unit (CRU) of the Police Service of Northern Ireland and Health and Social Care Trusts Children's Services Directorate, April 2019.

MARAC Information Sharing Guidance. <http://www.safelives.org.uk/practice-support/resources-marac-meetings/resources-professionals-northern-ireland>

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Pathways to Harm, Pathways to Protection: a Triennial Analysis of Serious Case Reviews 2011 to 2014. May 2016. Sidebotham, P; Brandon, M; Bailey, S; Belderson P; Dodsworth, J; Garstang, J; Harrison, E; Retzer, A; Sorensen, P
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/533826/Triennial_Analysis_of_SCRs_2011-2014_-_Pathways_to_harm_and_protection.pdf

Police Service of Northern Ireland and An Garda Síochána Information Sharing Agreement for Safeguarding Children, June 2016.

Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – Northern Ireland (revised March 2016).
<http://www.hscboard.hscni.net/download/PUBLICATIONS/policies-protocols-and-guidelines/Protocol-for-joint-investigation-by-social-workers-and-police-officers-of-alleged-and-suspected-cases-of-child-abuse-NI.pdf>

Public Law Project Information Leaflet 3 : A brief guide to the grounds for judicial review.
http://publiclawproject.org.uk/wp-content/uploads/data/resources/113/PLP_2006_Guide_Grounds_JR.pdf

Public Protection Arrangements Northern Ireland – Manual of Practice
https://www.publicprotectionni.com/app/uploads/2018/04/PPANI_MoP_2016_v2.pdf

Public Protection Arrangements Northern Ireland – Protocol for the Sharing and Disclosure of Information.
http://www.publicprotectionni.com/index.php/publications/view/ppani_protocol_for_the_sharing_and_disclosure_of_information

Regional Core Child Protection Policy and Procedures
<http://www.proceduresonline.com/sbni/>

Serious Case Review: Ian Huntley. North East Lincolnshire 1996-2001. Christopher Kelly (2004)

SBNI ISA Protocol
<http://www.safeguardingni.org/sites/default/files/sites/default/files/imce/Final%20SBNI%20%20ISA%20Version%202%200.pdf>

The Bichard Inquiry Report, A Public Inquiry Report, Sir Michael Bichard (2004) (HC653)

The Protection of Children in England: A Progress Report, Lord Laming (2009).
<https://www.gov.uk/government/publications/the-protection-of-children-in-england-a-progress-report>

UNOCINI Guidance (revised June 2011)
<https://www.health-ni.gov.uk/publications/understanding-needs-children-northern-ireland-unocini-guidance>

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Legislation

The Children (NI) Order 1995

www.legislation.gov.uk/nisi/1995/755/contents

The Human Rights Act 1998 www.legislation.gov.uk/ukpga/1998/42/contents

The Safeguarding Vulnerable (NI) Groups Order 2007

<http://www.legislation.gov.uk/nisi/2007/1351/contents>

Safeguarding Board Act (NI) Act 2011 <http://www.legislation.gov.uk/nia/2011/7/contents>

Protection of Freedoms Act 2012 <http://www.legislation.gov.uk/ukpga/2012/9/contents>

Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32011L0093>

Protection of Freedoms Act 2012 <http://www.legislation.gov.uk/ukpga/2012/9/contents>

The General Data Protection Regulation

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>

The Data Protection Act 2018 <http://www.legislation.gov.uk/ukpga/2018/12/contents>

United Nations Convention on the Rights of the Child

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

Caselaw

Application by James Martin for Judicial Review [2002] NIQB 67

[http://www.bailii.org/cgi-bin/format.cgi?doc=/nie/cases/NIHC/QB/2002/67.html&query=\(james\)+AND+\(martin\)+AND+\(2002\)](http://www.bailii.org/cgi-bin/format.cgi?doc=/nie/cases/NIHC/QB/2002/67.html&query=(james)+AND+(martin)+AND+(2002))

L, R (on the application of) v Commissioner of Police of the Metropolis [2009] UKSC 3

<http://www.bailii.org/uk/cases/UKSC/2009/3.html>

H and L v A City Council [2011] EWCA Civ 403

<http://www.bailii.org/ew/cases/EWCA/Civ/2011/403.html>

Application by JR59 for Judicial Review [2012] NIQB 66

<https://www.judiciary-ni.gov.uk/sites/judiciary/files/decisions/JR59%27s%20Application.pdf>

Application by JR57 for Judicial Review [2013] NIQB 33

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<https://www.judiciary-ni.gov.uk/sites/judiciary/files/decisions/JR%2057%E2%80%99s%20Application.pdf>

Application of (1) AB (2) CD and the London Borough of Haringey [2013] EWHC 416
<http://www.bailii.org/ew/cases/EWHC/Admin/2013/416.html>

In the Matter of J (Children) [2013] UKSC 9
<http://www.bailii.org/uk/cases/UKSC/2013/9.pdf>

MW's Application (Leave Stage) [2015] NIQB 50
<http://www.bailii.org/cgi-bin/markup.cgi?doc=/nie/cases/NIHC/QB/2015/50.html&query=MW&method=boolean>

KC's Application [2016] NIQB 29 <https://www.judiciary-ni.gov.uk/sites/judiciary/files/decisions/KC%E2%80%99s%20Application.pdf>

R v Norfolk County Council, ex parte M QUEEN'S BENCH DIVISION (CROWN OFFICE LIST)[1989] 2 All ER 359, [1989] 3 WLR 502, [1989] 2 FLR 120, 1989 Fam Law 310, 87 LGR 598
http://www.hrcr.org/safrica/childrens_rights/R_NorfolkCountyCouncil.htm

REGINA V CHIEF CONSTABLE FOR NORTH WALES POLICE AREA AUTHORITY EX PARTE AB AND CD ETC: ADMN 10 JUL 1997: [1997] EWHC Admin 667 <https://swarb.co.uk/regina-v-chief-constable-for-north-wales-police-area-authority-ex-parte-ab-and-cd-etc-admn-10-jul-1997/>

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Appendix 1

GDPR Article 6 Lawful Bases for processing personal data relevant to sharing information for child protection purposes	Article 9 Conditions re: processing of special category personal data relevant to sharing information for child protection purposes.*	“Substantial Public Interest” Conditions relevant to sharing information for child protection purposes: Part 2 of Schedule 1 to the Data Protection Act 2018.	“Additional Conditions Relating to Criminal Convictions Etc”: Part 3 of Schedule 1 of the Data Protection Act 2018.**
<ul style="list-style-type: none"> • Consent (6(1)(a)); • Contract (6(1)(b)); • Legal Obligation (6(1)(c)); • Vital Interests (6(1)(d)); • Public Task (6(1)(e)); • Legitimate Interests (only available to public authorities in very limited circumstances, which would not include sharing for child protection purposes) (6(1)(f)). 	<ul style="list-style-type: none"> • Necessary for reasons of public interest in the area of public health (9(2)(i)); • <i>Explicit</i> consent(9(2)(a)); • Necessary for carrying out obligations or exercising rights under employment, social security, or social protection law (9(2)(b)) • Vital interests (9(2)(c)) • Information has been made public by the individual (9(2)(e)) • Necessary for establishment, exercise or defence of legal claims or by courts acting in judicial capacity (9(2)(f)) • Substantial public 	<ul style="list-style-type: none"> • Statutory and government purposes: sharing is necessary for the exercise of a function conferred on a person by an enactment or rule of law; the exercise of a function of the Crown, a Minister of the Crown or a government department (paragraph 6). • Administration of justice (paragraph 7(a)) • Preventing or detecting unlawful acts (paragraph 10) • Counselling (paragraph 17) • Safeguarding of children and of individuals at risk (paragraph 18) • Publication of legal judgments (para 26). 	<ul style="list-style-type: none"> • Consent (paragraph 29) • Vital interests (paragraph 30) • The information has been made public by the individual (paragraph 32) • Necessary in connection with legal proceeding; obtaining legal advice; establishing, exercising or defending legal rights (paragraph 33) • Administration of accounts used in commission of indecency offences involving children (para 35); • Where processing

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	<p>interest (9)(2)(g)</p> <ul style="list-style-type: none"> • Necessary for preventative / occupational medicine; medical assessments; diagnosis; health or social care treatment; management of health or social care systems and services (9(2)(h)) • Necessary for archiving purposes (9(2)(j)) 		would meet a Part 2 condition except for the express requirement for the sharing to be necessary for substantial public interest (para 36).
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This table shows the lawful conditions **most relevant** to sharing information by HSC bodies for child protection purposes. It does not list all the GDPR conditions for sharing special category personal data nor all the conditions for processing under the DPA 2018.

* special category personal data can be lawfully shared when a lawful basis under Article 6, and a separate condition for processing special category personal data under Article 9 are identified.

When using some conditions under Article 9, additional conditions under the DPA 2018 must also be met. For Article 9(2)(b), (h), (i) or (j) additional conditions under Part 1 of Schedule 1 to the DPA 2018 must also be met.

Article 9(2)(g) of the GDPR is the condition most relevant to sharing personal data for child protection purposes. The requirement in Article 9(2)(g) (ie that processing is necessary for reasons of substantial public interest) is met where a condition in Part 2 of Schedule 1 to the DPA 2018 is met.

** Criminal conviction personal data can be shared when a condition under Part 1, 2 or 3 of Schedule 1 to the Data Protection Act 2018 is met.

The Data Protection Act 2018 (para 5(1) of Part 2 of Schedule 1 and paras 38 and 39 of Part 4 of Schedule 1) require data controllers to have a policy document in place for the processing of special category personal data and personal data relating to criminal conviction information in certain circumstances, including when the information is shared using the additional condition of substantial public interest. The document must explain the controller's procedures for securing compliance with the principles in Article 5 of the GDPR, the controller's policies as regards the retention and erasure of personal data processed in reliance on the condition, with an indication of how long the personal data is likely to be retained. The controller must, during the relevant period, keep the policy document under review and updated and must make it available to the Commissioner on request.

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Equality Screening, Disability Duties and Human Rights Assessment

Guidance on Information Sharing for Child Protection Purposes

- Part 1 – Policy scoping
- Part 2 – Screening questions
- Part 3 – Screening decision
- Part 4 – Monitoring
- Part 5 – Disability Duties
- Part 6 – Human Rights
- Part 7 – Approval and Authorisation

Part 1 - Policy scoping

1.1 Information about the policy / decision

1.1.1 What is the name of the policy / decision?

Guidance on Information Sharing for Child Protection Purposes

1.1.2 Is this an existing, revised or a new policy / decision?

This is new high level policy guidance which will replace existing Circular HSS CC 3/96 (Revised) – Sharing to Safeguard – September 2008 (amended May 2009). The guidance sits under *Co-operating to Safeguard Children and Young People in Northern Ireland*.

1.1.3 What is it trying to achieve? (intended aims/outcomes)

The aim of the guidance is to provide clear direction to practitioners on the lawful sharing of information for child protection purposes. The guidance seeks to meet supporting recommendation 52 of the Marshall report on child sexual exploitation in Northern Ireland - that the revision of Circular HSS CC 3/96 is accompanied by clear guidance that will give workers the confidence to act appropriately. The guidance will replace Circular HSS CC 3/96 and address criticisms made against the Circular by the judge in JR57, namely that the Circular was confusing and contradictory and that it does not make it clear that the decision making process on sharing information about allegations of abuse must be a fair one. Procedures will subsequently be developed on a regional basis and multi-agency information sharing agreements put in place by the Safeguarding Board for Northern Ireland (SBNI). The outcomes of the guidance are that it will give practitioners the confidence to share information when appropriate and thereby enhance child protection and reduce abuse; and that it will reduce incidence of inappropriate sharing of sensitive information and thereby enhance data protection and individuals' privacy rights.

1.1.4 If there are any Section 75 categories which might be expected to benefit from the intended policy, please explain how.

Age: the guidance seeks to give practitioners the confidence to know when and how they can lawfully share information for child protection purposes and thereby enhance the sharing of information to safeguard and promote the welfare of children who are at risk from significant harm. The guidance will also enhance data protection for children by seeking to ensure that confidential and personal sensitive information belonging to children is only shared when necessary and that the sharing is proportionate and in accordance with data protection and human rights legislation.

Racial group; disability; sexual orientation: The guidance sits under *Co-operating to Safeguard Children and Young People in Northern Ireland* which acknowledges that children and young people from minority ethnic communities, those with disabilities and lesbian, gay, bisexual and transgender young people may be more vulnerable to harm. These groups,

therefore, are expected to benefit from the policy, which aims to reduce child abuse.

Gender: The sharing of information for child protection purposes includes the sharing of information on individuals who pose a risk of significant harm to a child. The wrongful sharing of information infringes an individual's Article 8 rights – as in JR57 which involved the sharing of allegations of sexual abuse. Statistics in relation to convictions on sexual abuse and domestic abuse and on violent and sexual offenders being managed through the Public Protection Arrangements Northern Ireland suggest that men are more likely to be convicted of these type of offences.

Dependents (with or without): The guidance will enhance data protection for children by seeking to ensure that confidential and personal sensitive information belonging to families, including parents, is only shared when necessary and that the sharing is proportionate and in accordance with data protection and human rights legislation. More effective sharing of information and earlier intervention will also improve outcomes for families, and parents.

1.1.5 Who initiated or wrote the policy?

DoH, with input from other relevant government departments / stakeholders.

1.1.6 Who owns and who implements the policy?

DoH owns the policy. Complementary procedural guidance will be developed on a regional basis and implemented by HSC Trust Children's Services Teams in cooperation with others as appropriate. The SBNI will develop information sharing agreements between its member agencies.

1.2 Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision? If yes, are they

Financial

☐

Legislative

☐

Other

☒

Please explain:

Successful implementation is dependent on policy and procedures at HSCT level reflecting the guidance and on staff fully understanding and implementing it.

1.3 Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

Staff

☒

The policy will impact on children at risk

Service users	<input checked="" type="checkbox"/>	of significant harm and professionals who work with children and their families in HSCTs. It will also impact on organisations which HSCT staff seek information from, and share information with, for child protection purposes.
Other public sector organisations	<input checked="" type="checkbox"/>	
Voluntary/community/trade unions	<input checked="" type="checkbox"/>	
Other, please specify	Individuals whose information may need to be shared for the purposes of protecting children	

1.4 Other policies with a bearing on this policy / decision. If any:

Policy	Owner(s) of the policy
Circular HSS CC 3/96 (Revised) –Sharing to Safeguard, DHSSPS (2008, revised May 2009)	DoH
Co-operating to Safeguard Children and Young People in Northern Ireland	DoH
Code of Practice on Protecting the Confidentiality of Service User Information	DoH
Information Commissioner's Office Data Sharing Code of Practice	ICO
Information Commissioner's Office Guide to Data Protection	ICO
Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – Northern Ireland	HSCB/PSNI
Public Protection Arrangements Northern Ireland (PPANI);	DOJ
SBNI Core Child Protection Policy and Procedures	SBNI
UNOCINI Guidance (revised June 2011)	HSCB

1.5 Available evidence

What evidence/information (both qualitative and quantitative*) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

This policy has been informed by a range of evidence including relevant caselaw and other publications as referenced in the guidance, and statistical information, including from the Children's Social Care Statistics for NI 2017/18¹ the 2011 Census; the Mid Year Estimate 2017².

Other evidence relevant to the equality screening exercise:

- *We have the right to be safe: protecting disabled children from abuse*, NSPCC 2014³,
- Safeguarding Disabled Children: Practice Guidance, DCSF 2009
- *"It doesn't happen to disabled children"* Child protection and disabled children Report of the National Working Group on Child Protection and Disability, NSPCC 2003

The Children's Social Care Statistics for Northern Ireland 2017/18 reports that at 31 March 2018, of the 436,403⁴ children living in Northern Ireland:

- 23,510 children were known to Social Services as a child in need
- 2,082 were on the child protection register
- 3,109 were children in the care of HSC Trusts (a looked after child)
- 3,407 child protection referrals were received during the year ending March 2018.
- 3,057 child protection investigations were carried out during the year ending March 2018.

Section 75 category	Details of evidence/information																
Religious belief	<p>The Children's Social Care Statistics for Northern Ireland 2017/18 records the following on religion in relation to children in need:</p> <table> <tr> <th>Religious belief</th><th>Percentage of total children in need</th></tr> <tr> <td>Roman Catholic</td><td>33%</td></tr> <tr> <td>Presbyterian</td><td>8%</td></tr> <tr> <td>Church of Ireland</td><td>6%</td></tr> <tr> <td>Other Christian</td><td>16%</td></tr> <tr> <td>None</td><td>4%</td></tr> <tr> <td>Other</td><td>9%</td></tr> <tr> <td>Refused/Unknown/Not Recorded</td><td>24%</td></tr> </table>	Religious belief	Percentage of total children in need	Roman Catholic	33%	Presbyterian	8%	Church of Ireland	6%	Other Christian	16%	None	4%	Other	9%	Refused/Unknown/Not Recorded	24%
Religious belief	Percentage of total children in need																
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Church of Ireland	6%																
Other Christian	16%																
None	4%																
Other	9%																
Refused/Unknown/Not Recorded	24%																

¹ <https://www.health-ni.gov.uk/articles/children-need>

² Mid Year Estimate 2017 (NISRA 2018)

³ <https://www.nspcc.org.uk/globalassets/documents/research-reports/right-safe-disabled-children-abuse-report.pdf>

⁴ Mid-Year Estimate 2017 (NISRA 2018)

	<p>Statistics on religion in relation to children on the child protection register at 31 March 2019⁵:</p> <table> <tr> <td>Roman Catholic</td><td>41%</td></tr> <tr> <td>Presbyterian</td><td>9%</td></tr> <tr> <td>Church of Ireland</td><td>6%</td></tr> <tr> <td>Methodist</td><td>1%</td></tr> <tr> <td>None</td><td>7%</td></tr> <tr> <td>Other</td><td>21%</td></tr> <tr> <td>Refused/unknown</td><td>16%</td></tr> </table> <p>Statistics in relation to those under 18 on 2011 Census:</p> <table> <tr> <td>Catholic</td><td>45%</td></tr> <tr> <td>Presbyterian</td><td>16%</td></tr> <tr> <td>Church of Ireland</td><td>12%</td></tr> <tr> <td>Methodist</td><td>2.5%</td></tr> <tr> <td>Other Christian</td><td>5.5%</td></tr> <tr> <td>Other religion</td><td>0.7%</td></tr> <tr> <td>None</td><td>11%</td></tr> <tr> <td>Not stated</td><td>7.5%</td></tr> </table>	Roman Catholic	41%	Presbyterian	9%	Church of Ireland	6%	Methodist	1%	None	7%	Other	21%	Refused/unknown	16%	Catholic	45%	Presbyterian	16%	Church of Ireland	12%	Methodist	2.5%	Other Christian	5.5%	Other religion	0.7%	None	11%	Not stated	7.5%
Roman Catholic	41%																														
Presbyterian	9%																														
Church of Ireland	6%																														
Methodist	1%																														
None	7%																														
Other	21%																														
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Catholic	45%																														
Presbyterian	16%																														
Church of Ireland	12%																														
Methodist	2.5%																														
Other Christian	5.5%																														
Other religion	0.7%																														
None	11%																														
Not stated	7.5%																														
Political opinion	None																														
Racial group	<p>Children's social care statistics for children in need in Northern Ireland for 2017/18 show that, 75.4% were recorded as White, 0.2% Chinese, 1.5% Traveller 0.17% Indian Subcontinent, 0.72% Black, 2.6% Other, 19.2% Refused/unknown.</p> <p>At 31 March 2019, 88% of children on the Child Protection Register were White, 7% were Other (including Chinese, Irish Traveller, Roma Traveller, Indian, Bangladeshi, Black African, Black Other, Mixed Ethnicity and Other) and 5% Not Stated.⁶</p> <p>Of those usually resident in Northern Ireland on Census Day 2011, 98 per cent were White, 1.1 per cent (19,100) were Asian, 0.3 per cent (6,000) were Mixed, 0.2 per cent (3,600) were Black and 0.1 per cent (2,400) belonged to Other ethnic groups. Of those under aged 18, 98% were White, 1.2 percent were Asian, 0.8 per cent were Mixed, 0.2 per cent were Black and 0.1 per cent</p>																														

⁵ Health and Social Care Boards Regional Child Protection Committee Returns for quarter ending 31 March 2019

⁶ Sourced from the Health and Social Care Boards Regional Child Protection Committee Returns for quarter ending 31 March 2019.

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	belonged to Other ethnic groups. Of those recorded as White, 0.1 per cent were Irish Travellers ⁷ .																																																
Age	<p>Of the estimated population of 1.871 million in Northern Ireland in 2017, 414,313 ⁸ were aged under 18, equating to 22% of the Northern Ireland population.</p> <p>The Children's Social Care Statistics 2017/18 record that at 31 March 2018, 2082 children were listed on the child protection register in Northern Ireland. 38% of children on the register were aged under 5, higher than the overall child population which is 28% for this age group. Of those children on the register 11% were under 1, compared to 5% of the Northern Ireland child population; 25% were aged over 12 – lower than the overall child population (31%).</p> <p>Children in Need (Children's Social Care Statistics for NI 2017/18).</p> <table><tr><th>Age Band</th><th>No. of Children</th><th>% of total in need</th><th>% of Overall child pop.*</th></tr><tr><td>Under 1</td><td>931</td><td>4%</td><td>5%</td></tr><tr><td>1-4</td><td>4,681</td><td>20%</td><td>23%</td></tr><tr><td>5-11</td><td>9,935</td><td>42%</td><td>41%</td></tr><tr><td>12-15</td><td>5,389</td><td>23%</td><td>21%</td></tr><tr><td>16+</td><td>2,574</td><td>11%</td><td>10%</td></tr></table> <p>Children on the Child Protection Register (Children's Social Care Statistics for NI 2017/18).</p> <table><tr><th>Age Band</th><th>No. of Children</th><th>% total child protection</th><th>% Overall child pop.*</th></tr><tr><td>Under 1</td><td>236</td><td>11%</td><td>5%</td></tr><tr><td>1-4</td><td>559</td><td>27%</td><td>23%</td></tr><tr><td>5-11</td><td>775</td><td>37%</td><td>41%</td></tr><tr><td>12-15</td><td>397</td><td>19%</td><td>21%</td></tr><tr><td>16+</td><td>115</td><td>6%</td><td>10%</td></tr></table> <p>* 2017 Mid-Year Population Estimate (NISRA 2018)</p>	Age Band	No. of Children	% of total in need	% of Overall child pop.*	Under 1	931	4%	5%	1-4	4,681	20%	23%	5-11	9,935	42%	41%	12-15	5,389	23%	21%	16+	2,574	11%	10%	Age Band	No. of Children	% total child protection	% Overall child pop.*	Under 1	236	11%	5%	1-4	559	27%	23%	5-11	775	37%	41%	12-15	397	19%	21%	16+	115	6%	10%
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Marital status	None																																																
Sexual orientation	None																																																
Gender (Men and	The Children's Social Care Statistics 2017/18 states that the gender breakdown of the 23,510 children known to social services as a child in need																																																

⁷ Table DC2101NI <http://www.nisra.gov.uk/archive/census/2011/results/detailed-characteristics/statistics-bulletin-28-06-2013.pdf>

⁸ Mid-Year Estimate 2017 (NISRA 2018)

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women generally)	<p>as at 31 March 2018 was 54% male, 46% female. The gender breakdown ... the child population in general was 51% male and 49% female.⁹</p> <p>Of the 2,082 children were listed on the Child Protection Register at 31 March 2018 50% were boys and 50% girls.¹⁰</p> <p>Convictions for sexual offences at courts in Northern Ireland by gender, 2017</p> <table><tr><td>Males</td><td>170</td></tr><tr><td>Females/Other/Gender not recorded</td><td>2</td></tr><tr><td>Total</td><td>172</td></tr></table> <p>Source: DoJ</p> <p>Note:</p> <ol style="list-style-type: none">Figures relate to cases where at least one of the offences for which a conviction was handed down was a sexual offence.Figures relate to initial disposals at court: disposals as a result of appeals are not included. <p>Of domestic abuse detected crimes in 2017/18, 3,539 of offenders were male, 497 were female (unknown/missing: 61).¹¹ Domestic Abuse is defined as 'threatening, controlling, coercive behaviour, violence or abuse (psychological, virtual, physical, verbal, sexual, financial or emotional) inflicted on anyone (irrespective of age, ethnicity, religion, gender, gender identity, sexual orientation or any form of disability) by a current or former intimate partner or family member.'</p>	Males	170	Females/Other/Gender not recorded	2	Total	172												
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Females/Other/Gender not recorded	2																		
Total	172																		
Disability (with or without)	<p>Children's social care statistics for children in need in Northern Ireland 2017/18 record that of the 23,510 children in need in Northern Ireland, 18% were recorded as having a disability as follows:</p> <p>Children in need</p> <table><tr><th>Disability</th><th>No of Children</th><th>% of total children in need</th></tr><tr><td>Sensory</td><td>210</td><td>0.9%</td></tr><tr><td>Physical</td><td>503</td><td>2.1%</td></tr><tr><td>Learning</td><td>2,091</td><td>8.9%</td></tr><tr><td>Autism</td><td>1,413</td><td>6%</td></tr><tr><td>Other</td><td>84</td><td>0.36%</td></tr></table>	Disability	No of Children	% of total children in need	Sensory	210	0.9%	Physical	503	2.1%	Learning	2,091	8.9%	Autism	1,413	6%	Other	84	0.36%
Disability	No of Children	% of total children in need																	
Sensory	210	0.9%																	
Physical	503	2.1%																	
Learning	2,091	8.9%																	
Autism	1,413	6%																	
Other	84	0.36%																	

⁹ Mid-Year Estimate 2017 (NISRA 2018)

¹⁰ Children's Social Care Statistics 2017/18

¹¹ Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05-2017/18 PSNI October 2018

	<p>At 31 March 2019, 98.4% of children on the Child Protection Register did not have a disability, 1.1% had a Learning Disability and 0.5% had a Visual, Hearing or Physical Disability.¹²</p> <p>The 2011 Census figures on the number of residents in households with a long term health problem or disability records 23,224 children whose day-to-day activities are limited a little or a lot.¹³ This equates to 5% of the total child population in 2011.</p> <p>It is known that disabled children are at significantly greater risk of physical, sexual and emotional abuse and neglect than non-disabled children. <i>Co-operating to Safeguard Children in Northern Ireland</i> lists some of the reasons for this, including because children with disabilities may:</p> <ul style="list-style-type: none"> • find it difficult to tell others what is happening; • have an impaired capacity to resist or avoid; • lack knowledge about sex or sexuality; • receive intimate personal care which may both increase the risk of physical abusive behaviour and make it more difficult to set and maintain physical boundaries; • have fewer outside contacts; • be more compliant; • sometimes be assumed to lack credibility as witnesses; <p>Research and inspection indicates that disabled children are underrepresented in safeguarding systems despite being at more risk of abuse or neglect.¹⁴</p> <p>According to the SBNI, disabled children in Northern Ireland are under represented on the current child protection register. (SBNI Strategic Plan 2013-17 p24)</p>
Dependants (with or without)	None

*Qualitative data – refers to the experiences of individuals related in their own terms, and based on their own experiences and attitudes. Qualitative data is often used to complement quantitative data to determine why policies are successful or unsuccessful and the reasons for this.

¹² Health and Social Care Boards Regional Child Protection Committee Returns for quarter ending 31 March 2019.

¹³ Northern Ireland Neighbourhood Information Service Table CT0251NI Long-term health problem or disability by single year by age by sex

¹⁴ Safeguarding Disabled Children: Practice Guidance, DCSF 2009

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/190544/00374-2009DOM-EN.pdf

Quantitative data -refers to numbers (that is, quantities), typically derived from either a population in general or samples of that population. This information is often analysed either using descriptive statistics (which summarise patterns) or inferential statistics (which are used to infer from a sample about the wider population).

1.6 Needs, experiences and priorities

Taking into account the information recorded in 1.1 to 1.5, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories

Section 75 category	Details of needs/experiences/priorities
Religious belief	Nothing identified or evidenced to indicate needs specific to this category in relation to the lawful sharing of information for child protection purposes.
Political opinion	Nothing identified or evidenced to indicate needs specific to this category in relation to the lawful sharing of information for child protection purposes.
Racial group	The statistics recorded at 1.5 show that there is larger proportion of children from ethnic minorities on the child protection register compared to the whole child population in Northern Ireland. Nothing identified or evidenced, however, indicates specific needs in relation to the lawful sharing of information for child protection purposes for this group.
Age	The statistics recorded at 1.5 show that the proportion of children aged under 5 on the child protection register is significantly larger than the proportion of children aged under 5 in the general child population of Northern Ireland. The same is true for children aged under 1. The proportion of children aged over 12 on the child protection register is lower than that in the general child population. Nothing identified or evidenced, however, indicates that there are needs specific to this category in relation to the lawful sharing of information.
Marital status	Nothing specific identified or evidenced.
Sexual orientation	Nothing specific identified or evidenced.

<p>Gender (Men and women generally)</p>	<p>The statistics at 1.5 show that a slightly larger proportion of children on the child protection register are girls compared to the proportion of children in the general population. Nothing specific is identified or evidenced to show that girls have specific needs in relation to the lawful sharing of information.</p> <p>Statistics in relation to domestic abuse crimes and sexual abuse convictions show that males are more likely to be convicted of the type of offences that may indicate risk of significant harm to a child. Caselaw shows that where this information is not shared properly it can infringe an individual's Article 8 rights to privacy.</p>
<p>Disability (with or without)</p>	<p>Children with disabilities are at greater risk of child of abuse and are underrepresented on the child protection register. No evidence of specific needs to this group in relation to the lawfulness of information sharing for child protection purposes has been identified. UNOCINI guidance makes clear that the assessment process, including for child protection, must be a partnership approach with the child and that information should be shared in a way which is accessible to the child. The SBNI policies and procedures will address communicating effectively with children and young people and their families where there are specific communication needs.</p>
<p>Dependants (with or without)</p>	<p>Nothing specific identified or evidenced.</p>

Part 2. Screening questions

2.1 What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? (minor/major/none)		
Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	The guidance will have no differential impact in respect of equality of opportunity for those of different religious belief.	None
Political opinion	The guidance will have no differential impact in respect of equality of opportunity for those of different political opinion.	None
Racial group	The guidance will have no differential impact in respect of equality of opportunity for those from different racial groups.	None
Age	The guidance will have no differential impact in respect of equality of opportunity for children from different racial groups. The aim of the guidance is to promote lawful information sharing for child protection purposes, thereby enhancing outcomes for children	None
Marital status	The guidance will have no differential impact in respect of equality of opportunity for children.	None
Sexual orientation	The guidance will have no differential impact in respect of equality of opportunity for children with different sexual orientation.	None
Gender (Men and women)	The policy will have no differential impact in respect of equality of opportunity on males	None

generally)	or females. The aim of the guidance is to ensure that such information is shared lawfully and that any infringement of an individual's rights under the ECHR is necessary and proportionate.	
Disability (with or without)	The guidance will have no differential impact in respect of equality of opportunity for children with disabilities.	None
Dependants (with or without)	The policy will have no differential impact in respect of equality of opportunity for those with or without dependants.	None

2.2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?		
Section 75 category	If Yes , provide details	If No , provide reasons
Religious belief		No – no specific needs have been identified in relation to the lawful sharing of information to be addressed for this group in order to promote equality of opportunity.
Political opinion		No - no specific needs have been identified in relation to the lawful sharing of information to be addressed for this group in order to promote equality of opportunity.
Racial group		No - while the guidance is expected to benefit this group given the larger proportion of children from ethnic minorities on the child protection register than in the general population, no specific needs have been identified in relation to the lawful sharing of information to be addressed for this group in order to promote equality of opportunity.
Age		No – while the guidance is expected to benefit younger children given the larger proportion of young children on the child protection register than in the general population, no specific needs have been identified in relation to the lawful sharing of information to be addressed for younger children in order to promote equality of

		opportunity.
Marital status		No – no specific needs have been identified in relation to the lawful sharing of information for this group in order to promote equality of opportunity.
Sexual orientation		No - no specific needs have been identified in relation to the lawful sharing of information for this group in order to promote equality of opportunity.
Gender (Men and women generally)		No - no specific needs have been identified in relation to the lawful sharing of information for this group in order to promote equality of opportunity.
Disability (with or without)		No –no specific needs have been identified in relation to the lawful sharing of information to be addressed for this group in order to promote equality of opportunity.
Dependants (with or without)		No - no specific needs have been identified in relation to the lawful sharing of information to be addressed for this group in order to promote equality of opportunity.

2.3 To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? (minor/major/none)		
Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief		None
Political opinion		None
Racial group		None

2.4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?		
Good relations category	If Yes , provide details	If No , provide reasons
Religious belief		No - it is not possible to identify children in need of protection who are of different religious belief in order to promote good relations.
Political opinion		No - it is not possible to identify children in need of protection who are of different political opinion in order to promote good relations.
Racial group		No - it is not possible to identify children in need of protection from different racial groups in order to promote good relations.

2.5 Additional considerations

Multiple Identity

Provide details of data on the impact of the policy on people with multiple identities (e.g. minority ethnic people with a disability, women with a disability, young protestant men, young lesbian, gay or bisexual persons). Specify relevant Section 75 categories concerned.

There is no data available on the impact of the guidance on people with multiple identities.

2.6 Was the original policy / decision changed in any way to address any adverse impacts identified either through the screening process or from consultation feedback? If so please provide details.

Not applicable at this stage

Part 3. Screening decision

3.1 How would you summarise the impact of the policy / decision?

No impact

☒

Minor impact

☐

Major impact

☐

Consider mitigation (3.4 – 3.5)

3.2 Do you consider that this policy / decision needs to be subjected to a full Equality Impact Assessment (EQIA)?

Yes - screened in

☐

No - screened out

☒

3.3 Please explain your reason for making your decision at 3.2.

Children are the main group affected by this guidance. There is no evidence of any adverse or substantial differential impact on any of the Section 75 groups from this guidance. The guidance seeks to improve outcomes for children.

Mitigation

If you have concluded at 3.1 and 3.2 that the likely impact is '**minor**' and an equality impact assessment is not to be conducted, you must consider mitigation (or scope for further mitigation if some is already included as per 2.6) to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

3.4 Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

Yes

☐

No

☒

3.5 If you responded "Yes", please give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

Part 4. Monitoring

Monitoring is an important part of policy development and implementation. Through monitoring it is possible to assess the impacts of the policy / decision both beneficial and adverse.

4.1 Please detail how you will monitor the effect of the policy / decision?

The Safeguarding Board for Northern Ireland is responsible for co-ordinating and ensuring the effectiveness of what is done by each person or body represented on its Board for the purposes of safeguarding and promoting the welfare of children and young people.

The Safeguarding Board must prepare an annual report containing such information as prescribed by the Department of Health. The Department of Health must lay a copy of the report before the NI Assembly.

4.2 What data will you collect in the future in order to monitor the effect of the policy / decision?

Health and Social Care Trusts collect and record data on Children's Social Care Statistics including in relation to child protection.

Please note: - For the purposes of the annual progress report to the Equality Commission you may later be asked about the monitoring you have done in relation to this policy and whether that has identified any equality issues.

Part 5. Disability Duties

5.1 Does the policy/decision in any way promote positive attitudes towards disabled people and/or encourage their participation in public life?

No

5.2 Is there an opportunity to better promote positive attitudes towards disabled people or encourage their participation in public life by making changes to the policy/decision or introducing additional measures?

No

Part 6. Human Rights

6.1 Please complete the table below to indicate whether the policy / decision affects anyone's Human Rights?

Article	Positive Impact	Negative Impact (human right interfered with or restricted)	Neutral Impact
Article 2 – Right to life	✓		
Article 3 – Right to freedom from torture, inhuman or degrading treatment or punishment	✓		
Article 4 – Right to freedom from slavery, servitude and forced or compulsory labour	✓		
Article 5 – Right to liberty and security of person			✓
Article 6 – Right to a fair and public trial within a reasonable time			✓
Article 7 – Right to freedom from retrospective criminal law and no punishment without law.	✓		
Article 8 – Right to respect for private and family life, home and correspondence.	✓		
Article 9 – Right to freedom of thought, conscience and religion			✓
Article 10 – Right to freedom of expression			✓
Article 11 – Right to freedom of assembly and association			✓
Article 12 – Right to marry and found a family			✓
Article 14 – Prohibition of discrimination in the enjoyment of the convention rights	✓		
1 st protocol Article 1 – Right to a peaceful enjoyment of possessions and protection of property			✓

1 st protocol Article 2 – Right of access to education			✓
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6.2 If you have identified a likely negative impact who is affected and how?

None identified

6.3 At this stage we would recommend that you consult with your line manager to determine whether to seek legal advice and to refer to Human Rights Guidance to consider:

- *whether there is a law which allows you to interfere with or restrict rights*
- *whether this interference or restriction is necessary and proportionate*
- *what action would be required to reduce the level of interference or restriction in order to comply with the Human Rights Act (1998).*

Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy/decision.

The policy document seeks to mitigate the impact of interference with human rights by providing guidance to practitioners so that information is only shared where it is necessary and that the sharing is proportionate. The guidance draws from relevant caselaw and legal advice has been sought.

The policy seeks to promote the rights of children under the ECHR, in particular a child's right to life, right not to be subjected to torture or inhuman or degrading treatment and a child's right to respect for his private and family life, his home and his correspondence. The policy also draws attention and seeks to promote compliance with the UN Convention on the Rights of the Child and in particular Article 4 (protection of rights) and Article 19 (protection from all forms of violence).

This policy sits under *Co-operating to Safeguard Children and Young People in Northern Ireland* which stipulates that children and young people have a fundamental right to live in safety and be protected from harm. *Co-operating to Safeguard Children and Young People* sets out the duties and responsibilities of everyone who works with children and young people to ensure the welfare of children and young people is promoted and that they are adequately safeguarded. In particular *Co-operating to Safeguard Children and Young People in Northern Ireland* sets out the duty of statutory organisations working with children and young people to ensure their functions are discharged with regard to the need to safeguard and promote the welfare of children and young people.

Part 7 Approval and authorisation

	Name	Grade	Date
Screened completed by	<i>Shona Graham</i>	DP	3 November 16
Approved by ¹	<i>E Colgan</i>	G7	3 November 16
Updated by	<i>Shona Graham</i>	DP	13 May 2019
Updated version approved by	Alasdair MacInnes	G7	16 May 2019
Forwarded to E&HR Unit ²			

Notes:

¹ The Screening Template should be approved by a senior manager responsible for the policy this would normally be at least Grade 7.

² When the Equality and Human Rights Unit receive a copy of the final screening it will be placed on the Department's website and will be accessible to the public from that point on. In addition, consultees who elect to receive it, will be issued with a quarterly listing all screenings completed during each three month period.

ADDITIONAL INFORMATION TO INFORM THE ANNUAL PROGRESS REPORT TO THE EQUALITY COMMISSION

**(PLEASE NOTE: THIS IS NOT PART OF THE SCREENING TEMPLATE BUT MUST BE
COMPLETED AND RETURNED WITH THE SCREENING)**

1. Please provide details of any measures taken to enhance the level of engagement with individuals and representative groups. Please include any use of the Equality Commissions guidance on consulting with and involving children and young people.

Pre-consultation engagement was undertaken with the HSCB and PSNI and the SBNI Policy and Procedures Committee which includes representatives from across a number of sectors / organisations including:

- Health and Social Care;
- Police and Youth Justice Services;
- Education Services;
- NSPCC;

2. In developing this policy / decision were any changes made as a result of equality issues raised during :

- (a) pre-consultation / engagement;
- (b) formal consultation;
- (c) the screening process; and/or
- (d) monitoring / research findings.

If so, please provide a brief summary including how the issue was identified, what changes were made, and what will be the expected outcomes / impacts for those affected.

None at this initial screening stage

3. Does this policy / decision include any measure(s) to improve access to services including the provision of information in accessible formats? If so please provide a short summary.

None



The Rural Needs Act (NI) 2016

Rural Needs Impact Assessment

SECTION 1 - Defining the activity subject to Section 1(1) of the Rural Needs Act (NI) 2016

1A. Name of Public Authority - Department of Health

1B. Please provide the official title/ description of the Strategy, Policy, Plan or Public Service document or initiative:

Guidance on Information Sharing for Child Protection Purposes. Policy guidance which will replace existing Circular HSS CC 3/96 (Revised) – Sharing to Safeguard – September 2008 (amended May 2009). The guidance sits under *Co-operating to Safeguard Children and Young People in Northern Ireland*.

1C. Please indicate which category the activity specified in Section 1B above relates to -

Developing a:	Strategy	<input type="checkbox"/>	Policy	<input type="checkbox"/>	Plan	<input type="checkbox"/>
Adopting a:	Strategy	<input type="checkbox"/>	Policy	<input type="checkbox"/>	Plan	<input type="checkbox"/>
Implementing a:	Strategy	<input type="checkbox"/>	Policy	<input type="checkbox"/>	Plan	<input type="checkbox"/>
Revising a:	Strategy	<input type="checkbox"/>	Policy	<input checked="" type="checkbox"/>	Plan	<input type="checkbox"/>
Designing a Public Service		<input type="checkbox"/>				
Delivering a Public Service		<input type="checkbox"/>				

1D. Please provide the aims and/or objectives of the Strategy, Policy, Plan or Public Service:

The aim of the guidance is to provide clear guidance to practitioners on the lawful sharing of information for child protection purposes. The guidance seeks to meet supporting recommendation 52 of the Marshall report on child sexual exploitation in Northern Ireland - that the revision of Circular HSS CC 3/96 is accompanied by clear guidance that will give workers the confidence to act appropriately. The guidance will replace Circular HSS CC 3/96 and address criticisms made against the Circular by the judge in JR57 that the Circular is confusing and contradictory and that it does not make it clear that the decision making process on sharing information about allegations of abuse must be a fair one. Procedures will subsequently be developed on a regional basis and multi-agency information sharing agreements put in place by the Safeguarding Board for Northern Ireland (SBNI)

The outcomes of the guidance are that it will give practitioners the confidence to share information when appropriate and thereby enhance child protection and reduce abuse; and that it will reduce incidence of inappropriate sharing of sensitive information and thereby enhance data protection and individuals' privacy rights.

1E. Which definition of 'rural' is the Public Authority using in respect of the Policy, Strategy, Plan or Public Service?:



Population Settlements of less than 5,000 (Default definition) ☒

Other Definition (Provide details and the rationale below) ☐

A definition of 'rural' is not applicable¹ ☐

SECTION 2 – Understanding the impact of the Policy, Strategy, Plan or Public Service

2A. Is the Policy, Strategy Plan or Public Service likely to impact on people in rural areas? Yes ☐ No ☒

Please explain:

The policy's focus is on promoting the lawful sharing of information for protecting any child who has been identified at risk of significant harm. The policy is based on existing legislation and is primarily for practitioners in Health and Social Care Trusts, and other agencies working with children and families.

At this stage of the policy development there is nothing to indicate that the guidance will impact differently on the effectiveness and lawfulness of the sharing of information for child protection purposes in rural areas.

If the response is NO after entering explanation GO TO Section 3

2B. If the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas differently from people in urban areas, please explain how it will impact people in rural areas differently:

¹If a definition of 'rural' is not applicable, the policy is unlikely to fall under the scope of the Act and you should be able to screen out at this stage



2C. Please indicate the rural policy areas the Policy, Strategy, Plan or Public Service is likely to impact on (see list at note 1):

SECTION 3 – Identifying the Social and Economic Needs of Persons in Rural Areas

3A. Has the Public Authority taken steps to identify the social and economic needs of people in rural areas that are relevant to the Policy, Strategy, Plan or Public Service?

Yes
No

☒
☐

Please explain:

Considerations of key statistics in relation to Child Protection, see 3B below.

If the response is **NO** please explain above and GO TO Section 4

3B. Please indicate which methods or information sources were used to identify the social and economic needs of people in rural areas (see note 2 for examples) and provide details including relevant dates, names of organisations, titles of publications, website references, details of surveys or consultations undertaken etc:

Northern Ireland Mid-Year Population Estimates 2016 at Small Area Level, Northern Ireland Statistics and Research Agency, November, 2017) (<https://www.daera-ni.gov.uk/publications/mid-year-estimates-population-change>)

Continuous Household Survey 2012/13 to 2016/17).) (<https://www.daera-ni.gov.uk/publications/continuous-household-survey>)

Census Key Statistics for Small Area Table 603) (<https://www.daera-ni.gov.uk/publications/census-2011>)

Households below average income (HBAI report)) (<https://www.daera-ni.gov.uk/publications/households-below-average-income-report-urban-rural-statistics>)

Source: survey of school leavers 2016/17) (<https://www.daera-ni.gov.uk/publications/education-urban-rural-statistics>)

Northern Ireland Health and Social Care Inequalities Monitoring System) (<https://www.daera-ni.gov.uk/publications/health-and-social-care-inequalities-northern-ireland-urban-rural-statistics>)

3C. Please provide details of the social and economic needs of people in rural areas which have been identified:

No needs specific to rural areas around the sharing of information for child protection purposes have been identified.



SECTION 4 – Considering the Social and Economic Needs of Persons in Rural Areas

4A. Please provide details of the issues considered in relation to the social and economic needs of people in rural areas identified by the Public Authority:

From the key statistics referenced at 3B, there is no evidence to suggest that people in rural areas will be differentially impacted by the guidance on lawful information sharing for child protection purposes.

No published urban/rural information on child protection figures could be sourced.

We do know, however, that for children who were in care (Looked After Children) in 2016, where geographical information was available in 2016, 75% were living in predominantly urban areas before entering care, with 19% originating from rural areas. The number of children in care from urban areas is proportionally higher than the proportion of the population of the Northern Ireland population living in predominantly urban areas, which is 58% (Children in Care in Northern Ireland 2015-16 Statistical Bulletin). While children are taken into care for a variety of reasons, the most common is to protect the child from abuse or neglect (Children in Care in Northern Ireland 2015-16). Neglect and physical abuse are the main reasons why children are included on the Child Protection Register. A child's name will be included on the Child Protection Register following an investigation under Article 66 of the Children Order – where there are concerns that a child may be suffering or at risk of suffering significant harm.

SECTION 5 – Influencing the Policy, Strategy, Plan or Public Service

5A. Has the development, adoption, implementation or revision of the Policy, Strategy or Plan, or the design or delivery of the Public Service, been influenced by the rural needs identified?

Yes

☐

No

☒

Please explain:

No rural needs around the lawfulness of information sharing for child protection purposes have been identified.



SECTION 6 – Documenting and Recording

6A. I confirm that details of the Rural Needs Impact Assessment will be recorded on the Public Authority's Annual Monitoring Return and the RNIA Template retained by the Public Authority (please check box)



Rural Needs Impact Assessment undertaken by:	Shona Graham
Position / Grade:	DP
Division/Branch	Family and Children's Policy Directorate
Signature:	
Date:	
Rural Needs Impact Assessment approved by:	Alasdair MacInnes
Position / Grade:	G7
Division / Branch	Child Protection Unit, Family and Children's Policy Directorate
Signature:	
Date:	31/8/2018

Note 1

Rural Policy Areas (relates to question 2C):

- Rural Businesses
- Rural Tourism
- Rural Housing
- Jobs or Employment in Rural Areas
- Education or Training in Rural Areas
- Broadband or Mobile Communications in Rural Areas
- Transport Services or Infrastructure in Rural Areas
- Health or Social Care Services in Rural Areas
- Poverty in Rural Areas
- Deprivation in Rural Areas
- Rural Crime or Community Safety
- Rural Development
- Other (Please specify)

Note 2

Examples of methods or information sources used (relates to question 3B):

- Consultation with Rural Stakeholders
- Consultation with Other Organisations
- Surveys or Questionnaires
- Other Methods or Information Sources (include details)
- Published Statistics
- Research Papers
- Other Publications

Information Sharing for Child Protection Purposes

Overview

This consultation seeks your views on draft guidance on sharing information for child protection purposes. This is non-statutory guidance for HSCTs which, along with regional procedural guidance and information sharing protocols developed by the SBNI between its member agencies, will provide a framework for staff working in child protection to be able to confidently share information in a timely and effective way. The guidance will replace HSS Circular 3/96 (Revised) – Sharing to Safeguard – September 2008 (amended May 2009).

The guidance seeks to describe the legal framework within which the sharing of personal information for child protection purposes takes place and by which it is facilitated; establish clear principles which apply to the sharing of personal information for child protection purposes; provide guidance on the sharing of personal information to and from agencies and practitioners who are engaged in work with children and with other third parties for child protection purposes; distinguish information sharing for child protection purposes from information sharing for wider public protection purposes; and identify other relevant information documents.

Guidance on Information Sharing for Child Protection Purposes <[user_uploads/annex-a-draft-guidance-on-information-sharing-for-child-protection-purposes-7-.pdf](#)>

Equality Screening, Disability Duties and Human Rights Assessment <[user_uploads/equality-screening-guidance-on-information-sharing-for-child-protection-purposes.pdf](#)>

Rural Needs Assessment <[user_uploads/rural-needs-impact-assessment-guidance-sharing-information-child-protection-purposes.pdf](#)>

Freedom of Information and Data Protection

The information you provide in your response to this consultation, excluding personal information, may be published or disclosed under the Freedom of Information Act 2000 (FOIA). If you want the information that you provide to be treated as confidential, please tell us why, but be aware that, under the FOIA, we cannot guarantee confidentiality.

Anonymised comments may be published on the Department of Health website and in a resulting report on the consultation. If you are replying on behalf of an organisation, only the name of the

organisation will feature in the report. If you do not want the name of your organisation to be published, please let us know.

Any personal information submitted will be handled in accordance with GDPR and the Data Protection Act 2018

For more information on how the Department handles personal information please see the Departmental Privacy Notice <https://www.health-ni.gov.uk/sites/default/files/publications/health/DoH-Privacy-Notice.pdf> <<https://www.health-ni.gov.uk/sites/default/files/publications/health/DoH-Privacy-Notice.pdf>>

Introduction

1 What is your name?

Name

GARY SCOTT

2 What is your organisation?

Organisation

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

- 3 Anonymised comments may be published on this site or on the Department of Health website and in the resulting report on the consultation. If you are replying on behalf of an organisation, only the name of the organisation will feature in this report.

Please select only one item

☒ I Agree ☐ I Disagree - please do not publish the name of the organisation

4 What is your role within the organisation?

SAFEGUARDING CO ORDINATOR

Questions

Below are the questions we would like you to answer.

5 Overall, do you think the draft guidance will give practitioners the confidence to know when and how they can lawfully share information for child protection purposes?

Please select only one item

☒ Yes ☐ No

If no, why not?

6 Do you think the draft guidance accurately and adequately describes the legal framework within which the sharing of personal information for child protection purposes takes place?

Please select only one item

☒ Yes ☐ No

If no, why not?

7 Are the principles set out in the draft guidance to be applied to the sharing of personal information for child protection purposes clear? (Section 3)

Please select only one item

☒ Yes ☐ No

If no, why not?

8 Do paragraphs 3.33, 3.34 and 3.35 cover the most likely scenarios of information sharing for child protection purposes within HSCTs?

Please select only one item

☒ Yes ☐ No

If no, why not?

- 9 Do you have any comments on the draft guidance at section 4 on the sharing of personal information with other third parties for child protection purposes?

Answer below

NO COMMENT

- 10 Do you have any comments on the draft guidance at section 7 on information sharing on child protection public protection purposes?

Answer below

NO COMMENT

- 11 Are you aware of other relevant information documents, not already listed in the draft guidance, which would be useful to practitioners seeking to share information for child protection purposes to read in conjunction with this guidance?

Please select only one item

☐ Yes ☒ No

If yes, please comment below

- 12 It is proposed that the draft guidance will replace existing HSS Circular 3/96, and that HSCT procedures for sharing information for child protection purposes will be developed and agreed on a regional basis. Do you agree that procedural guidance should be developed?

Please select only one item

☒ Yes ☐ No

Please explain

NO FURTHER COMMENT

13 Please use the box below to insert any further comments, recommendations or suggestions you would like to make in relation to the draft information sharing guidance

Answer below

PARAGRAPH 8.2 - THE TERM "VULNERABLE ADULT" IS USED. THIS TERM SHOULD BE AMENDED TO "ADULT AT RISK / ADULT IN NEED OF PROTECTION", TO AFFORD CONSISTENCY WITH THE TERMINOLOGY USED WITHIN ADULT SAFEGUARDING AND THE NORTHERN IRELAND ADULT SAFEGUARDING PARTNERSHIP (NIASP) DEFINITION.

IF THE TERM "VULNERABLE ADULT" WAS INTENDED FOR A WIDER DEFINITION, THE TERM "VULNERABLE ADULT" SHOULD BE AMENDED TO "ADULT WHO IS VULNERABLE"

Promotion of Equality of Opportunity and Rural Impact

Section 75 requires public authorities to have due regard for the need to promote equality of opportunity between:

- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation
- men and women generally
- persons with a disability and persons without
- persons with dependants and persons without

14 Are you aware of any likely impact on equality of opportunity for any of the Section 75 equality categories?

Please explain

NOTHING FURTHER TO WHAT IS INCLUDED IN THE EQUALITY SCREENING DOCUMENT

15 Are there opportunities for the guidance to better promote equality of opportunity for people within the Section 75 equalities categories?

Please select only one item

☐ Yes ☒ No

If yes, please specify

NOTHING FURTHER THAN OUTLINED IN THE EQUALITY SCREENING DOCUMENT.

16 To what extent is the guidance likely to impact on good relations between people of different religious belief, political opinion or racial group?

Answer below

UNLIKELY TO HAVE ANY IMPACT.

17 Is the guidance likely to impact on good relations between people of different religious belief, political opinion or racial group?

Please select only one item

☐ Yes ☒ No

If yes, please explain

18 In relation to the Rural Impact Assessment Screening, are there any issues which you believe need to be addressed which haven't been, or any comment you wish to make on what is contained in the current screening document?

Answer below

NO

19 Do you have any additional data relevant to the rural impact assessment?

Please select only one item

☐ Yes ☒ No

If yes, please comment below

From: Cutrona, Dorcas <Dorcas.Cutrona@infrastructure-ni.gov.uk>
Sent: 13 June 2019 12:38
To: Hannaway, Liam <liam.hannaway@nmandd.org>
Cc: Gaw, Lynne <Lynne.Gaw@infrastructure-ni.gov.uk>; Macrory, Jennifer <Jennifer.Macrory@infrastructure-ni.gov.uk>

Subject: Councillor appointments - Warrenpoint Harbour Authority.

Liam

Following on from our conversation, I can confirm as follows:

- Cllr Sean Doran's first term appointment has been extended to 29 Feb 2020.
- Cllr Glyn Hanna's first term appointment expires 21 August 2020.

If you have any further queries please do not heistate to contact me.

Regards

Dorcas



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

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From the Permanent Secretary
Katrina Godfrey

Liam Hannaway
Chief Executive
Newry, Mourne & Down District Council

By email:
liam.hannaway@nmandd.org

Room 701
Clarence Court
10-18 Adelaide Street
BELFAST
BT2 8GB
Telephone: (028) 9054 1175
Email: katrina.godfrey@infrastructure-ni.gov.uk

Your reference:
Our reference: PSDFI 172/19
13 June 2019

Dear Liam

**EXTENSION TO THE TERM OF APPOINTMENT FOR COUNCILLOR SEAN DORAN
- BOARD OF WARRENPOINT HARBOUR AUTHORITY (WHA)**

Further to my e-mail of 10 May 2019 in relation to the Councillor Appointments on the Board of Warrenpoint Harbour, I am writing to keep you informed of the latest position regarding councillor appointments to the Board of WHA.

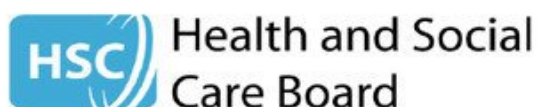
As you will know, Councillor Sean Doran's 4-year term of appointment as a Board Member at Warrenpoint Harbour Authority comes to an end on 7 June 2019. As advised in my previous correspondence, we are now taking steps to launch the recruitment process for Councillor appointments for WHA. The Department's Public Appointment Unit will contact your office in the coming weeks to request councillor nominations so that we can, in line with agreed public appointments processes, move to make substantive appointments as quickly as possible to coincide with the new council term.

To allow time for a competition to take place and in order to maintain continuity and board effectiveness at the Port at this critical and uncertain time, I have extended Councillor Doran's term of appointment until 29 February 2020, effective from 8 June 2019. Councillor Doran has confirmed that he is content with this extension.

In the meantime if you or any of your colleagues have any queries, Dorcas Cutrona (028 9054 1074) in the Unit will be happy to help.

Yours sincerely

KATRINA GODFREY



Mr Liam Hannaway
Chief Executive
Newry Mourne & Down Council
Monaghan Row
NEWRY BT35 8DJ

17 June 2019

*Southern Local Commissioning Group
Health & Social Care Board
Tower Hill
Armagh
BT61 9DR*

*Tel: 028 9536 3197
Email: southern.lcg@hscni.net
Web Site : www.hscboard.hscni.net*

Dear Mr Hannaway

Recruitment of Members to the Southern Local Commissioning Group

I am writing to advise that the Health and Social Care Board is seeking to appoint Local Government representatives to its Southern Local Commissioning Group (LCG).

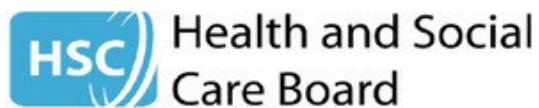
The Southern Local Commissioning Group is co-terminous with Southern HSC Trust boundaries which covers Crotlieve, Newry, Slieve Croob, Slieve Gullion and The Mournes area of the Newry, Mourne & Down Council. The LCG is responsible for commissioning health and social care for the local population and its prime function is to assess and plan for those needs, through a strong community partnership in local communities, and to deliver services which are responsive to need.

The attached information pack provides further details for prospective applicants and, as there are two vacant Local Government Member posts, I would be grateful if a copy could be provided to each relevant Councillor for consideration.

An application form can be obtained by e-mailing southern.lcg@hscni.net. Completed application forms must be returned to this e-mail address by **4.00pm on Friday 28 June 2019**.

Yours sincerely

Miceal McCoy
Interim Chair
Southern Local Commissioning Group



LOCAL COMMISSIONING GROUP

Information Pack

May 2019

Introduction

The Health and Social Care Board (HSCB) is inviting interest for Member posts in each of its 5 Local Commissioning Groups (LCGs), which were established in 2009 as HSCB Committees. This offers an exciting opportunity to become involved in the planning and delivery of health and social care to local populations across Northern Ireland (NI).

Each LCG plays a key role in understanding the health and social care needs of its local population which is an essential pre-requisite to the planning of services which are responsive to current and emerging needs and ensuring delivery of health and social care to meet that assessed need. LCGs engage with community partnerships to fulfil this responsibility.

The LCGs incorporate a range of professional interests such as GPs, nurses, dentists, pharmacists and social workers as well as voluntary and elected representatives, to ensure that the work of the HSCB has sensitivity and influence at a local level.

Health and Social Care Board (HSCB)

The HSCB has 3 main functions:

- To arrange or “commission” a comprehensive range of modern and effective health and social care services for the 1.8million people who live in NI;
- To performance manage Health and Social Care Trusts that directly provide services to people and support service improvements in pursuit of optimal quality and value for money, in line with relevant government targets and;
- To effectively deploy and manage its annual funding from the NI Executive – currently around £4.5billion – to ensure it is targeted upon need and reflects the aspirations of local communities and their representatives

The work of the HSCB has the potential to reach everyone at some point in their lives – its expenditure amounts to around £10million on every single day of the year – as it strives to ensure that services provided daily, to people in their homes by their GP, in hospital or in the community, deliver what is expected of them.

The HSCB is going through a major period of transition. In October 2016, the then Minister when launching *“Health and Wellbeing: 2026 Delivering Together”* confirmed an earlier Ministerial announcement that the HSCB would close: the planned dissolution date of March 2021 is contingent upon NI Executive approval by November 2020.

The majority of HSCB functions will transfer to the Department of Health (DoH), to whom it is accountable, and significant partnership working is ongoing to shape the new arrangements, develop new ways of working and ensure that the key functions of the HSCB continue to be delivered across all of the core business areas at regional and local levels.

It will be important to ensure that throughout the interim period, the local provision of health and social care continues and LCG membership offers prospective applicants the opportunity to make a positive contribution to enhancing and delivering services across Northern Ireland.

Local Commissioning Groups (LCGs)

The 5 LCGs are geographically coterminous with each of the 5 Health and Social Care Trusts that directly provide services to the community (Appendix 1) and intersect with boundaries of the 11 Council areas (Appendix 2).

The HSCB is required by statute to prepare and publish an annual Commissioning Plan, in partnership with the Public Health Agency (PHA), in response to the DoH issuing a Commissioning Plan Direction. The Commissioning Plan sets out the range and cost of services to be commissioned and incorporates the 5 Local Commissioning Plans which are developed and co-produced by each LCG with local populations and service providers. This combination of a regional and local approach to commissioning means that service improvements can be sensitive to local population need while being rolled out across the region at a pace and scale to the benefit of all. The 2018/19

Commissioning Plan can be accessed at:

[http://www.hscboard.hscni.net/download/PUBLICATIONS/COMMISSIONING%20PLAN S/Draft-Commissioning-Plan-2018-19.PDF](http://www.hscboard.hscni.net/download/PUBLICATIONS/COMMISSIONING%20PLAN%20Draft-Commissioning-Plan-2018-19.PDF)

The LCGs have a lead role at local level for planning and commissioning services, which include securing the implementation of Local Commissioning Plans. The LCGs are responsible for assessing the needs of their populations using a wide range of data as well as local intelligence gathered from engagement with service users and carers, local communities and service providers.

LCGs are working with Integrated Care Partnerships, which comprise of a range of local service providers, users and carers, to establish formal Locality Networks to co-design service change which reflects the needs of the local LCG population and adapted to the health and wellbeing circumstances in local communities.

LCGs are represented on Community Planning Partnerships, working with a wide range of partners to develop population plans which focus on outcomes and secure the contribution of education, housing, transport and other providers with a significant influence on health and wellbeing. An outcomes based approach enables an evaluation of the impact of improvements on people's lives as a whole.

LCG Membership

The Local Commissioning Groups (Membership) Regulations (Northern Ireland) 2009 prescribes the composition of each LCG:

- 4 General Medical Practitioners (GPs);
- 1 Pharmacist;
- 1 Dentist;
- 4 locally elected representatives;
- 2 representatives from the voluntary and community sector with an interest in health and social care;
- 5 employees of the Health and Social Care Board (HSCB) and Public Health Agency (PHA):
 - 2 social workers (HSCB),
 - 1 nurse (PHA),

- 1 person registered as a public health medicine specialist on the Specialist Register maintained by the General Medical Council
- 1 person who is registered as a member of a profession to which the Professions Supplementary to Medicine Act 1960 extends.

Each LCG is supported by an Assistant Director of Commissioning and an administrative team based in the following locations:.

Belfast, South Eastern LCGs

HSCB Eastern Office
12/22 Linenhall Street, Belfast

Northern LCG

HSCB Northern Office
County Hall, 182 Galgorm Road, Ballymena

Southern LCG

HSCB Southern Office
Tower Hill, Armagh

Western LCG

HSCB Western Office, Gransha Park House
Clooney Road, Londonderry

HSC Board Committee

LCGs have been constituted as Committees of the HSCB and operate within an approved Scheme of Delegation.

The LCG Interim Chairs are accountable to the Chair of the Health and Social Care Board for discharging their responsibilities.

To ensure that public service values remain at the heart of the HSC, LCG Chairs and Members are required, on appointment, to subscribe to the Code of Conduct and Code of Accountability for members of HSC bodies.

Time Commitment

Members will be expected to devote approximately 2 days per month. This can vary and may involve commitment both inside and outside normal working hours.

All prescribed Members are eligible to apply for the post of LCG Interim Chair, which requires an increased time commitment per month. As at June 2019, an Interim Chair is required for the Northern, South Eastern and Western LCGs: it is likely that this Interim Chair posts will be recruited in August 2019.

Remuneration:

Members will receive £156 - £207 per day. Independent Contractor members are also eligible to claim allowances at the agreed Department of Health rates, for locum cover and loss of earnings, as well as travel and subsistence costs necessarily incurred on LCG business.

Period of Appointment:

As the HSCB is working towards a closure date of March 2021, the period of appointment will be in parallel with the timescale for the closure of the HSCB or subject to a maximum period of 4 years.

Annual performance assessments will be required throughout the period of appointment.

Eligibility Criteria:

The Local Commissioning Groups (Membership) Regulations (Northern Ireland) 2009 refers. A copy of the geographic area of the Belfast, Northern, South Eastern, Southern and Western HSC LCGs, which are coterminous with the respective HSC Trust boundaries, is included at Appendix 1.

General Medical Practitioner/General Dental Practitioner/Pharmacists (Independent Contractors)

General Medical Practitioners, General Dental Practitioners and Pharmacists must be currently practising within the area of the LCG.

Local Government Representatives

Councillors must be serving on a Local Council within the area of the LCG as at June 2019. Applicants must not be employed by the Department of Health, a health and social care body or a health service body.

The reduction in the number of Local Councils in 2015 means that a small number of electoral areas within the 11 Councils now straddle the geographic area of 2 Health and Social Care Trusts/LCGs. Prospective applicants are asked to carefully consider Appendix 2.

Belfast LCG – Belfast City Council; Lisburn and Castlereagh City Council.

Northern LCG - Antrim and Newtownabbey Borough Council; Causeway Coast and Glens District Council; Mid and East Antrim Borough Council; Mid Ulster District Council.

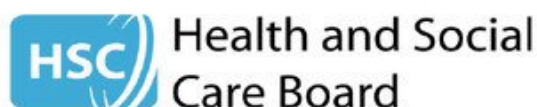
South Eastern LCG - Ards and North Down Borough Council; Lisburn and Castlereagh City Council; Newry, Mourne and Down District Council.

Southern LCG - Armagh City, Banbridge and Craigavon Borough Council; Mid Ulster District Council; Newry, Mourne and Down District Council.

Western LCG - Derry City and Strabane District Council; Fermanagh and Omagh District Council; Causeway Coast and Glens District Council.

Voluntary and Community Sector Representatives

Applicants must be a representative of a voluntary and community organisation with an interest in health and social care within the area of the LCG ie., coterminous with the respective HSC Trust boundary. Applicants must not be employed by the Department of Health, a health and social care body or a health service body.



ROLE DESCRIPTION

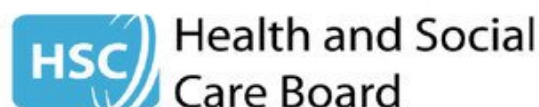
Title:	Local Commissioning Group (LCG) Member
Accountable to:	Interim Local Commissioning Group Chair
Time Commitment:	2 days per month

Role of LCG Members

The members of the LCG will have corporate responsibility to ensure that the HSC Board meets its statutory obligations to improve the health and wellbeing of the population in the LCG area. The role will include the continued development of commissioning arrangements to deliver both regional and locally agreed priorities within resources.

Key Responsibilities

- To contribute to the local planning and commissioning of services and the development, production and implementation of an annual Local Commissioning Plan;
- To assist in the assessment of health and social care needs of the local population through engagement with a wide range of stakeholders in the LCG area;
- To contribute to the co-design process through engagement with local service providers to ensure services appropriate to local need and circumstance
- To make care commissioning decisions having due regard for the identified needs of their population and available resources;
- To pay due regard to the view of the Public Health Agency in addressing the wider determinants of health and wellbeing;
- To be a source of expertise for their respective profession;
- To support the Chair in their leadership role by establishing peer support for decisions made by the LCG;
- To participate fully in meetings and the LCG decision-making process.



LCG MEMBER: PERSON SPECIFICATION

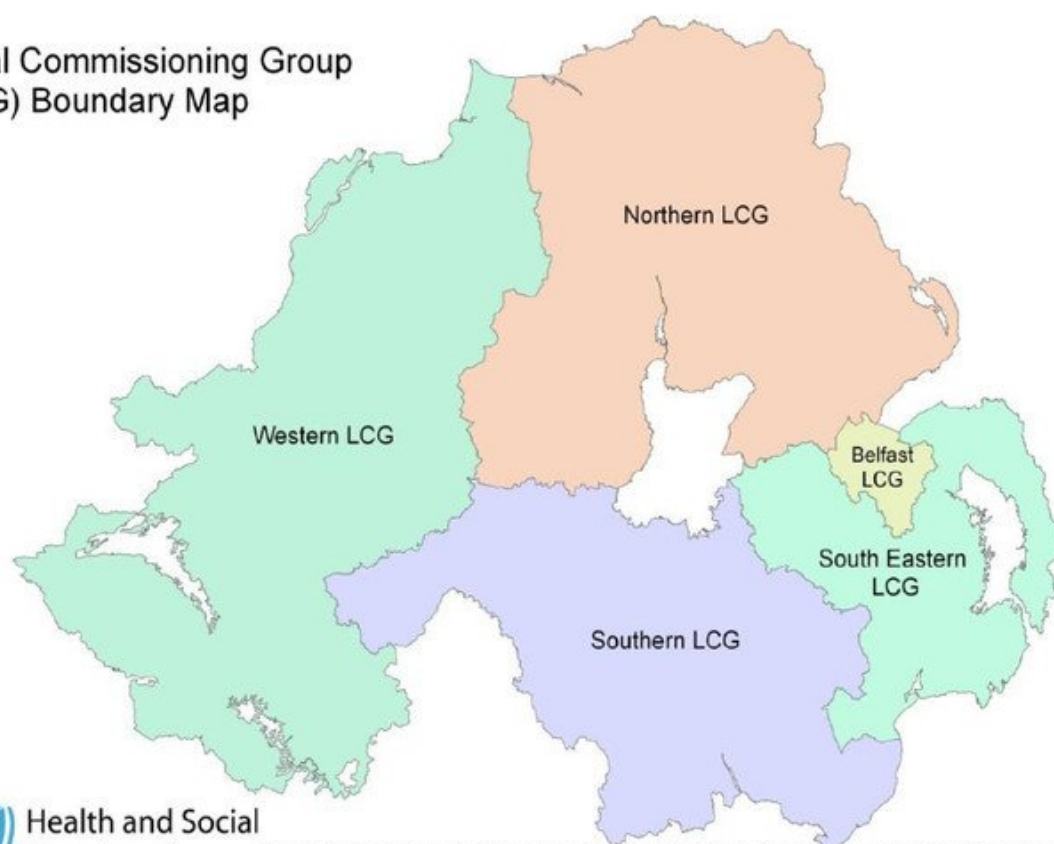
Essential Criteria

All candidates applying for the position need to demonstrate on the application form, and at interview, how they meet the following criteria:

- Broad understanding of current health and social care structures and services and appreciation of key issues and values effecting health and social care services;
- A willingness to play a part in supporting the LCG in meeting its responsibility to engage effectively with local communities in an open and transparent manner;
- A commitment to accept individual responsibility to work as part of a corporate body in meeting agreed objectives set by the Health and Social Care Board;
- The ability to work effectively as part of a team in a challenging and changing environment
- Experience of working with a broad range of stakeholders across the statutory and voluntary/community sectors;
- Good communication skills – demonstration of interpersonal, communication, political and team working skills;
- Able and willing to develop further as a LCG member.

APPENDIX 1

Local Commissioning Group (LCG) Boundary Map



HSC Health and Social
Care Board

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APPENDIX 2

