



## **FALKLAND ISLANDS**

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### **Children (Safeguarding Children Board) Regulations 2015**

**(S.R. & O. No. 2 of 2015)**



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### Children (Safeguarding Children Board) Regulations 2015

*[DATE OF COMMENCEMENT: 28TH FEBRUARY 2015]*

#### **1 Title**

These regulations are the Children (Safeguarding Children Board) Regulations 2015.

#### **2 Commencement**

These regulations come into force on publication in the Gazette.

#### **3 Interpretation**

In these regulations-

"**the Ordinance**" means the Children Ordinance; and

"**Safeguarding Board**" means the Safeguarding Children Board continued under section 82 of the Ordinance.

#### **4 Appointment of Safeguarding Board Chairperson**

(1) The Safeguarding Board must appoint a Chairperson from among its members.

(2) The Chairperson appointed under sub-regulation (1) must be appointed for a period of 2 years and is eligible for re-appointment.

(3) The Chairperson must preside at every meeting of the Safeguarding Board.

#### **5 Functions of Safeguarding Board**

(1) The functions of the Safeguarding Board in relation to its objective (as defined in section 83) are as follows-

- (a) developing policies and procedures for safeguarding and promoting the welfare of children,\* including policies and procedures in relation to-

- (i) the action to be taken where there are concerns about a child's safety or welfare, including thresholds for intervention;
- (ii) training of persons who work with children or in services affecting the safety and welfare of children;
- (iii) recruitment and supervision of persons who work with children;
- (iv) investigation of allegations concerning persons who work with children;
- (v) safety and welfare of children who are hosted or who are the subject of private boarding;
- (vi) co-operation with other governments' and organisations' children's services;
- (b) communicating with relevant persons and organisations in the Falkland Islands the need to safeguard and promote the welfare of children, raising awareness, promoting and encouraging those persons and organisations to take part in activities aimed at raising awareness;
- (c) monitoring and evaluating the effectiveness of what is done to safeguard and promote the welfare of children, and advising those concerned in the safeguarding of children on ways to improve what is done;
- (d) participating in the planning of services for children; and
- (e) undertaking reviews of serious cases and advising those concerned in the safeguarding of children on lessons to be learned.

*[\*Editor's note: Notice No. 36 (dated 24th April 2015) in Gazette 6 of 30th April 2015 provides as follows with regard to the publication of the Protocol for the Management of an Unexpected Child Death in the Falkland Islands:*

1. Regulation 5 of the Children (Safeguarding Children Board) Regulations 2015 (SR&O No. 2 of 2015) provides for the Safeguarding Board to issue guidelines and procedures as may be necessary to assist in the welfare and safeguarding of children, and that notification of such issuance must be published in the Gazette.
2. Notice is hereby given that the Safeguarding Children Board have issued a procedure titled: Protocol for the Management of an Unexpected Child Death in the Falkland Islands. This new procedure came into force on 5th March 2015 and will remain in force until replaced or amended.
3. A copy of this procedure can be obtained by contacting the Personal Assistant to the Director of Health and Social Services.]

(2) For the purposes of sub-regulation (1)(e) a serious case is one where-

- (a) abuse or neglect of a child is known or suspected; and
- (b) either-
  - (i) the child has died; or
  - (ii) the child has been seriously harmed and there is concern as to the way in which relevant persons have worked together to safeguard the child.

(3) The Safeguarding Board may also engage in any other activity that facilitates, or is conducive to, the achievement of its objective.

(4) The Safeguarding Board may issue guidelines and procedures as may be necessary to assist in the welfare and safeguarding of children.

(5) Whenever the Safeguarding Board issues any guidelines or procedures, it must arrange for a notice to be published in the Gazette specifying-

- (a) that guidelines or procedures have been issued;
- (b) whether the guidelines or procedures are new or a replacement of existing ones; and
- (c) the date on which those guidelines or procedures come into force.

## **6 Further functions relating to child deaths**

(1) The Safeguarding Board has, in addition to the functions referred to in regulation 5, the following functions in relation to the deaths of children-

- (a) collecting and analysing information about each death with a view to identifying-
  - (i) any case giving rise to the need for a review mentioned in regulation 5;
  - (ii) any matters of concern affecting the safety and welfare of children; and
  - (iii) any wider public health or safety concerns arising from a particular death or from a pattern of deaths; and
- (b) putting in place procedures for ensuring that there is a coordinated response by the relevant government departments and other relevant persons to an unexpected death.

## **7 Safeguarding Board procedures and meetings**

(1) Subject to the provisions of these regulations, the Safeguarding Board will regulate its own proceedings.

(2) The Safeguarding Board must meet at least four times annually.

(3) The quorum at any meeting of the Safeguarding Board is a majority of the members of the Board (excluding observers).

(4) The Chairperson must preside at any meeting of the Safeguarding Board and in the absence of the Chairperson, the members present must elect a member to act as Chairperson for that meeting.

(5) A decision of the Safeguarding Board on any question must be by the majority of the members present and voting at the meeting and, in the event of an equality of votes, the member presiding has a casting vote in addition to that person's deliberative vote.