

Current legislation,
guidelines, policies
and procedures
within northern
ireland



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- Children (Northern Ireland) Order 1995 This is the principal statute governing the care, upbringing and protection of children in Northern Ireland. It affects all those who work and care for children, whether parents, paid carers or volunteers. The Children (Northern Ireland) Order 1995 changed the philosophy and practice of the law in relation to children as it reformed, and brought together, most of the “ public” and “ private” law relating to children in a single coherent statutory framework along the lines of the Children Act 1989 in England and Wales[1]. The order is regarded as the most important source of child law and had a huge impact upon the public, professionals and most of all children. When it became law in November 1996 it was seen as a radical piece of legislation that marked a major shift in the way children were dealt with by courts and social services.

Parental responsibility was central to the Children Order and it reasserted the significance of children’s welfare as the paramount consideration in disputes concerning their upbringing. It gave courts wide-ranging and flexible powers to regulate the exercise of parental responsibility and introduced procedural and jurisdictional changes. It established a wholly new basis for compulsory care or supervision and introduced new procedures for protecting children in emergencies and made major changes to the legal regulation for children looked after away from home.

- UN Convention on the Right of the Child This is a human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children and their needs and rights. The Convention defines a child as any human being under the age of eighteen, unless the age of majority is attained earlier under a state’s own domestic legislation. Nations that ratify <https://assignbuster.com/current-legislation-guidelines-policies-and-procedures-within-northern-ireland/>

this convention are bound to it by international law. Compliance is monitored by the UN Committee on the Rights of the Child, which is composed of members from countries around the world[2]. It states that:

-States act in the best interests of the child. -Every child has certain basic rights, including the right to life, his or her own name and identity, to be raised by his or her parents within a family or cultural grouping, and to have a relationship with both parents, even if they are separated. -Parents are allowed to exercise their parental responsibilities. -Children have the right to express their opinions and to have those opinions heard and acted upon when appropriate, to be protected from abuse or exploitation, and to have their privacy protected, and it requires that their lives not be subject to excessive interference. -Signatory states should provide separate legal representation for a child in any judicial dispute concerning their care and asks that the child's viewpoint be heard in such cases. -Capital punishment for children is forbidden.

Children and young people should be involved in decisions involving them. It identifies the rights of children and young people to learn and develop into adults and be protected from harm.

•Education & Libraries (Northern Ireland) Order 2003 The Education and Libraries (Northern Ireland) Order 2003 places a statutory duty on Boards of Governors to:

-Safeguard and promote the welfare of pupils -Have a written child protection policy -Specifically address the prevention of bullying in school discipline policies -Abolish corporal punishment
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- Safeguard Vulnerable Groups (Northern Ireland) Order 2007 The Safeguarding Vulnerable Groups legislation came about as a result of the recommendations of the Bichard enquiry following the Soham murders. The Order aims to prevent unsuitable people from working (either paid or unpaid) with children or vulnerable adults. It does this by vetting all those who wish to do such work and barring those where the information shows they pose a risk of harm[3]. Increased safeguards have now been introduced under the Vetting and Barring Scheme: -It is a criminal offence for individuals barred by the ISA to work or apply to work with children or vulnerable adults in a wide range of posts – including most NHS jobs, Prison Service, education and childcare. Employers also face criminal sanctions for knowingly employing a barred individual across a wider range of work -Employers, local authorities, professional regulators and other bodies have a duty to refer to the ISA, information about individuals working with children or vulnerable adults where they consider them to have caused harm or pose a risk of harm.

Since December 2012 the Disclosure and Barring Service (DBS) has been responsible for maintaining the list of individuals barred from engaging in regulated activity with children and the list of individuals barred from engaging in regulated activity with adults across England, Wales and Northern Ireland. This role was formerly carried out by the Independent Safeguarding Authority. A regulated activity provider must refer to the DBS anyone who has harmed or poses a risk of harm to a child and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left. The DBS will consider whether the person is unsuitable from working with vulnerable groups and make a decision as to

whether the person should be barred from working in regulated activity with children, or adults, or both.

AccessNI provides a criminal record disclosure service in Northern Ireland (in England and Wales, this is provided by the DBS). Organisations seeking to engage an individual to work in regulated activity can obtain an enhanced disclosure with a barred list check from AccessNI[1].

- Sexual Offences Northern Ireland Order 2008 This Order provides a framework to protect everyone from sexual crime and it seeks to combine sexual offences law in Northern Ireland into one statute and modernise, strengthen and harmonise the body of offences and penalties with the rest of the England and Wales.

This law is designed to protect young people from exploitative sexual behaviour. It contains protection specifically geared for three different age levels – under 13, under 16 and under 18. This is the first time the law has specifically addressed offending behaviour against young people. Children should have the best possible protection from sexual abuse.

From 2009, that particular law has made a number of changes to what constitutes sexual offending behaviour, including:

- New responsibilities surrounding consent to sex.
- A new definition of rape and other sexual offences.
- Many new offences of offending behaviour against children, some up to age 18 sexual abuse within family situations will be targeted.
- Heavier penalties, many of which are life imprisonment.
- New offences relating to sexual activity with people who have a mental disorder

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new offences associated with prostitution. -Illegal indecent images of children now includes images of children up to age 18.