



GOVERNMENT OF BERMUDA

Ministry of Social Development and Seniors

NATIONAL CHILD SAFEGUARDING COMMITTEE

POLICY FOR WORKING TOGETHER TO SAFEGUARD CHILDREN



“We must all
Work Together
to
Safeguard
our Children”



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APRIL 2023



1.0 Introduction

- 1.1** In Bermuda many Government Ministries, Departments and Quangos have overarching responsibility for safeguarding and promoting the welfare of all children and young people. Safeguarding and promoting the welfare of children is defined for the purposes of this document as:
- protecting children from maltreatment;
 - preventing impairment of children's health or development;
 - ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and,
 - taking action to enable all children to have the best outcomes.
- 1.2** During the 2015 Joint Ministerial Council Assembly, it was agreed that the UK Government and the Overseas Territories would work together and prioritise the safeguarding of children. In March 2015, the UK Government produced the document **“Working together to safeguard children: A guide to inter-agency working to safeguard and promote the welfare of children”**. This policy document for Bermuda is rooted in the U.K. guidance.
- 1.3** In 2017, Cabinet approved the formulation of a National Child Safeguarding Committee (“NCSC”) to promote effective cooperation at all levels of the Government, starting from the strategic level through to the operational delivery.



1.4 As set out under section 11A (2) of the Children Act 1998 (Act) the members of the NCSC shall be:

- The Solicitor General;
- The Director of Child and Family Services;
- The Director of Court Services;
- The Commissioner of Police;
- The Director of Public Prosecutions;
- The Permanent Secretary of the Ministry responsible for Child and Family Services;
- The Commissioner of Prisons;
- The Commissioner of Education;
- The Chief Medical Officer; and,
- Such other persons as the Minister may from time to time appoint.

Section 11A (3) of the Act provides the Minister the authority to appoint a person to act as an alternate to any member of the Committee appointed under subsection (2).



2.0

Aims and Objectives

2.1 The **Aims** of the NCSC are:

- 2.1.1 To coordinate the Bermuda Government's response to child safeguarding by drawing on cross-department knowledge, skills and expertise through a collaborative approach and in line with constitutional and legislative responsibilities.
- 2.1.2 To develop effective multi-agency working to safeguard children from all forms of abuse through comprehensive policies established from best practice.
- 2.1.3 To foster collaboration with community partners and strengthen safeguarding, protection and prevention systems through a zero-tolerance approach to child abuse.

2.2 The main **Objectives** of the NCSC (through recommendations) are:

2.2.1 **Strengthen the Legislative Framework**

- a) Amend the Criminal Code Special Measures provisions to reduce re-victimization of children during witness testimony in Court.
- b) Allow for uncorroborated testimony of children that provides the best evidence to the Court.
- c) Increase sentencing powers in Magistrates' Court to reduce the number of cases that expose child victims to Supreme Court trials.
- d) Amend the Children Act 1998 to strengthen investigative powers and provide a wider scope for child protection applications.
- e) Review legislation to ensure consistency and congruency across different statutory instruments as they relate to child safeguarding.

2.2.2 Strengthen the Collaboration Framework

- a) Develop information-sharing protocols that allow for early interventions and support for child victims and vulnerable children, and create joined-up efforts towards investigation, prosecution, rehabilitation, and management of offenders.
- b) Introduce a multi-agency case management protocol that coordinates the actions of each department for the purpose of safeguarding and promoting the welfare of children and reviews the effectiveness of such actions.
- c) Design a multi-agency system of offender management that maximizes efforts of rehabilitation and minimizes the risk of re-offending.
- d) Establish core training and certification standards across government departments that provide child safeguarding practitioners with the appropriate skills for the roles they perform.
- e) Utilize international collaboration channels to share experiences and identify best practices that enhance Bermuda's child safeguarding regime.

2.2.3 Strengthen the Community Protection Framework

- a) Establish a national commitment to safeguarding children from exploitation, abuse and neglect.
- b) Raise awareness of individual responsibilities to recognize and report suspected cases of child abuse and develop systems that enable timely reporting of such cases.
- c) Standardize recruitment and screening processes that minimize the likelihood of hiring persons who are unsuitable to work with young people.
- d) Engage a campaign of public awareness, education and support (buy-in) that encourages a safe, inclusive and supportive environment for the protection of children.
- e) Participate in collaborative efforts with the island's youth helping agencies and other charitable and community organizations to further contribute to child safety.

Ultimately, effective safeguarding of children in Bermuda can only be achieved by putting children at the centre of the system, and by every individual and agency playing their full part, by working together to meet the needs of our most vulnerable children.



3.0

Key Principles

Effective safeguarding arrangements for children in Bermuda should be underpinned by two key principles:

- i. safeguarding is everyone's responsibility: for services to be effective each professional and organisation should play their full part; and
- ii. a child-centred approach: for services to be effective they should be based on a clear understanding of the needs and views of children.

3.1 Safeguarding is everyone's responsibility.

3.1.1 Everyone who works with children in Bermuda – has a responsibility for keeping them safe. The following professions have a mandatory duty to report to the Director of Child and Family Services or any designated personnel any information or circumstance that gives them reasonable grounds to suspect that a child is suffering or has suffered significant harm:

- physician
- nurse
- dentist
- pharmacist
- psychologist
- health care professional
- school principal
- teacher
- counsellor
- social worker
- youth or recreational leader
- member of the clergy
- child care worker
- police officer
- probation officer
- youth care worker



3.1.2 No single professional can have a full picture of a child's needs and circumstances and, if children and families are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.

3.1.3 In order for organisations and practitioners to collaborate effectively, it is vital that every individual working with children and families is aware of the role that they have to play and the role of other professionals. In addition, effective safeguarding requires clear arrangements for collaboration between professionals and agencies.

3.2 A child-centred approach

3.2.1 Effective safeguarding systems must be child-centred.

3.2.2 Failures in safeguarding systems are too often the result of losing sight of the needs and views of the children within them or placing the interests of adults ahead of the needs of children.



4.0

Information Sharing

- 4.1** Effective sharing of information between Government agencies is essential for effective identification, assessment and service provision. Early sharing of information is the key to providing effective early help where there are emerging problems.
- 4.2** At the other end of the continuum, sharing information can be essential to put in place effective child protection services.
- 4.3** Fears about sharing information cannot be allowed to stand in the way of the need to promote the welfare and protect the safety of children.
- 4.4** To ensure effective safeguarding arrangements, all government organisations should have arrangements in place which set out clearly the processes and the principles for sharing information between each other, and with the NCSC.



5.0

Investigations under the Children Act 1998

5.1 Statutory requirements

- 5.1.1 Under the Children Act 1998, the Government of Bermuda is required to provide services for children in need for the purposes of protecting children from harm, promoting the integrity of the family and ensuring the welfare of children.
- 5.1.2 The Department of Child and Family Services (“DCFS”) undertakes investigations into the needs of individual children to determine which services to provide and what action to take.

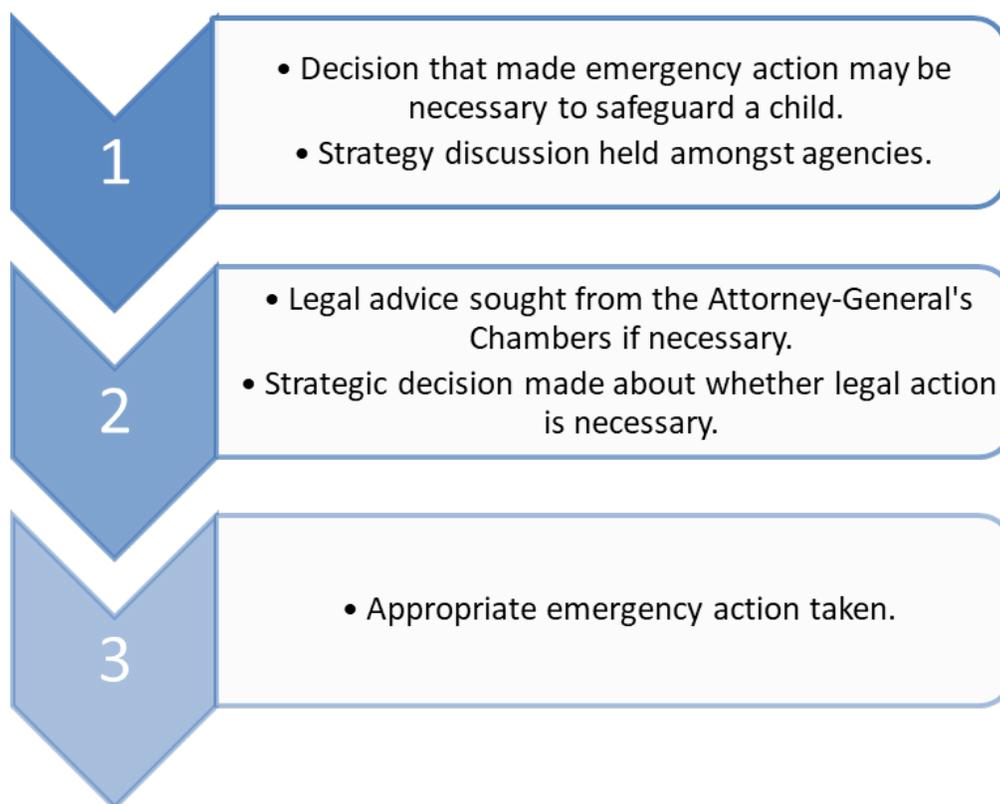
5.2 Timeliness

- 5.2.1 The timeliness of an investigation is a critical element of the quality of that investigation and the outcomes for the child. The speed with which an investigation is carried out after a child’s case has been referred to DCFS, should be determined by the needs of the individual child and the nature and level of any risk of harm faced by the child.
- 5.2.2 All assessments should be carried out in a timely manner, consistent with the needs of the child.

5.3 Processes for managing individual cases

- 5.3.1 The following flow chart and descriptors set out the precise steps that professionals should take when working together to assess and provide services for children who may be in need, including those suffering significant harm.

Flow Chart I – Process for Immediate Protection for Children



5.4 Immediate Protection

5.4.1 Where there is a risk to the life of a child or a likelihood of significant harm, DCFS should consult with the Bermuda Police Service (“BPS”) to use their statutory child protection powers to act as soon as practicable to secure the safety of the child.

5.4.2 When considering whether emergency action is necessary to remove a child from the home, DCFS should always should consider the needs of other children in the same household or in the household of an alleged perpetrator.

5.4.3 If necessary, DCFS should also make an application to the Courts for an alleged perpetrator to leave the household.

5.5 Multi-agency working

5.5.1 Planned emergency action will normally take place following an immediate strategy discussion.

5.5.2 DCFS and the BPS should initiate a strategy discussion to discuss planned emergency action; and wherever necessary, obtain legal advice from the Attorney-General’s Chambers (“A-GC”) before initiating legal action.



6.0

Organizational Responsibilities

6.1 The NCSC recognizes the need for Government Ministries, Departments, Quangos and Organizations to work together, so a coordinated approach is taken to ensure effective safeguarding arrangements for children.

6.2 In addition, these respective organizations are responsible for:

- a) ensuring that staff are competent to carry out their responsibilities for safeguarding and promoting the welfare of children;
- b) creating an environment where staff can raise concerns and are supported in their safeguarding role;
- c) ensuring staff are familiar with child protection responsibilities and procedures to be followed if anyone has any concerns about a child's safety or welfare; and,
- d) ensuring all professionals have regular reviews of their own practice for improvement.

6.3 The Organizations are:

a) Department of Education

All government schools, private schools and home schools have duties in relation to safeguarding and promoting the welfare of pupils.

b) Ministry of Health (Nurseries and Childcare)

Government nurseries, private nurseries and all licensed childcare providers have a duty in relation to safeguarding and promoting the welfare of children.

c) The Department of Health

Health professionals are in a strong position to identify welfare needs or safeguarding concerns regarding individual children and, where appropriate, provide support. This includes understanding risk factors, communicating effectively with children and families, liaising with other agencies, assessing needs and capacity, responding to those needs and contributing to multi-agency assessments and reviews.

d) Bermuda Police Service

- i. All police officers and certain other police employees are well placed to identify early when a child's welfare is at risk and when a child may need protection from harm. Children have the right to the full protection offered by the criminal law.
- ii. In addition to identifying when a child may be a victim of a crime, police officers should be aware of the effect of other incidents which might pose safeguarding risks to children and where police officers should pay particular attention. For example, a police officer attending a domestic abuse incident should be aware of the effect of such behaviour on any children in the household.
- iii. Children who are encountered as offenders, or alleged offenders, are entitled to the same safeguards and protection as any other child and due regard should be given to their welfare at all times.
- iv. The BPS can hold important information about children who may be suffering, or likely to suffer, significant harm, as well as those who cause such harm. The BPS should always share this information with other organisations where this is necessary to protect children.
- v. Similarly, the BPS can expect other organisations to share information to enable police officers to carry out their duties. Offences committed against children can be particularly sensitive and usually require the BPS to work with other organisations such as DCFS.

e) Department of Corrections

The Department of Corrections ("DoC") has a responsibility to identify inmates who pose a risk of harm to children. Where an individual has been identified as presenting a risk of harm to children, the DoC should follow the established Disclosure of Information Identifying Sex Offenders protocol.

f) Department of Court Services

- i. The Department of Court Services ("DCS") provides probation and parole services. DCS is primarily responsible for working with adult offenders both in the community and in the transition from custody to community to reduce re-offending and improve rehabilitation.
- ii. DCS is therefore, well placed to identify offenders who pose a risk of harm to children as well as children who may be at heightened risk of involvement in (or exposure to) criminal or anti-social behaviour and of other poor outcomes due to the offending behaviour of their parent/guardian/carer(s).

- iii. Where an adult offender is assessed as presenting a risk of serious harm to children, the management team should develop:-
 - i. a risk management plan; and,
 - ii. a supervision plan that contains a specific objective to manage and reduce the risk of harm to children.
- iv. In instances where a young person is under supervision and concerns about their behaviours, admissions, or attitudes may indicate a risk to children, the child offender should be appropriately assessed and/or referred to mitigate these risks.
- v. In addition, immediate dialogue held with the applicable child safeguarding members, using the required information-sharing protocols.

g) Other interdisciplinary Teams

- i. **The Team for High-Risk Inter-Agency Clients (“THRIC”)** is a multi-agency team with members from DCFS, Child and Adolescent Services, Residential Treatment Services, Department of Education, DCS and the Department of Health.

THRIC is therefore well placed to identify children known to relevant organisations as being most at risk of offending and to undertake work to prevent them from offending.

THRIC monitors the ongoing safety of all children and adolescents referred to any one of the identified agencies for service. THRIC also makes recommendations to the other agencies involved in reducing the risk of harm for children and adolescents.

- ii. **The High Risk Offender Management Team (“ORMT”)** is a viable resource for managing and monitoring offenders who pose risk to children.

- iii. **The Litigation Guardian**

- a) The role of an appointed Litigation Guardian (“LG”), is to safeguard and promote the welfare of individual children who are the subject of family court proceedings. The LG does this by ensuring that the child has a voice in the court proceedings.
- b) The LG under section 36 of the Children Act 1998, shall have the right at all reasonable times to examine and take copies of any records of, or held by, the Director of DCFS, which were compiled in connection with the making, or proposed making, by any person of any application under the said Act with respect to the child concerned. Such records are admissible in the relevant court proceedings notwithstanding any law or rule of evidence to the contrary.
- c) The Court may also appoint a Litigation Counsel if it believes it to be in the best interests of the child that he/she be represented by counsel.



7.0

Learning and Improvement Framework

- 7.1** Professionals and organisations protecting children need to reflect on the quality of their services and learn from their own practice and that of others. Good practice should be shared so that there is a growing understanding of what works well.

- 7.2** Conversely, when things go wrong there needs to be a rigorous, objective analysis of what happened and why, so that important lessons can be learnt and services improved to reduce the risk of future harm to children.



8.0

Principles for Learning and Improvement

- 8.1** The NCSC should play a strong role in supporting information sharing between and within organisations and addressing any barriers to information sharing. This should include ensuring that a culture of information sharing is developed and supported as necessary by multi-agency training.

- 8.2** The NCSC should also support a culture of continuous learning and improvement across the organisations that work together to safeguard and promote the welfare of children, identifying opportunities to draw on what works and promote good practice.



9.0

Child Safeguarding Laws in Bermuda

- 9.1** In addition to various provisions of the Criminal Code Act 1907, specifically intended to protect children, Annex I outlines a non-exhaustive listing of other domestic enactments for the purposes of directly or indirectly protecting children.
- 9.2** Additionally, in December 2018 Parliament passed the Criminal Code (Sex Offender Management) Amendment Act 2018 to enhance and reinforce criminal code protections against sexual offenders. Particular attention was paid to protecting children against sexual predation including comprehensive sex offender registration, monitoring, supervision and notification.

A photograph of a classroom scene. A teacher, a Black woman in a dark dress, stands in the background near a window, smiling. In the foreground, several students are seated at desks. A young girl on the left is resting her head on her hand, looking thoughtful. A young boy in the center is looking towards the teacher. The scene is brightly lit by natural light from the window.

10.0

Conclusion

- 10.1** The Government of Bermuda remains committed to protecting our most vulnerable. Population which is our children by enhancing legislation and establishing the policies and procedures necessary to keep children safe.
- 10.2** The National Child Safeguarding Policy – “Working Together to Safeguard Children”, solidifies this commitment by taking a holistic approach to safeguarding children in Bermuda. This policy aims to improve practices in child safeguarding by reducing and ultimately eliminating gaps in the current system of child protection.
- 10.3** Each Government Ministry, Department, Quango, programme or service (“Agencies”) that is part of the multi-agency approach identifies its role and responsibilities in the process; and, the steps that must be taken to ensure children are safe. One Agency alone cannot provide the full scope of protections, care and wrap-around services a child at risk or who has been abused and/or neglected, requires.
- 10.4** This policy supports the buy-in from all Agencies involved in safeguarding children to ensure better coordination of their efforts in reducing or preventing all forms of child abuse and neglect.
- 10.5** The general public and the community at large must understand that their role is also important in keeping our children safe. Therefore, everyone is encouraged to be vigilant for our children by recognizing the signs of child abuse and/or neglect. If something is seen or known, contact the Department of Child and Family Services at (441) 296-7575, Kids Line an anonymous hotline (441) 278-9111 or the Bermuda Police Service on 211. If the child is in immediate danger call 911.

ANNEX I

Schedule of Child Safeguarding Laws – Bermuda

Children Act 1998	Laws for the care and protection of children; mandatory reporting of child abuse; foster care; day care; children's and residential homes; child support; parentage; care and supervision; etc.
Abolition of Capital and Corporal Punishment Act 1999	Abolishes capital and corporal punishment as penalty for any offence by a court.
Adoption of Children Act 2006	Sets out the legal and procedural framework for valid adoptions.
Adoption of Children (Fees) Regulations 2014	Sets fees in relation to relevant function of the Child and Family Services for adoptions.
Adoption of Children Rules 2013	Procedural rules for adoption proceedings in court.
Age of Majority Act 2001	Reduces the age of majority from 21 to 18 years; and makes provisions for the time when age of majority is attained.
Bermuda Educators Council Act 2002	Establishes the Educators Council for registration, certification, and continuing education of educators; discipline and professional conduct.
Child Day Care Allowance Act 2008	Daycare allowance to assist parents and guardians of eligible children to meet the costs of daycare.
Child Day Care Allowance Regulations 2008	Sets the procedure and requirements for childcare allowance; maximum gross annual income set at \$55,000.
Employment of Children and Young Persons Act 1963	Restrictions on the employment of underage persons to not interfere with proper development.
Education Act 1996	To mandate the educational requirements for children until 18 years of age.

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**For more information contact
(441) 246 7550**