

**LEGISLATIVE ASSEMBLY**

**OF THE**

**FALKLAND ISLANDS**



**ORDER PAPER**

**09.00 AM**

**THURSDAY 30 JULY 2015**

**IN THE COURT AND ASSEMBLY CHAMBER**

**STANLEY**

**LEGISLATIVE ASSEMBLY**

**THURSDAY 30 JULY 2015**

**IN THE LEGISLATIVE ASSEMBLY CHAMBER**

**TOWN HALL**

**ORDER PAPER**

**09.00**

1. Prayers
2. Confirmation of the Record of Legislative Assembly held on 2 and 5 June 2015
3. Papers to be laid on the table by the Honourable Chief Executive
4. Questions for Oral Answer
5. Motions  
Motion Number 6 of 2015 by the Honourable Dr Barry Elsby
6. Reports  
Motion Number 7 of 2015 by the Honourable Ian Hansen
7. Portfolio Reports:
  - The Honourable Gavin Short
  - The Honourable Mike Summers OBE
8. Motion for Adjournment

## LEGISLATIVE ASSEMBLY

### ORDER PAPER

THURSDAY 30 JULY 2015

Copies of Subsidiary Legislation published in the Falkland Islands Gazette since the last sitting of the Legislative Assembly and Laid on the Table pursuant to section 35(1) of the Interpretation and General Clauses Ordinance 1977.

- Stanley Common (Cape Pembroke Road) Regulations 2015
- Planning (Environmental Impact Assessment) Regulations 2015
- Planning (Amendment) Ordinance 2014 (Correction) Order 2015
- Falkland Islands Development Corporation (Appointment, Co-option and Removal of Board Members) Regulations 2015

In accordance with Public Account Committee Ordinance Section 11 (c) in respect of audit reports for:

- Insurance
- Pensions
- Performance Indicators
- Commanding Officer's Fund
- Regulatory Services
- Taxation
- Occupational Health

In accordance with Section 80 (2) of the Constitution the report of the Public Accounts Committee in respect of accounts:

- Falklands Conservation Year End Accounts 30 June 2013
- Falklands Conservation Year End Accounts 30 June 2014
- Falklands Landholdings Corporation Year End Account 30 June 2013
- FIDC Accounts Year End 30 June 2014
- Falkland Islands Museum and National Trust Year End 30 June 2013
- Falkland Islands Museum and National Trust Year End 30 June 2014

In accordance with Children Ordinance 2014 section 84 (2):

- Falkland Islands Safeguarding Children Board Annual Report 2014

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**SUBSIDIARY LEGISLATION**

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**ENVIRONMENTAL PROTECTION**

**Stanley Common (Cape Pembroke Road) Regulations 2015**

S. R. & O. No: 4 of 2015

*Made: ..... 29 April 2015*

*Published: ..... 1 May 2015*

*Coming into force: on publication*

I make the following regulations under section 10(c)(i) and (ii) of the Stanley Common Ordinance (No. 9 of 1999) on the advice of Executive Council.

**1. Title**

These regulations are the Stanley Common (Cape Pembroke Road) Regulations 2015.

**2. Commencement**

These regulations come into force on publication in the *Gazette* of the notification of the approval of them by resolution of the Legislative Assembly.

**3. Interpretation**

In these regulations —

“the Cape Pembroke road” means the road (including a car park) to be constructed within Stanley Common running from the east end of Stanley Airport to the fence at Cape Pembroke Lighthouse which substantially follows the route shown in the diagram appearing in the Schedule to these regulations.

**4. Permitted development for road and car park construction**

(1) The Public Works Department is permitted to carry on works, operations and any associated activities as are necessary to construct the Cape Pembroke road and a car park within Stanley Common.

(2) The purpose of the road and car park construction is —

(a) to protect the Cape Pembroke area which is a designated nature reserve;

(b) to grant access to Cape Pembroke through a designated road so as to reduce driving pressure on the wider area; and

(c) to provide a designated parking space.

## SCHEDULE

### CAPE PEMBROKE ROAD ROUTE



Made 29<sup>th</sup> April 2015

C. Roberts C.V.O.,  
Governor.

#### EXPLANATORY NOTE (not part of the regulations)

Section 10(c)(ii) of the Stanley Common Ordinance (No. 14 of 2010) allows the Governor to make regulations permitting development of areas of the Common for the purposes of road construction. Paragraph (c)(i) permits developments of areas within the Common for amenity purposes.

These regulations provide for the construction of a road within the Common that will provide access to Cape Pembroke as well as a car park.

Section 10 further provides that the regulations shall not have any effect until they have been approved by a resolution of the Legislative Assembly so *regulation 2* provides that the regulations will come into force on publication in the *Gazette* of the notification of their approval by resolution of the Legislative Assembly.

*Regulation 3* deals with interpretation.

*Regulation 4* provides the permission for the Public Works Department to construct a road and a car park within the Common. It further provides for the purpose of the road and the car park.

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## SUBSIDIARY LEGISLATION

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### PLANNING AND BUILDING

#### Planning (Environmental Impact Assessment) Regulations 2015

S. R. & O. No. 6 of 2015

*Made: ..... 27 May 2015*

*Published: ..... 19 June 2015*

*Coming into force: on publication*

IN EXERCISE of my powers under section 33 of the Planning Ordinance (Title 55.3), I make the following regulations —

#### **1. Title**

These regulations are the Planning (Environmental Impact Assessment) Regulations 2015.

#### **2. Commencement**

These regulations come into force on publication in the *Gazette*.

#### **3. Interpretation**

In these regulations —

“environmental impact assessment” or “EIA” means a process, commenced with the submission by the applicant of an environmental impact statement and based predominantly on the content of that environmental impact statement, of evaluating the harm to the environment that is likely to be caused by a proposed development;

“environmental impact statement” or “EIS” means a document submitted by an applicant for planning permission in which is set out, in a manner reflecting the findings of suitable experts, the applicant’s preliminary assessment of the potential for and the likely extent and effects of harm to the environment that will be caused by the proposed development.

#### **4. Power to direct applicant to submit EIS**

(1) During the consideration of any application for planning permission, the Planning Officer may, in the Planning Officer’s discretion, determine that an environmental impact assessment is necessary.

(2) On determining that an environmental impact assessment is necessary, the Planning Officer must in writing direct the applicant to submit to the Planning Officer an environmental impact statement, and such directive must include general guidance as to —

(a) the expected content of the EIS; and

(b) the extent to which the applicant needs to engage the services of persons with suitable expertise in preparing the EIS.

(3) An environmental impact statement must comply with any scoping opinion that may be given by the Planning Officer under regulation 10.

(4) In advising an applicant as to the required content of an environmental impact statement, the Planning Officer must adhere to any circulars, notes or guidance issued by the Governor in accordance with regulation 5.

(5) Whether or not the applicant requests a scoping opinion under regulation 10, the applicant must prepare the required environmental impact statement in a manner that complies with any circulars, notes or guidance issued by the Governor in accordance with regulation 5.

#### **5. Power to issue circulars, notes or guidance regarding EIA**

The Governor may issue circulars, notes or guidance, as appropriate, regarding the processes or procedures to be followed in respect of any aspect of these regulations, and compliance with the circulars, notes or guidance is mandatory.

#### **6. The role of the Governor with respect to EIA**

(1) In addition to the power under regulation 5, the Governor must hear and determine the complaint of any applicant who contests the Planning Officer's determination that an environmental impact assessment is necessary.

(2) In hearing and determining complaints in accordance with paragraph (1), the Governor must act in accordance with paragraphs (5) and (6) of regulation 7.

#### **7. Procedure for complaining to the Governor regarding EIA directive**

(1) Subject to paragraph (2), an applicant who is aggrieved by the Planning Officer's directive regarding an EIS must, in order to have the matter heard and determined by the Governor, within 10 days of the applicant's receipt of the Planning Officer's directive write to the Governor setting out the details of the proposed development including reasons why an EIA is not necessary.

(2) An applicant who requests a scoping opinion under regulation 10 is not allowed to make a complaint to the Governor under this regulation.

(3) When making a complaint to the Governor in accordance with paragraph (1) the applicant must include documentary evidence of the directive of the Planning Officer that an environmental impact statement must be submitted.

(4) The applicant must provide the Planning Officer with a copy of the written complaint the applicant submits to the Governor in accordance with this regulation.

(5) The Governor must within a reasonable time make a determination of a complaint submitted to the Governor under this regulation and must promptly advise the applicant and the Planning Officer, in writing, of the determination.

(6) The determinations open to the Governor when acting in accordance with this regulation are that an environmental impact assessment —

(a) is necessary and the applicant must comply with the directive of the Planning Officer to produce an environmental impact statement; or

(b) is not necessary and —

(i) the applicant need not comply with the directive of the Planning Officer to produce an environmental impact statement; and

(ii) an assessment of the merits of the application for planning permission is capable of being and must be made even if an environmental impact statement is not produced.

### **8. Effect of an EIA directive for the purposes of section 48 of the Ordinance**

(1) For purposes of section 48 of the Ordinance, a requirement to submit an EIS under regulation 4 halts the running of time within which a decision on an application for planning permission must be communicated to the applicant.

(2) Time shall not begin to run again for the purposes of section 48 of the Ordinance until the applicant either —

(a) submits, as required, an environmental impact statement that satisfies the Planning Officer as to its fitness for purpose; or

(b) is excused, by way of the Governor's determination of a complaint submitted by the applicant in accordance with regulation 7, from the requirement to submit an environmental impact statement.

### **9. Requirement for regard to be had to the development plan**

Subject to material considerations indicating otherwise in accordance with section 25A of the Ordinance, the Planning Officer must have regard to the development plan in —

(a) determining whether an environmental impact assessment is necessary;

(b) assessing and evaluating the required scope of an environmental impact statement; and

(c) determining whether a submitted environmental statement is fit for purpose.

### **10. Supplementary guidance regarding the preparation of an EIS**

(1) An applicant who has been directed to submit an environmental impact statement and considers the general guidance provided in the directive insufficient may request of the Planning Officer an opinion, referred to as a "scoping opinion", providing more detailed guidance as to the information and analysis that the environmental impact statement is to contain in order to be fit for purpose.

(2) The Planning Officer must provide the applicant with a requested scoping opinion no later than 5 weeks after the request was made.

(3) Where a scoping opinion has been provided and the environmental impact statement submitted by the applicant does not reflect compliance with the scoping opinion, the Planning Officer —

(a) is entitled to treat the application for planning permission as if the applicant has refused to submit an environmental impact statement and must, if the Planning Officer opts to so treat the application, act in accordance with regulation 11; or

(b) may direct the applicant to improve and resubmit the environmental impact statement.

### **11. Consequences of failure to submit an environmental impact statement**

(1) Where an applicant either —

(a) refuses to submit an environmental impact statement; or

(b) fails to submit an environmental impact statement within a reasonable time (the upper limit of which may be set by the Governor, under regulation 5, by way of circular, note or guidance),

the Planning Officer must refuse the application for planning permission on the sole ground of the applicant's refusal or failure, as the case may be.

(2) Paragraph (1) applies equally to —

(a) a directive to submit an EIS in respect of which the applicant has not complained to the Governor under regulation 7; and

(b) a directive to submit an EIS in respect of which the Governor has, following receipt of a complaint by the applicant under regulation 7, confirmed that an EIS is required.

(3) Where an application is refused in the circumstances set out in paragraph (1), the refusal is final and cannot be appealed.

Made 27<sup>th</sup> May 2015

J. S. Tyler-Haywood,  
*Acting Governor.*

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EXPLANATORY NOTE  
(not forming part of the Regulations)

These Regulations empower the Planning Officer to require applicants to submit an environmental impact statement in addition to their applications for planning permission. Environmental impact statements will form the basis for an environmental impact assessment carried out by the Environmental Planning Department, which will be a relevant factor in determining an application for planning permission.

*Regulation 4* empowers the Planning Officer to demand an environmental impact statement (“EIS”) during the consideration of an application for planning permission. That demand must be in writing. The EIS must comply with any scoping opinion that may have been provided on the request of the applicant, and the scoping opinion must comply with any guidelines given by the Governor. Whether or not a scoping opinion has been requested, the applicant must in preparing the EIS comply with any guidelines given by the Governor.

*Regulation 5* empowers the Governor to issue guidance documents and the like, regarding any aspect of the procedure relevant to compliance with these Regulations. Compliance with any such guidance, etc. is mandatory.

*Regulation 6* requires the Governor to hear and determine complaints of applicants aggrieved at being required to produce an EIS.

*Regulation 7* empowers an aggrieved applicant to appeal to the Governor after having been directed to submit an EIS. It prohibits applicants who have requested a scoping opinion from appealing.

*Regulation 8* provides that the demand for an EIS halts the running of time for the purposes of the applicant being able appeal against non-determination under section 48 of the Planning Ordinance. Time does not begin to run again until the applicant submits a satisfactory EIS or, alternatively, has been excused by the Governor from submitting an EIS.

*Regulation 9* requires the Planning Officer to have regard to the development plan when complying with these Regulations.

*Regulation 10* empowers the applicant to request a scoping opinion, which provides more detailed guidance on the required content of the EIS. It obliges the Planning Officer to comply within 5 weeks of the request and empowers the Planning Officer to treat the applicant’s failure to comply with the scoping opinion as a refusal to submit an EIS. It also affords the Planning Office the alternative of requesting that the EIS be resubmitted.

*Regulation 11* requires the Planning Officer to refuse an application for planning permission whenever the applicant fails to submit an EIS within a reasonable time or refuses to submit one. Such an applicant is prohibited from appealing the refusal.

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**SUBSIDIARY LEGISLATION**

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**PLANNING & BUILDING**

**Planning (Amendment) Ordinance 2014 (Correction) Order 2015**

S. R. & O. No: 7 of 2015

*Made: ..... 17 June 2015*

*Published: ..... 19 June 2015*

*Coming into force: see article 2*

IN EXERCISE of my powers under section 93 of the Interpretation and General Clauses Ordinance (Title 67.2) I make the following order —

**1. Title**

This order is the Planning (Amendment) Ordinance 2014 (Correction) Order 2015.

**2. Commencement**

This order is deemed to have come into force on 13 November 2014.

**3. Correction of Planning (Amendment) Ordinance 2014**

The Planning (Amendment) Ordinance 2014 (No 9 of 2014) is amended in section 18 by omitting from the new section 47A the following —

(a) the words “this section” appearing in subsection (1) and replacing them with the words “section 47”; and

(b) the words “Executive Council” appearing in subsection (2)(c) and replacing them with the words “the Committee”.

Made 17<sup>th</sup> June 2015

C. P. Judge, M.B.E.,  
*Attorney General.*

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**EXPLANATORY NOTE**

*(not forming part of the above order)*

This order corrects typographical errors.

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## SUBSIDIARY LEGISLATION

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### ECONOMIC DEVELOPMENT

#### **Falkland Islands Development Corporation (Appointment, Co-option and Removal of Board Members) Regulations 2015**

S. R. & O. No. 8 of 2015

*Made: ..... 16 June 2015*

*Published: ..... 30 June 2015*

*Coming into force: on 1 July 2015*

IN EXERCISE of my powers under section 9(3) of, and paragraph 1 of Schedule 2 to, the Falkland Islands Development Corporation Ordinance (No. 4 of 2013), I make the following regulations —

#### **1. Title**

These regulations are the Falkland Islands Development Corporation (Appointment, Co-option and Removal of Board Members) Regulations 2015.

#### **2. Commencement**

These regulations come into force on 1 July 2015.

#### **3. Appointments**

(1) The appointed members of the FIDC Board are to serve for terms not exceeding 4 years, expiring at the end of 30 June in odd numbered years.

(2) The terms of the Chair and the Vice Chair are to expire in alternate odd numbered years.

(3) If an appointment comes to an end before the expiry of the term for which it was made, either—

(a) a replacement appointment may be made to that position for the balance of the appointment that came to an end; or

(b) if acting in accordance with paragraph (a) would result in an appointment being made for a period of 6 months or less, a replacement appointment may be made to that position until the next date on which an appointment to that position would expire (for a term not exceeding 4 years and 6 months).

#### **4. Co-options**

(1) The co-opted members of the FIDC board are to serve for terms not exceeding 4 years, expiring at the end of 30 June in odd numbered years.

(2) As nearly as possible, half of the co-options are to expire in each alternate odd numbered year.

(3) If a co-option comes to an end before the expiry of the term for which it was made, either —

(a) a replacement co-option may be made to that position for the balance of the co-option that came to an end; or

(b) if acting in accordance with paragraph (a) would result in a co-option being made for a period of 6 months or less, a replacement co-option may be made to that position until the next date on which a co-option to that position would expire (for a term not exceeding 4 years and 6 months).

## **5. Removal of Board members**

(1) A person appointed to the FIDC Board by the Governor may only be removed from the Board by the Governor.

(2) A person co-opted to the FIDC Board may only be removed from the Board by a decision of the other members of the FIDC Board.

(3) In either case —

(a) a person may only be removed from the FIDC Board following a fair process appropriate to the circumstances; but

(b) if the circumstances require, the person may be suspended from the FIDC Board while that process is underway.

## **6. Repeals**

The following subsidiary legislation is repealed —

(a) the Falkland Islands Development Corporation (Appointment, Co-option and Removal of Board Members) Regulations 2013; and

(b) the Falkland Islands Development Corporation (Transitional Provisions) Order 2013.

Made 16<sup>th</sup> June 2015

Colin Roberts, C.V.O.  
*Governor.*

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EXPLANATORY NOTE  
*(not forming part of the Regulations)*

These Regulations make provisions authorised by section 9(3) of, and paragraph 1 of Schedule 2 to, the Falkland Islands Development Corporation Ordinance 2013 (No. 4 of 2013). These enabling provisions respectively authorise the Governor to make regulations regarding the appointment of members to the Board of the Falkland Islands Development Corporation (some by the Governor and others via co-option by other Board members) and the removal of members from the Board.

The Regulations replace regulations made in 2013 by the same name and for the same purposes, and by regulation 6 formally repeal those regulations. Regulation 6 also repeals the Falkland Islands Development Corporation (Transitional Provisions) Order 2013. Both these repealed pieces of subsidiary legislation were made but never commenced.

Regulations 3 and 4 provide for persons to be engaged to serve on the Board via, respectively, appointment by the Governor and co-option. In either case, the term of the each member is limited to a maximum of four years. The tenure of approximately half the members of the Board is to expire every two years, with the first set of expirations due in 2017. Expirations will take effect at 12:00 am on the 30 June in 2017 and in each subsequent odd numbered year.

Regulations 3 and 4 also provide that casual vacancies will normally only be filled for the remainder of the term (but there is provision to deal with situations in which the remaining term is 6 months or less).

Regulation 5 provides for removal of members from the Board. Board members may only be removed by the same authority by which they were appointed, i.e. those appointed by the Governor may only be removed by the Governor and those co-opted may only be removed by decision of the other Board members.

## Public Accounts Committee

Shackleton House PO Box 420 Stanley Falkland Islands FIQQ1ZZ  
Tel +500 22905 Email: pacsecretary@horizon.co.fk



Ref: PAC/15/06/02

9<sup>th</sup> June 2015

Mrs C Prior  
Clerk to the Legislative Assembly  
Gilbert House  
Stanley

Dear Claudette

### Audit Reports

In accordance with the Public Accounts Committee Ordinance 2009 Section 11(c) I advise that the Committee have examined the following Audit Reports received from the Internal Audit Department of the Falkland Islands Government:

**Insurance (3/15)** – Members note particularly that people with overseas licences needed to be checked with the RFIP to ensure they were acceptable for changing to an FI licence so that the current insurance policy remained invalidated were they to drive a Government vehicle. No other comments were made

**Pensions (5/15)** - Members had no comments to make on this report.

**Performance Indicators (4/15)** – Members had no comments to make on this report.

**Commanding Officer's Fund (Follow up)** - Members were shocked but had no further comments to make and hope that the recommendations made would be rapidly followed up.

**Regulatory Services (7/15)** - Members had no comments to make on this report.

**Taxation (9/15)** - Members stressed concern that although the Taxation Office is liaising with the Law Commissioner designate to publish consolidated tax legislation once she is in post, IA were advised that this would not happen until May 2017. Members want to stress the importance of having this Legislation published and readily available.

**Occupational Health (8/15) - Members stressed their concern over this Report but were aware that the Director of Health and Social Services was following up the Report.**

Yours sincerely

A handwritten signature in black ink, appearing to read "Leeann Harris". The signature is written in a cursive, flowing style.

Leeann Harris  
Secretary  
Public Accounts Committee

cc: Chief Internal Auditor



## Public Accounts Committee

Shackleton House PO Box 420 Stanley Falkland Islands FIQQ1ZZ  
Tel +500 22905 Email: pacsecretary@horizon.co.fk

Ref: PAC/15/06/01

9<sup>th</sup> June 2015

Mrs C Prior  
Clerk to the Legislative Assembly  
Gilbert House  
Stanley

Dear Claudette

### Accounts

In accordance with the Section (80) of the Constitution I am pleased to report to the Assembly that the Public Accounts Committee have examined the following accounts and have not further matters to bring to your attention:

Falklands Conservation Year End Accounts 30 June 2013  
Falklands Conservation Year End Accounts 30 June 2014  
Falklands Landholdings Corporation Year End Accounts 30 June 2013  
FIDC Accounts Year End 30 June 2014 – Members wanted to pass on their congratulations to the Financial Controller and his team at FIDC for a good set of accounts.  
Falkland Islands Museum and National Trust Year End 30 June 2013  
Falkland Islands Museum and National Trust Year End 30 June 2014

Yours sincerely

A handwritten signature in black ink, appearing to read "Leeann Harris".

Leeann Harris  
Secretary  
Public Accounts Committee

cc: Chief Internal Auditor  
Financial Controller, FIDC

**In Confidence**

**FALKLAND ISLANDS SAFEGUARDING CHILDREN BOARD  
ANNUAL REPORT  
2014**

CONTENTS:

Foreword by Derek Muhl, Chair

1. Introduction
2. Membership
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4. Implementing the Child Safety Review – towards a safe and vigilant community
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5. The new legal context for FISC B
6. The Child Protection Register
7. Looking to the future

Appendices:

Appendix One: Child Safety Review 2013

Appendix Two: Action Plan

SEPTEMBER 2013

## FOREWORD

The first Annual Report of the Falkland Islands Safeguarding Children Board (FISCB) represents a monumental effort from staff across Government in tackling a range of fundamental structural issues. The basis of work over the past twelve months was strongly influenced by the Child Safety Review undertaken by the Lucy Faithfull Foundation. Considerable progress has been made to date but much remains to be done before we can be assured that the broad range of legal, structural and cultural issues have been effectively tackled and have become embedded in normal working processes. The follow up visit from the Lucy Faithfull Foundation planned for March 2015 should provide further impetus in moving forward in this most challenging area. I commend the report to you.

Derek Muhl - Interim Director of Health & Social Services  
Chair, Falkland Islands Safeguarding Children Board

## 1. INTRODUCTION

This is the first Annual Report of the Falkland Islands Safeguarding Children Board.

In a climate of anxiety and criticism, much has been achieved to improve Child Safeguarding in the Islands. It would be wrong to consider that this has been as a result of efforts only in the last year. In late 2012 the Falkland Islands Government commenced a wide-ranging review of child safeguarding. It was identified that many areas of practice needed improvement, multi-agency working and training needed to be streamlined and legislation needed updating. Good practice models in the UK such as Multi-Agency Public Protection Arrangements were put in place in the Falkland Islands to monitor and manage offenders following conviction and once released in the community.

A FISCB Action Plan included refresher training in ABE interviewing, Level 3 safeguarding training for managers and the appointment of a specialist child protection lawyer to drive improvement in the conduct of child protection court proceedings. The Falkland Islands Child Safeguarding Procedures 2012 replaced the Falkland Islands Child Protection Procedures 2001.

Some of this good work was underway before June 2013 and in the year that followed, there has been much positive change for child protection in the Falkland Islands.

As a result of perceived serious problems in child protection, the Lucy Faithfull Foundation was commissioned to conduct a Child Safety Review, the report of which was received in August 2013.

The review was conducted in the context of a social work department which was depleted and dysfunctional, poor relationships between court and other agencies, grave concerns about the nurseries and vulnerable people and a need for legislation to be updated. Recent investigations and convictions meant that the prison was housing a disproportionate number of child sex offenders. In the judgment of a care proceedings case, the then Senior Magistrate voiced a high level of criticism of agencies and processes.

The Child Safety Review of July 2013 (Appendix One) made a number of recommendations and identified a Sexual Abuse Prevention Strategy for the Falkland Islands, which encompassed primary, secondary and tertiary prevention.

The Child Sexual Abuse Prevention Strategy which appears at Appendix 3 of the Child Safety Review, highlights that a reactive strategy, one of investigation, prosecution and incarceration, does little to support the well-being of the child concerned and leaves the child with the responsibility to make an allegation, while it is known that abuse often goes un-reported. A preventative strategy puts the responsibility with the community to take steps to lessen the prevalence of abuse, through public awareness initiatives, including on the effect of domestic violence and alcohol abuse and safe

recruitment into posts which may require contact with children in order to prevent those with inappropriate attitudes from finding niches in the system.

Agencies need to be able to identify children at risk and provide them and their parents with necessary early intervention and services, including therapeutic counselling.

The FISCB adopted all of the recommendations of the Lucy Faithfull Review and submitted papers to the Executive Committee outlining an action plan in response. Some items included in the action plan have been addressed, plans to progress other actions are in the making.

A Child Protection Crown Counsel, a Principal Child Care Solicitor from Cornwall County Council was appointed for a 6 month term from September 2013, with a remit to update the Children Ordinance, engage with the Court and put in place associated training and updates to procedures. The post has continued with recruitment of a further Crown Counsel (Child Protection) expert.

Additional funding was approved for a health / education post to support children with emotional and behavioural difficulties and also an Early Years Development Officer for 6 months, part time. There were to be 2 child care social workers in post by the end of January. All education staff would be trained to Safeguarding Level 1. Allegations of historical abuse at Stanley House would be investigated. A document entitled 'Working Together 2013' would be adopted as the basis of FI best practice. The strong emphasis on early help and intervention would be enshrined in legislation and procedures. The post of Children's Champion was proposed and taken up by MLA Barry Elsby. A Working Group was set up to consider threshold for intervention and early help.

The year began therefore with a long list of tasks to be accomplished and this report will set out how far the Board has made inroads into that workload and the successes that are evidenced to date.

## 2. MEMBERSHIP

The Board comprises the following members in addition to the Chair who is currently the Director of Health and Social Services.

- i) Chief of Police
- ii) Chief Nursing Officer,
- iii) Attorney General's Representative
- iv) Head teacher, FI Community School
- v) Head teacher, Infant and Junior School
- vi) Social Work Team Manager
- vii) Assembly Members including Children's Champion, Barry Elsby
- viii) Deputy Governor, Sandra Tyler-Haywood (Observer)

- ix) Chief Medical Officer
- x) Probation Officer
- xi) Ministry of Defence Representative from Mount Pleasant

Each member has agreed to prioritise attendance at meetings of the Board over and above other commitments. In cases where a member is unavailable, a representative may deputise. Throughout the year attendance has been excellent with all agencies having a voice in the decisions and initiatives of the Board.

### 3. THE FALKLAND ISLANDS CONTEXT – CHALLENGES AND ADVANTAGES

The Falkland Islands context is unique. The community is small and isolated geographically from other British territories and the UK itself and this presents its own challenges. It shares characteristics with other Overseas Territories, but the population is not so small so as not to need good infrastructure, especially in light of the need to present as robust and resilient for future expansion of trade such as oil, but not large enough to be able to offer a full range of services for children locally in need of specialist services and placements. There is limited anonymity in the Falklands and this can adversely impact on the effects of abuse and domestic violence upon children and families.

Options for caring for vulnerable children are therefore limited and they have in the past had to travel to the UK to have their needs met. It is not straightforward to recruit staff with the required skills to come to the islands on an ad hoc basis.

The constitutional rights of children and young people to live in the Falkland Islands is a fundamental freedom which should be respected, in accordance with the law. A child who may already have been abused once may be at risk of being emotionally disadvantaged for a second time as a result of remoteness from his or her homeland and family.

Yet the advantages of a small community include the ability of agencies to identify problems early on and act on them, because of the small scale of the population and numbers of children involved. However, this will require a proactive approach such as that advocated by the Abuse Prevention Strategy, together with a maintaining of a heightened awareness of professionals, parents and the community.

On its own small scale, the Falklands has the opportunity to become a model of best safeguarding practice and a very safe place in which children may live and thrive. It also has opportunity to link with other Overseas Territories in the formulation of common systems of information-sharing, laws and procedures to assist children who move between territories and the UK and for whom a common legal context would be an added safeguard. There is also opportunity to tackle the movement of persons between territories who work with children, about whom information is known but may not formally be shared, recorded and retained, for the protection of children.

#### 4. IMPLEMENTING THE CHILD SAFETY REVIEW – TOWARDS A SAFE AND VIGILANT COMMUNITY.

The Child Safety Review, conducted by Michel Sheath, a very experienced practitioner of the Lucy Faithfull Foundation with wide experience of similar work in other overseas territories, makes a number of observations and recommendations which have been adopted by the Board and which have fed into its Action Plan.

Over the last year, these recommendations have been the basis of the activities of the Board, which has implemented many of the recommendations and ensured that the funding has been in place to be able to drive forward innovations and, where necessary, recruit extra staff members. This has been an opportunity for focussed work within a relatively tight timeframe and agencies have risen to the challenge as part of their commitment to safeguarding children and the work of the Board.

##### i) Staffing

The current professional social work team comprises two full time child care social workers and a full time adults' social worker, as well as the Team Manager. A local Falkland Island Social Work Assistant has just gone to the UK to start her 3 year social work training, responding to the need highlighted by Lucy Faithfull that the Falklands should not rely on outside experts.

A full-time Probation Officer is in post and is undertaking work with the sex offenders currently in prison to reduce their risk of re-offending when they are released.

A health / education post to support children in school with emotional and behavioural difficulties has been filled.

The Early Years Development Officer (Nursery Liaison Officer) post has been filled following the conclusion of the previous contract.

A child protection Crown Counsel was appointed for a 6 month term from September 2013, with a remit to update the Children Ordinance, engage with the Court, and put in place associated training and updates to procedures. The post has been continued on a permanent basis with recruitment of a further Crown Counsel (Child Protection). Conduct of care proceedings and child protection legal advice is therefore now provided by a specialist, experienced, child protection lawyer. Further changes to law affecting children are currently being considered within the multi-agency Family Justice Review Working Group.

##### ii) The Children Ordinance 2014.

In September 2013, a Principal Child Care Solicitor for Cornwall County Council, began a six month contract in the Attorney General's Chambers. Her remit included

the updating of the Children Ordinance 1994, which was ably achieved, having worked in partnership with a number of representatives from police, social services, education and health, amongst others, before her departure in February 2014.

The Bill then began its path via Executive Committee to a Legislative Assembly Select Committee where it was subject to thorough scrutiny, the Attorney General's Chambers and the Social Services Department providing further explanation as required. The resulting Children Ordinance 2014 is therefore a well-considered and appropriately refined piece of law which the Board is proud to endorse and which fulfils one of the main recommendations of the Child Safety Review.

The main changes in the new law within the sections imposing upon the Crown a duty to intervene early where children are in need, providing support and services in an effort to avert subsequent crisis. It is true to say that such good practice was already happening, but putting that on a statutory footing is likely to improve outcomes for children and young people, including young people in the care system, who will also be able to access continuing support even after they leave care.

Other new aspects include provision for unmarried fathers to acquire parental responsibility for their child by inclusion on the birth certificate (this provision delayed until November 2015) at the time of registration or by agreement and court order, the statutory status of the Board (see 5 below), provision for the safeguarding of children who live with host families who are not their relatives and a duty on parents to provide specific information when their child is living elsewhere other than at home for the purposes of attending school in Stanley.

Regulations concerning Hosting and Private Boarding have been introduced. Those concerning the FISC and its functions will be introduced imminently.

### iii) Multi-Agency Training

During the past year, multi-agency training has taken place regarding the anticipated updates to the Safeguarding Children and Young People Procedures 2012 and the anticipated main changes to the Children Ordinance 1994 introduced by the Children Bill 2014.

A mock trial was staged in the Magistrate's Court where the case study was a hearing dealing with a contested application for an interim care order, such as would be likely to occur at the outset of care proceedings in respect of a child.

The above training was arranged and co-delivered by the Crown Counsel (Child Protection) in collaboration with a consultant social worker from Cornwall County Council, during February 2014. The series of training events were extremely well supported with over 90 delegates in attendance from all agencies.

A cross section of agencies and organisations were represented, including the nurseries, the presence of whose staff members evidenced a real enthusiasm for improving standards in that sector.

Camp teachers who were not able to attend for reasons of geographical remoteness received their own dedicated training in twilight sessions in April.

A similar contribution to police probationer training was delivered in April 2014 and this day-long session was thrown open to other agencies, creating an interesting forum for discussion and incorporating a mock Child Protection Conference.

The out-going locum Probation Officer, in collaboration with London Probation Trust, organised some extremely interesting and valuable training on offender management and risk assessment, delivered by two experienced London probation officers in April – May 2014.

All the above training received good feedback and the Board acknowledges the hard work both of the trainers and the participants as well as the willingness of the various organisations who allowed staff time for such important sessions.

#### iv) Review of Nurseries and Child Care Provision

The post of Early Years Development Officer (EYDO) also had its origins in the recommendations of the Child Safety Review. The first incumbent occupied the post part-time for 6 months to May 2014 and during that time has been responsible for a sea change in this private sector service. There are four nursery / child care establishments in Stanley, together caring for a large proportion of the children whose parents are unavailable during the day due to work commitments. From a baseline of no regulation and very little in the way of safe recruitment practice and safeguarding awareness, nurseries have been encouraged to raise standards through a voluntary award scheme.

The Falkland Islands Childcare Report of March 2014 described the progress which has been made. The EYDO advocated no regulation by statute, unless it should become evident that the voluntary award scheme has not had sufficient success and impact in permanently raising standards. The Board endorsed the report's conclusion that there has been enthusiasm and energy dedicated to an aspiration to achieving the awards, for the good of the children in nursery care.

The successor in this post was recruited in November 2014 and will continue this important work. The Board will continue to monitor the achievements of the nurseries and to review if necessary the need for statutory regulation.

v) Public Awareness Campaign

Again, a recommendation of the Child Safety Review is fulfilled with the delivery of the Public Awareness Campaign, headed up by the FIG PR Manager who has worked tirelessly to put to good use the funding which was made available by the FCO for this important incentive.

A multi-agency sub-group was convened to drive the campaign's work. Consultation took place with adults and children in the community, partly facilitated by the Falkland Island Community School. The hard-hitting materials are not designed to create a comfort zone but to address issues of child sexual abuse in a forthright manner which will challenge parents to take the initiative in reducing the incidence of abuse in the community, on the basis that it should not be left to children to come forward after having been abused in order for the problem to be tackled, as advocated in the Child Sexual Abuse Prevention Strategy.

Materials used were designed by the Lucy Faithfull Foundation and adapted by those in the Working Group to fit with Falklands society. They have received wide exposure and publicity throughout the community, including in the Penguin News.

## 5. THE NEW LEGAL CONTEXT FOR THE FISCB

With the passing of the Children Ordinance 2014 into law, the Safeguarding Board will be placed on a statutory footing for the first time. This means that the Crown has a duty to ensure its continued existence. The Board's objective is to co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the Falkland Islands and to ensure the effectiveness of what is done for those purposes.

The Governor has power to make regulations regarding how the Board discharges its functions and those regulations are in the process of being developed.

The Board must produce an Annual Report and this is the first such report which should be made public.

Professionals and professional bodies must provide information to the Board for the purposes of the discharge of its functions. This means that in its role as reviewer and monitoring body for safeguarding practice, reviews may be carried out of certain cases so that lessons may be learned, not to apportion blame, but to make future improvements.

In addition to the above, the regulations will lay down membership and functions of the Board in detail and these will include developing safeguarding policies and procedures for action to be taken in specific circumstances, training, recruitment of those who work with children, safety and welfare of children who live elsewhere other than at home, communicating and raising awareness, participating in the planning of services for children and any other activity conducive to the achievement

of its objective. This will continue to include oversight of the cases of children on the Child Protection Register

Additionally, regulations may provide that the Board will collect and analyse information about every child death with a view to identifying cases for review, matters of concern and any wider health or safety concerns arising from a particular death or a pattern of deaths.

## 6. THE CHILD PROTECTION REGISTER

Statistics September 2013 – August 2014

Over the past 12 months there have been 21 children subject to CP Plans

## 7. LOOKING TO THE FUTURE

The Board's priorities for the coming year include the following (shown at Appendix Two), which were translated into a new Action Plan approved at the meeting on 21<sup>st</sup> November 2014. There is much work to be done and that which has been started must be maintained. Trained and skilled Falkland Islanders in professional child safeguarding positions in the future will bring some continuity to case handling and will provide corporate memory and continuity.

This ambitious programme of work will be closely monitored throughout 2015 and supported by another visit from staff from the Lucy Faithfull Foundation which is planned for March 2015.

## Appendix Two – Action Plan

No	Action
1	Incorporate all new updates, including those underpinning the changes to the Children Ordinance, into a new set of Falkland Islands Safeguarding Children and Young People Procedures 2014.
2	Continue multi-agency safeguarding training to be planned, co-ordinated and delivered through a newly-formed FISC B Training Sub-Group.
3	Involve the private and voluntary sectors in distribution of 2014 Procedures and associated multi-agency training.
4	Support a campaign to recruit and train new foster parents.
5	Promote a further publicity campaign regarding domestic abuse, alcohol misuse and physical chastisement.
6	Finalise a Protocol for dealing with unexpected child deaths, to be appended to the new 2014 Safeguarding Procedures; the Board will develop its own role in accordance with regulations, to identify any trends.
7	Monitor the performance and achievements of the nursery sector with a view either to recommending that regulation and associated supports are introduced by the Government or that the system is succeeding sufficiently on a voluntary basis to protect children from harm and to promote their welfare.
8	Encourage the proactive use of Sexual Offences Prevention Orders where possible and consider action in partnership with Immigration Departments regarding implications for children internationally, when known offenders travel into and out of the Falkland Islands.
9	Undertake a review of social services records to establish whether any historical allegations have not been fully confronted.
10	Encourage progress towards an effective electronic database system for retrieval of information, in order to protect children more effectively.
11	Review a selection of past cases to identify any cases which ought formally to be reviewed by the Board as serious cases, including child deaths, allegations of serious abuse and examples where recruitment errors have been made, in order to inform and improve future practice.
12	Scrutinise the systems of safe recruitment of those who work with children (which will also cover those who work with other vulnerable people), whether in the public or private sectors and create recommended policies for use by all relevant organisations.
13	Endorse of the next priorities for regulations, new legislation and extension of relevant international conventions which could positively affect the lives of children in the Falkland Islands and those whose families move between countries and territories, following work carried out by the Family Justice Review Working Group.
14	The Chair of the Board to invite the Lucy Faithfull Foundation back to undertake a further review.

**LEGISLATIVE ASSEMBLY**

**ORDER PAPER**

**THURSDAY 30 JULY 2015**

**QUESTIONS FOR ORAL ANSWER**

**Question Number 08/15 by the Honourable Gavin Short**

Could the Honourable Mike Summers tell the house what is the current status of who has to pay vehicle tax and are there any plans in place to review this given that there seems to be anomalies in the system?

**Question Number 09/15 by the Honourable Gavin Short**

Can the Honourable Mike Summers state where we are in trying to move forward the update of the road traffic laws which seem to have been stalled for a good many years?

**Question Number 10/15 by the Honourable Gavin Short**

Can the Honourable Michael Poole give an update of where we are with the update to the Workers Protection legislation and is he confident that this work can be finished in time to be presented to this house during the life of this Assembly?

**Question Number 11/15 by the Honourable Jan Cheek**

Will the Honourable Mike Summers please inform the Assembly of the current rules being applied to frequency of, and charges for regular eye tests? In particular how often are tests recommended for different categories and age groups? Which groups get free tests and are those with existing medical conditions affecting eyesight, for example diabetes and glaucoma, entitled to more frequent free tests?

**Question Number 12/15 by the Honourable Ian Hansen**

Could the Honourable Gavin Short inform this house if there are any plans for the use of Britannia House either in the short term or the longer term?

**LEGISLATIVE ASSEMBLY**

**ORDER PAPER**

**THURSDAY 30 JULY 2015**

**MOTIONS**

**Motion Number 6 of 2015 by the Honourable Dr Barry Elsby**

This House believes that, as part of its review of the Electoral Ordinance, provisions should be made for greater use of referendums by the Government, and that this discussion should include provisions for voter-initiated referendums.

Proposed: The Honourable Dr Barry Elsby

Seconder: The Honourable Michael Poole

**LEGISLATIVE ASSEMBLY**

**ORDER PAPER**

**THURSDAY 30 JULY 2015**

**REPORTS**

**Motion No 7 by the Honourable Ian Hansen**

That this House notes the comments and recommendations of the Public Accounts Committee in respect of the Business Continuity Plan.

Proposed by: The Honourable Ian Hansen

Seconded by: The Honourable Michael Poole

## Public Accounts Committee

Shackleton House PO Box 420 Stanley Falkland Islands FIQQ1ZZ  
Tel +500 22905 Email: pacsecretary@horizon.co.fk

Ref: PAC/15/07/01

14<sup>th</sup> July 2015

Members of the Legislative Assembly  
Gilbert House  
Stanley

Dear Members

### **Business Continuity Planning**

At our recent Committee meeting the Chief Internal Auditor appraised us of an Internal Audit on Business Continuity Planning for FIG. It is clear from the Internal Audit Report that FIG is currently very exposed to risk in this area.

We understand that responsibility for Business Continuity Planning has been delegated to OC FIDF. OC FIDF has had no training in this area and as a result there has been little or no progress made on ensuring that FIG has an up to date and uniform system in place across the Departments. We understand there are twelve plans in place to date, but some of these are now out of date as there is no process in place for regular reviewing/updating. Further there appears to be no template/procedure manual for departments to assist them with getting the remaining plans in place.

We urge Members to address this very real risk to FIG at your earliest convenience.

Yours sincerely



pp Dr Andrea Clausen  
Chairman  
Public Accounts Committee

cc: Chief Internal Auditor

**LEGISLATIVE ASSEMBLY**

**ORDER PAPER**

**THURSDAY 30 JULY 2015**

**Portfolio Reports:**

The Honourable Gavin Short

The Honourable Mike Summers OBE

**LEGISLATIVE ASSEMBLY**

**ORDER PAPER**

**THURSDAY 30 JULY 2015**

**PROCEDURE FOR THE MOTION FOR ADJOURNMENT**

<b>CLERK</b>	“Motion for Adjournment”
<b>CHIEF EXECUTIVE</b>	“Mr Speaker I beg to move that House stands adjourned sine die.”  Honourable Members may speak to the Motion.
<b>THE SPEAKER</b>	“The House stands adjourned accordingly.” Mr Speaker then departs