

**CHILDREN FIRST
INTERDEPARTMENTAL
IMPLEMENTATION GROUP**

ANNUAL REPORT 2017

Annual Report to the Minister for Children and Youth Affairs of the Children First Inter-Departmental Implementation Group

1. Introduction

The Children First Inter-Departmental Implementation Group was established under Part 4 of the Children First Act 2015. The relevant provision, section 24, was commenced in May 2016, and the first meeting of the Group took place in November of that year.

The Children First Inter-Departmental Implementation Group is required, under section 26(1) of the Children First Act 2015, to prepare and submit to the Minister for Children and Youth Affairs an annual report on the performance of its functions and activities in the preceding calendar year. This report must be submitted to the Minister no later than 30 June of the year following the calendar year to which it relates.

On receipt of the annual report, the Minister is required to lay a copy of the report before each House of the Oireachtas.

2. Content and Structure of the Report

The Annual Report is required to address the functions and activities of the Implementation Group for the period in question. In addition, this Report will outline the main provisions of the Children First Act 2015, commencement and implementation of same, and set out the intended work programme of the Implementation Group for the year 2018.

The contents of the report are as follows:

- ❖ Children First Act 2015
 - Enactment
 - Key provisions
 - Commencement
- ❖ Children First Inter-Departmental Implementation Group
 - Membership of the Children First Inter-Departmental Implementation Group
 - Functions of the Implementation Group
- ❖ Activities of the Children First Inter-Departmental Implementation Group in 2017
 - Meetings of the Implementation Group
 - Work programme of the Implementation Group
 - Information and training resources to support Children First implementation
- ❖ Priorities for 2018

3. Children First Act 2015

3.1 *Enactment*

The Children First Act 2015 was signed into law on 19 November 2015, in accordance with a key commitment in the Programme for Government. The legislation places on a statutory basis, some of the key elements of *Children First: National Guidance for the Protection and Welfare of Children*. The enactment of the legislation reflects the commitment of a number of successive Governments to strengthen protection for children, and the Children First Act 2015 became part of a suite of legislation which includes the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016 and the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012.

3.2 *Key provisions*

The Children First Act 2015 provides for, *inter alia*:

- Mandatory reporting of child abuse by key professionals;
- Mandated assisting;
- Comprehensive risk assessment and preparation of Child Safeguarding Statements by providers of services to children;
- The establishment of the Children First Inter-Departmental Implementation Group on a statutory basis; and
- The removal of the common law defence of reasonable chastisement in relation to corporal punishment.

3.3 *Commencement*

- (i) Sections 1 to 5 (Part I) and section 28 (Part 5) of the Act were commenced on 11 December 2015. Sections 1 to 5 are standard provisions in relation to title, citation, regulations, definitions etc. Section 28 relates to corporal punishment and removes the common law defence of reasonable chastisement in relation to same.
- (ii) Section 18 (Part 3) and Sections 20-26 (Part 4) were commenced on 1 May 2016. Section 18 of the Act is a technical amendment to ensure that the Child and Family Agency is a specified body for purposes of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012. Sections 20-26 deal with establishing the Children First Interdepartmental Implementation Group (CFIDG) on a statutory basis and expanding the Group to include all Government Departments.
- (iii) All remaining provisions of the Children First Act 2015 were commenced on Monday 11th December 2017. These included the provisions in relation to:
 - Mandated reporting of child abuse by defined categories of persons; and
 - Obligations on organisations providing services to children to keep children safe from harm, to carry out risk assessments and to prepare and publish Child Safeguarding Statements

4. Children First Inter-Departmental Implementation Group

4.1 *Membership of the Implementation Group*

As indicated above, Part 4, Sections 20-26 inclusive, of the Children First Act 2015 were commenced on 1 May 2016. These Sections of the Act provide for the establishment of the Children First Inter-Departmental Implementation Group on a statutory footing and expanded the membership of the previous non statutory Implementation Group to include representatives from every Government Department, the HSE, an Garda Síochána and Tusla.

The members of the Implementation Group are appointed by the Minister for Children and Youth Affairs, on the nomination of their respective Minister, CEO or Commissioner, as appropriate. The membership of the Implementation Group in the period covered by this Annual Report, i.e. 1st January to 31 December 2017, is set out in *Appendix 1*.

The legislation (Section 21 (2)) also requires the appointment by the Minister of an officer of the Minister to be the Chairperson of the Implementation Group. Ms. Éimear Fisher was appointed Chair of the Implementation Group by the Minister on 30 January, 2017.

The statutory Children First Inter-Departmental Implementation Group (CF IDIG) held its inaugural meeting on 30 November 2016.

4.2 *Functions of the Implementation Group*

The Children First Act (Section 22) sets out the functions of the Group which are to -

- a) Promote compliance by Departments of State with their obligations under the Act;
- b) Monitor the implementation by Departments of State of the guidelines issued by the Minister under section 6;
- c) Provide support to Departments of State in respect of the preparation and publication of sectoral implementation plans;
- d) Promote a consistent approach by Departments of State in respect of the preparation and publication of sectoral implementation plans;
- e) Report to the Minister, when requested, on the implementation of this Act and of the guidelines issued by the Minister under section 6; and
- f) Provide information or advice, or make proposals, to the Minister on matters relating to the functions of the Implementation Group referred to in paragraphs (a), (b), (c), (d) and (e).

The Act also makes provision for the following:

- Minister issuing directions to the Implementation Group (section 23);
- Conditions and cessation of membership (section 24);
- Meetings and procedures for the Group (Section 25);

- The preparation and submission to the Minister of reports, including an annual report on the functions and activities of the Implementation Group (section 26); and
- The preparation by each Department of State of a Sectoral Implementation Plan (section 27).

5. Activities of the Children First Inter-Departmental Implementation Group in 2017

5.1 Meetings of the Implementation Group

The Implementation Group met eight times in the period 1st January 2017 to 31st December 2017. The dates of the meetings are set out in *Appendix 2*.

5.2 Work programme of the Implementation Group

The statutory functions of the Implementation Group under section 22 of the Act, are set out in paragraph 4.2 above.

The activities of the Implementation Group in 2017 concentrated on subsections (a) to (d) inclusive, namely, promoting compliance by Departments of State with their obligations under the Act, monitoring the implementation by Departments of State of the Children First Guidance, providing support to Departments of State in respect of the preparation and publication of sectoral implementation plans, and promoting a consistent approach by Departments of State in respect of the preparation and publication of sectoral implementation plans.

The focus of the Implementation Group during 2017 has been preparations for full commencement of the remaining provisions of the Children First Act 2015, which took place on 11th December 2017. The Implementation Group's work in this regard has taken place under the following headings:

- Preparations by individual Departments and Agencies in identifying and addressing their own statutory and non-statutory obligations under the Children First Guidance and legislation, including governance arrangements in relation to public funding of services to children.
- Engagement with the Department of Children and Youth Affairs and with Tusla on the preparation of information and training resources to support Children First implementation;

Preparations by Departments and Agencies

In anticipation of the full commencement of all provisions of the Children First Act by December 2017, all members of the Implementation Group, in relation to their own Department or Agency's functions and funded agencies, sectors services, undertook the following tasks:

- Identifying mandated persons who would acquire legal responsibilities under the Act;
- Identifying providers of relevant services who would acquire legal responsibilities under the Act;
- Communicate with same re impending responsibilities;
- Reviewing the Departments child protection processes and structures for fitness of purpose;
- Establishing any training gaps that will need to be filled.

This process commenced at end 2016, on the establishment of the Implementation Group, and continued in 2017, up to the commencement date of 11 December.

All Government Departments have a statutory obligation under section 27 of the Act to publish a Sectoral Implementation Plan. In addition, Government Departments, if providing relevant services to children, have a statutory obligation to prepare a Child Safeguarding Statement by 11 March 2018.

In the context of preparing the Sectoral Implementation Plan under section 27 of the Act, Government Departments are required to outline the programme of measures taken or proposed to be taken to ensure that the Department concerned and any body providing relevant services to children on its behalf and funded by that Department in that regard, complies with the Children First Act and guidelines. The Group expressed reservations about Departments being able to ensure full compliance by such external funded providers. The statutory obligations in the Act attach to the provider, and while Departments' governance procedures will reference the Act's requirements, the ultimate responsibility to comply with the Act lies with the provider. Work commenced in 2017 and will continue in 2018 on better linking child safeguarding requirements to the receipt of public funds.

Information and training resources to support Children First implementation

The Children First legislation operates in tandem with the revised *Children First: National Guidance for the Protection and Welfare of Children*. The Guidelines were revised to take account of the new legislative obligations so as to provide, in one place, a comprehensive reference resource for individuals and organisations. These were published by the Department of Children and Youth Affairs in October 2017 and will provide clarity and ensure consistency between the legislation and the existing non-statutory obligations which will continue to operate administratively for all sections of society. The Department engaged with the Implementation Group in relation to finalising and quality assuring the text of the revised guidance.

In anticipation of the full commencement of the legislation, Tusla developed a range of information and training resources, designed to assist individuals and organisations to meet their statutory and non-statutory safeguarding obligations under the Children First legislation and guidance, as follows:

- Guidance for Child Safeguarding [including the preparation of Child Safeguarding Statements];
- Children First basic training module [e learning platform];
- Guide for the Reporting of Child Protection and Welfare Concerns;
- Protocol for Mandated Assisting; and
- A National Training Guide to assist organisations in developing Children First training programmes.

These resources were made available on the Tusla website at end 2017. The Implementation Group assisted in the quality assurance of the documents and resources prior to publication, and will continue to assist in relation to keeping their effectiveness under review.

6. Priorities for 2018

The Children First Inter-Departmental Implementation Group has agreed a work programme for 2018. The priorities for 2018 will be as follows:

- Review and monitor impact of full commencement of Children First Act 2015;
- Address any cross Departmental/cross sectoral issues arising, including in relation to effective interagency working;

- Identify and address any gaps in the child safeguarding landscape;
- Develop consistent governance assurance mechanisms in relation to public funding of services for children and young people, to link compliance with safeguarding obligations to receipt of public funds;
- Provide information or advice, or make proposals to the Minister on matters relating to the functions of the Implementation Group under section 22 (f) of the Children First Act 2015; and
- Comply with any requests from the Minister for reports under section 26 of the Children First Act 2015.

APPENDIX 1

MEMBERSHIP OF CHILDREN FIRST INTER-DEPARTMENTAL IMPLEMENTATION GROUP FOR THE PERIOD 1st JANUARY TO 31 DECEMBER 2017

| Department | Member | Membership Dates 1 st January 2017-31 st December 2017 unless otherwise stated |
|------------------------------------------------|-----------------------|------------------------------------------------------------------------------------------------------|
| Children and Youth Affairs | Fergal Lynch {Chair} | 01/01/17 - 30/01/17 |
| | Éimear Fisher {Chair} | 30/01/17 - 31/12/17 |
| | Marie Kennedy | |
| Education and Skills | Paraic Joyce | |
| Housing Planning and Local Government | Diarmuid O'Leary | 01/01/17 – 13/10/17 |
| | Paul Malone | 13/10/17 – 31/12/17 |
| Justice and Equality | Paul O'Farrell | |
| Employment Affairs and Social Protection | Noel Hand | |
| Transport, Tourism and Sport | Olive Walsh | |
| Culture, Heritage and the Gaeltacht | Mark Bohan | 01/01/17 – 25/07/17 |
| | Alison Geraghty | 25/07/17 – 31/12/17 |
| Health | Susan Kent | |
| Finance | Feargal Ó Brolcháin | |
| Agriculture, Food and the Marine | Kay Ryan | |
| Communications, Climate Action and Environment | Dualta Ó Broin | 01/01/17 – 13/10/17 |
| | Mary Farrell | 13/10/17 – 31/12/17 |
| Defence | Gareth O'Flaherty | |
| Foreign Affairs and Trade | Eamonn McKee | 01/01/17 – 29/11/17 |
| | Fiona Flood | 29/11/17 – 31/12/17 |

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|------------------------------------------------------------|------------------------------|---------------------|
| Business, Enterprise and Innovation | Margaret Lawlor | |
| Public Expenditure and Reform | Larry Dunne | 01/01/17 – 24/10/17 |
| | Kieran Sheedy | 24/10/17 – 31/12/17 |
| Taoiseach | Denis Breen | 01/01/17 – 04/05/17 |
| | Eileen Keogh | 04/05/17 – 31/12/17 |
| Rural and Community Development (new dept. as of 19/07/17) | Jason Kearney | 07/11/17 – 31/12/17 |
| Agencies | | |
| Tusla Child and Family Agency | Jim Gibson | |
| An Garda Síochána | D/Superintendent Declan Daly | |
| Health Service Executive | John Hennessy | |

APPENDIX 2

MEETINGS OF THE CHILDREN FIRST INTER-DEPARTMENTAL IMPLEMENTATION GROUP *FOR THE PERIOD 1st JANUARY TO 31 DECEMBER 2017*

1. 13th January 2017
2. 24th February 2017
3. 7th April 2017
4. 19th May 2017
5. 14th July 2017
6. 22nd September 2017
7. 20th October 2017
8. 17th November 2017