

**CHILDREN FIRST
INTERDEPARTMENTAL
IMPLEMENTATION GROUP**

ANNUAL REPORT 2016

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

Introduction

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.

In the case of the first such annual report, the period to be covered is from the date the Implementation Group was established, to 31 December. Accordingly, this first annual report of the Implementation Group, for the year 2016, covers the period 30 November 2016 to 31 December 2016.

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

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, progress to date with commencement and implementation, and set out the intended work programme of the Implementation Group for the year 2017.

The contents of the report are as follows:

- ❖ Children First Act 2015
 - Enactment
 - Key provisions
 - Commencement
- ❖ Children First Inter-Departmental Implementation Group
 - Non statutory Children First 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 2016
 - Meetings of the Implementation Group

- Work programme of the Implementation Group
 - Information and training resources to support Children First implementation
 - Preparations by members of the Implementation Group for full commencement of the Children First Act 2015

❖ Priorities for 2017

Children First Act 2015

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.

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 services for 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.

Commencement

A number of provisions of the Act have already been commenced as follows:

- (i) Sections 1 to 5 (Part I) and section 28 (Part V) 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 III) and Sections 20-26 (Part IV) 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.

In relation to those provisions of the Act which have not yet been commenced, the Minister for Children and Youth Affairs has directed that full commencement of the remaining provisions of the Act will take place by end 2017, including provisions related to mandated reporting of child abuse and relating to Child Safeguarding Statements.

Children First Inter-Departmental Implementation Group

Non statutory Children First Implementation Group

The statutory Children First Inter-Departmental Implementation Group (CF IDIG) held its inaugural meeting on 30 November 2016. It had been preceded for a number of years by the non-statutory CF IDIG which comprised representatives from those Departments/organisations with significant child protection responsibilities, the HSE, and, on its establishment in 2014, Tusla. The Group was chaired by the Department of Children and Youth Affairs. The main function of the non-statutory Implementation Group was to monitor implementation of the existing Children First guidance, to address any cross Departmental issues arising, and to assist, as required, in the development of the Children First legislation.

Membership of the Implementation Group

As indicated above, Part IV, Sections 20-26 inclusive, of the Children First Act 2015 was 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 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. 30 November to 31 December 2016, 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. Pending the appointment of Ms. Éimear Fisher, Assistant Secretary, Department of Children and Youth Affairs, Dr. Fergal Lynch, Secretary General, Department of Children and Youth Affairs, served as Chair of the Implementation Group on an interim basis for its inaugural and subsequent meeting on 13 January, 2017. Ms. Fisher was appointed Chair of the Implementation Group by the Minister on 30 January, 2017¹.

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 ,

¹ Dr. Lynch served as Chair of the Implementation Group for the period from 30 November 2016 until Ms. Fisher's appointment as Chair on 30 January 2017.

- 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 provides for the Minister issuing directions to the Implementation Group (section 23), conditions and cessation of membership (section 24), meetings and procedures for the Group (Section 25), for 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 for the preparation by each Department of State of a Sectoral Implementation Plan (section 27, not yet commenced).

Activities of the Children First Inter-Departmental Implementation Group in 2016

Meetings of the Implementation Group

As the Implementation Group was only established at end 2016, only one meeting of the Group took place in 2016, on 30 November 2016. At that meeting, the Implementation Group agreed a schedule of meetings for 2017 which, in acknowledgement of the significant work programme on hands for the Group in anticipation of the full commencement of all remaining provisions of the Children First Act 2015, committed to meeting at intervals of approximately six weeks. The Group also agreed a work programme for the period to end 2017.

Work programme of the Implementation Group

The focus of the Implementation Group in the period to end 2016, and to date in 2017, has been preparations for full commencement of the remaining provisions of the Children First Act 2015. The Implementation Group's work in this regard has taken place under the following headings:

- 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; and
- Preparations by individual Departments and Agencies in identifying and addressing their own statutory and non-statutory obligations under the Children First Guidance and legislation.

In relation to the statutory functions of the Implementation Group under section 22 of the Act, as set out above, the activities of the Implementation Group in 2016 concentrated on subsections (a) and (b), namely, promoting compliance by Departments of State with their obligations under the Act, and monitoring the implementation by Departments of State of the Children First guidance.

Information and training resources to support Children First implementation

It is intended that the Children First legislation will operate in tandem with the revised *Children First: National Guidance for the Protection and Welfare of Children*.

Revision of the Guidance, to take account of the new legislative obligations so as to provide, in one place, a comprehensive reference resource for individuals and organisations, was undertaken by the Department of Children and Youth Affairs in 2016. This 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 has 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 are currently developing 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 [elearning 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.

Tusla continues to engage with the Implementation Group in relation to the development of these resources, with a view to ensuring that they fully meet the requirements of their target audiences. Members of the Implementation Group have been piloting/reviewing the resources to ensure that they are fit for purpose and to address any issues arising.

It is intended that all information and training resources will be formally launched in September 2017. This will allow all end users an opportunity to familiarise themselves with the legislative requirements which might attach to them ahead of commencement in December 2017 of the remaining provisions of the Children First Act 2015.

Preparations by members of the Children First Inter-Departmental Implementation Group for full commencement of the Children First Act 2015

The newly established statutory Children First Inter-Departmental Implementation Group includes in its membership, Departments who had previously been involved in the non-statutory predecessor to the Implementation Group, and a number of new Departments who had not to date been involved in cross Departmental child protection discussions.

All members of the Implementation Group, in relation to their own Department's functions, their agencies, their sectors and funded services, must:

- Identify mandated persons who will acquire legal responsibilities under the Act;
- Identify providers of relevant services who will acquire legal responsibilities under the Act;
- Communicate with same re impending responsibilities;
- Review child protection processes and structures for fitness for purpose;

- Establish any training gaps that will need to be filled.

This process commenced at end 2016, on the establishment of the Implementation Group, and will continue in 2017.

Priorities for 2017

The Children First Inter-Departmental Implementation Group has agreed a work programme for 2017. The priorities for 2017 will be as follows:

- Continue engagement with the Department of Children and Youth Affairs and Tusla in relation to finalising the full suite of Children First information and resource documents;
- Address individual Department and Agency obligations under the Children First legislation and guidance, and address any cross Departmental/cross sectoral issues arising;
- Prepare for the statutory requirement to develop and publish Departmental Children First Sectoral Implementation Plans, as soon as may be, following commencement of section 27 of the Children First Act 2015 at end 2017;
- Develop consistent governance assurance mechanisms in relation to public funding of services for children and young people, to ensure that such services in receipt of funding, are compliant with their safeguarding obligations;
- 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 30 NOVEMBER TO 31 DECEMBER 2016

Department	Name
Children and Youth Affairs	Fergal Lynch {Chair}
Children and Youth Affairs	Marie Kennedy
Education and Skills	Paraic Joyce
Housing, Planning and Local Government	Diarmuid O' Leary
Justice and Equality	Paul O' Farrell
Social Protection	Noel Hand
Transport, Tourism and Sport	Eddie Burke
Arts, Heritage, Regional Rural and Gaeltacht Affairs	Mark Bohan
Health	Susan Kent
Finance	Feargal Ó Brolcháin
Agriculture, Food and the Marine	Kay Ryan
Communications, Climate Action and Environment	Dualta Ó Broin

Defence Gareth O' Flaherty

Foreign Affairs and Trade Eamonn McKee

Jobs, Enterprise and Innovation Margaret Lawlor

Public Expenditure and Reform Larry Dunne

Taoiseach Denis Breen

Agencies Name

Tusla Child and Family Agency Jim Gibson

An Garda Síochána D/Superintendent Declan Daly

Health Service Executive John Hennessy