

TÚSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Children First Act 2015

Ireland Active

Disclaimer

- This presentation is not a complete authoritative statement on the Children First Act 2015, and is not a legal interpretation.
- The aim is to provide information on the key elements outlined in the legislation that may have implications for organisations.

Context

Responsibilities & principles outlined in **Children First National Guidance for the Protection and Welfare of Children 2017** will operate with the **Children First Act 2015.**

Supporting Legislation

Suite of legislation includes:

- National Garda Vetting Bureau (*Children and Vulnerable Persons*) Act 2012
- Criminal Justice (*Withholding Information on Offences against Children and Vulnerable Persons*) Act 2012

Children First Act 2015

Core elements:

- **Part 1 – Preliminary & general**
- **Part 2 – Child Safeguarding Statement for relevant services & Non compliance arrangements**
- **Part 3 – Mandated reporting & assisting**
- **Part 4 – Children First Inter-Departmental Implementation Group**
- **Part 5 – Miscellaneous**

Children First National Guidance 2017



- **Ch. 1: Introduction and Use of this *Guidance***
- **Ch. 2: Child Abuse: What Is It? How do I Recognise It? How do I Report It?**
- **Ch. 3: Mandated Persons**
- **Ch. 4: Responsibilities of Organisations Dealing with Children and Young People**
- **Ch. 5: Dealing with Concerns about a Child: Tusla and An Garda Síochána**
- **Ch. 6: Oversight of Child Welfare and Protection**
- **Appendices**

In this *Guidance*, 'a child' means a person under the age of 18 years, who is not or has not been married.

Part 1: Preliminary & General

Definitions :

- **‘Agency’** means Child and Family Agency, also known as Tusla.
- **‘Child’** as defined under Child Care Act 1991.
- **‘Welfare’** includes, in relation to a child, the moral, intellectual, physical, emotional and social welfare of the child.

Part 1: Preliminary & General

Harm in relation to a child:

- (a) assault, ill-treatment or neglect of the child in a manner that seriously affects or is likely to seriously affect the child's health, development or welfare, or

- (b) sexual abuse of the child

Part 1: Preliminary & General

Definitions:

- **Authorised Person:** Staff in the Agency appropriate to receive reports.
- **Mandated Person:** Persons listed under ***Schedule 2*** of the Act who are required to make reports to the Agency.
- **Relevant Service:** Work or activity which consists mainly of access to or contact with children – ***Schedule 1***.

Children First Act 2015

Part 2: Child Safeguarding Statements

Part 2: Child Safeguarding Statements

The provider of a relevant service:

Someone who employs, contracts with or permits one, or more than one other person, to undertake any work or activity that constitutes a relevant service (**Section 8**).

Relevant service:

Any work or activity specified in Schedule 1

Part 2: Child Safeguarding Statements

The provider of a relevant service is required to:

- Ensure that each child availing of its service is **safe from harm**
- Carry out a **risk assessment**
- Develop a **Child Safeguarding Statement**
- Appoint a **relevant person**

Risk Assessment

- If you are the provider of a relevant service you must undertake a risk assessment (Children First Act 2015)
- The risk assessment considers the potential for harm to come to children in the care of your organisation
- Risk is in the context of risk of abuse and NOT general health and safety
- Your organisation uses this risk assessment to draft a CSS which outlines how these risks will be managed. (CF 2017)

What is Risk Assessment?

A risk assessment is an exercise where your organisation examines all aspects of your service from a safeguarding perspective to establish whether there are any practices or features of your service that have the potential to put children at risk of harm

(Children First Guidance 2017)

Procedures to manage risks identified

As part of your risk assessment you will name the procedures which are in place to manage the risks you have identified.

Procedures for dealing with allegations against staff

Clear procedures must be in place for responding to allegations of abuse made against staff in respect of a child availing of the relevant service.

(Best Practice Theme 3: Tusla Children First – Child Safeguarding A guide for policy, procedure and practice)

Dealing with Allegations of Abuse Against Workers/Volunteers

Child protection and welfare reporting procedure:

- Priority is to protect the child
- No child or young person is exposed to unnecessary risk
- The agreed reporting procedure to Tusla must be followed without delay, including informing parents where appropriate
- Management to be alerted to the allegation
- Due regard to confidentiality

It is recommended that the same person should not have responsibility for both procedures

Internal personnel procedure:

- Protective measures proportionate to the level of risk
- Liaison with Tusla and An Garda Síochána, as appropriate
- Fair procedure and rules of natural justice followed
- Worker informed of allegation and given opportunity to respond
- Parents/carers informed of actions planned and taken
- All stages recorded

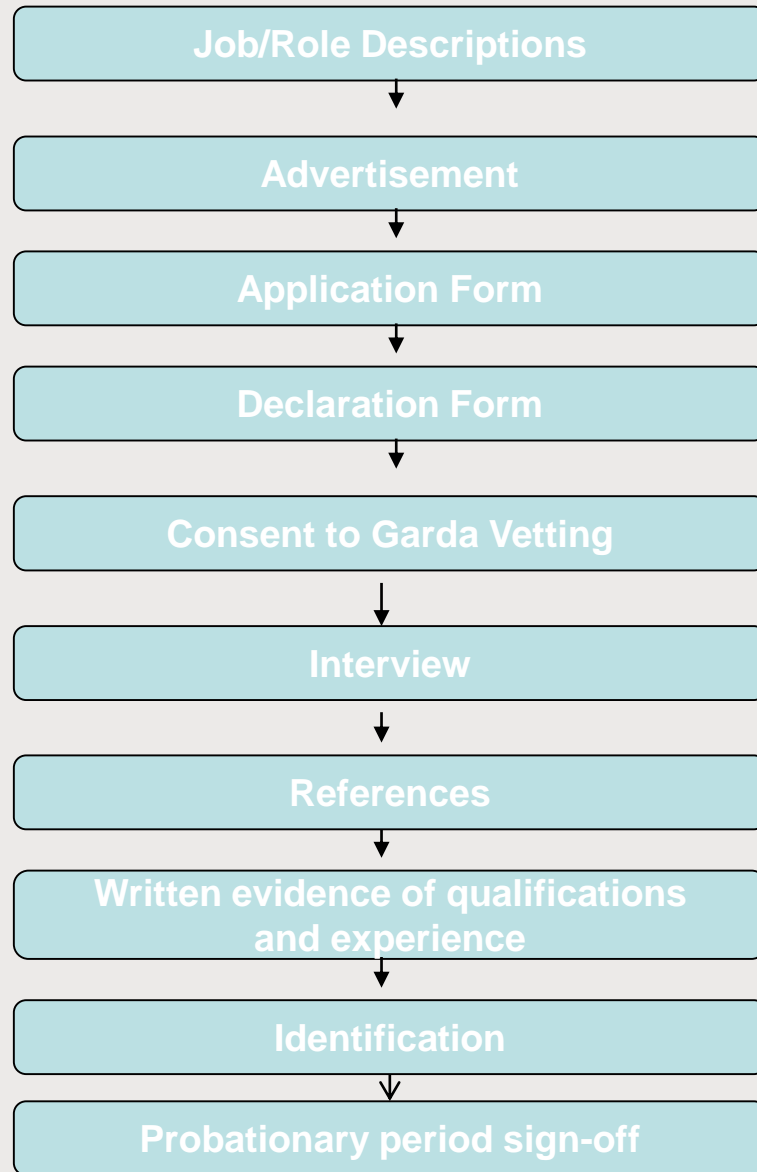
Disciplinary procedures should be in place

Procedures for the Safe Recruitment & Selection of Staff

A clear procedure to check an individuals suitability to work with children.

(Best Practice Theme 4, Tusla Children First – Child Safeguarding A guide for policy, procedure and practice)

Recruitment and Selection Procedures



Provision of Information & Training

Procedures for the provision of information and, where necessary, instruction and training, to members of staff in relation to the identification of the occurrence of harm are required to be put in place.

(Best Practice Theme 4, Tusla Children First – Child Safeguarding A guide for policy, procedure and practice)

Provision of Information & Training

- E learning Programme available for all services up to and including mandated persons
- Your own service may have additional requirements
- Training Strategy
- Tusla Children First – Best Practice Principles for Organisations in Developing Children First Training Programmes

Reporting Procedure

- Reporting procedures must be in place that are in line with the Children First Act, 2015 and with Children First National Guidance, 2017.
- The reporting procedures for staff must take into account mandated persons and those who are not mandated persons.

(Best Practice Theme 3, Tusla Children First – Child Safeguarding A guide for policy, procedure and practice)

Reporting

- Child Protection and Welfare Report Form (CPWRF)
- Retrospective Abuse Report Form (RARF)
- Submit the report in by phone, post or Tusla Portal
- Tusla Portal currently only mandated persons can only submit the CPWRF from

Mandated Persons

- For the purpose of your CSS, you are required to develop a procedure for maintaining a list of mandated persons.
- Identify how many mandated persons are in your service
- Are they aware that they are mandated persons?
- Role and function

Procedure for appointing a relevant person

All organisations need to develop appropriate procedures for appointing a relevant person including name and contact details.

A relevant person is the first point of contact in relation to the Child Safeguarding Statement.

Part 2: Child Safeguarding Statements

- Completed within 3 months
- Displayed in a prominent place
- Reviewed within 24 months

Part 2: Child Safeguarding Statements

A provider of a relevant service shall furnish a copy of the provider's Child Safeguarding Statement to members of staff, and, on request, to:

- a parent or guardian of a child availing of the service
- the Agency
- members of the public

(Section 11)

Part 2: Child Safeguarding Statements

Sections 12 & 13 Non-Compliance: The Agency may request an organisation's Child Safeguarding Statement.

Non-compliance procedures:

1. Agency informs provider of failure to comply "Advanced Notice";
2. Provider to furnish Statement or make a representation;
3. Failure to comply may result in being served with 'non-compliance notice' and placed on register;
4. Provider can appeal non-compliance in the District Court.

Children First Act 2015

Part 3: Reporting

Part 3: Reporting

Section 14: Mandated persons:

- Legal obligation on certain people, many of whom are professionals, who have contact with children and/or families and, because of their qualifications, training and/or employment, are in a key position to help protect children from harm.
(Children First Guidance 2017)
- Children First Act 2015, Schedule 2

Part 3 - Reporting

Legal obligations of mandated persons:

- To report harm of children, above a defined threshold, to the Agency
- To assist the Agency, if requested, in assessing a concern which has been the subject of a mandated report

Designated Liaison Person Role is not defined in the Act

Person

- Accessible & knowledgeable
- Aware of their responsibility
- Consider appropriate structural level

Role

- Ensure reporting procedures are followed
- Receive child protection and welfare concerns
- Consult informally with Tusla Duty Social Worker
- Make a formal report to Tusla using CP&WRF
- Report with Mandated Person, where requested
- Inform parents
- Feedback to referrer
- Ensure system to manage confidential records

DLP and Mandated Persons

The statutory obligation of mandated persons to report under the Children First Act 2015 must be discharged by the mandated person and cannot be discharged by the Designated Liaison Person on their behalf.

While mandated persons have statutory obligations to report mandated concerns, they may make a report jointly with another person. In effect this means that a mandated person can make a joint report with a Designated Liaison Person.

Children First Act 2015

Part 4:

Children First Inter- Departmental Implementation Group and Sectoral Implementation Plans

Part 4: Children First Inter-Departmental Implementation Group and Sectorial Implementation Plans

- Establish Implementation Group
- Membership: chairperson (DCYA), representation from each Department, an Garda Síochána, the Agency and the HSE
- Promotes compliance, monitors implementation
- Supports publication of sectoral implementation plans
- Submits annual report to the Minister

Children First Act 2015

Part 5: Miscellaneous

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Abolition of defence of reasonable chastisement:

Section 28. Amendment of The Non-Fatal Offences Against the Person Act 1997 is amended by the insertion of the following section after section 24:

“24A. (1)The common law defence of reasonable chastisement is abolished.”

Children First Act 2015

Schedules:

1. Relevant Services
2. Mandated Persons
3. Definition of Sexual Abuse

Tusla Resources

- Children First Training (eLearning/Direct Training)
- Tusla Children First - Protocol for Mandated Assisting
- Tusla Children First - Child Safeguarding: A Guide for Policy, Procedure and Practice
- Tusla Children First Guidance on Developing a Child Safeguarding Statement
- Tusla and An Garda Síochána Children First – Joint Working Protocol for Liaison between both Agencies
- Tusla Children First – A Guide for the Reporting of Child Protection and Welfare Concerns
- Tusla Children First - Best Practice Principles for Organisations in Developing Children First Training Programmes
- Tusla Website www.tusla.ie

