

CHILDREN FIRST
INTER-DEPARTMENTAL
IMPLEMENTATION GROUP

ANNUAL REPORT 2019

Annual Report [2019] 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 20, 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, and implementation of same.

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 2019
 - Meetings of the Implementation Group
 - Work programme of the Implementation Group
- ❖ Priorities for 2020

3. Children First Act 2015

3.1 *Enactment*

The Children First Act 2015, which was signed into law on 19 November 2015, placed some of the key elements of *Children First: National Guidance for the Protection and Welfare of Children* on a statutory footing. The enactment of the legislation reflected the commitment of a number of successive Governments to strengthen protection for children. The Act is part of a suite of child protection 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 relevant 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 of children by parents or those acting in loco parentis.

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 removes the common law defence of reasonable chastisement in relation to corporal punishment by parents or those acting in loco parentis.
- (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 the purposes of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016. Sections 20-26 deal with establishing the Children First Inter-Departmental Implementation Group (CFIDIG) 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 11 December 2017. These included the provisions in relation to:
 - Section 14 - mandated reporting of child abuse by defined categories of persons; and
 - Section 11 - obligations on organisations providing relevant 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. Membership of the Group includes representatives from every Government Department, the Health Service Executive (HSE), An Garda Síochána and the Child and Family Agency, 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. 1 January to 31 December 2019, 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. She continued as Chair of the Group throughout 2019.

4.2 *Functions of the Implementation Group*

The Children First Act 2015 (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 2019

5.1 *Meetings of the Implementation Group*

The Implementation Group met three times in the period 1 January 2019 to 31 December 2019. The dates of the meetings are set out in *Appendix 2*.

5.2 *2019 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 2019 concentrated on subsections (a) to (d) inclusive, with a particular focus on monitoring implementation of the Act and any issues arising.

Some of the key implementation issues considered by the Group during 2019 included the impact of mandated reporting provisions in the Children First Act as well as the quality and format of child protection referrals made to the Child and Family Agency, Tusla, under Children First. The Group was also updated on ongoing discussions between the HSE and Tusla in relation to issues presenting in relation to Section 17 of the Children First Act. In addition, in the latter part of the year, the group discussed upcoming statutory deadlines for the review of Child Safeguarding Statements and Sectoral Implementation Plans.

The report of a subgroup on safeguarding, which was established by the CFIDIG in 2018, was considered in May 2019. The sub-group identified an apparent lack of awareness among private sector organisations providing services to children of the statutory requirement for Child Safeguarding Statements as a potential issue. The CFIDIG decided that an information campaign to build awareness about Children First was required and a new subgroup of the CFIDIG was established to progress this matter, with the aim of launching a Children First Awareness Week in 2020.

A further key issue considered by the group in 2019 concerned the mandated status or otherwise of Designated Liaison Persons (DLP) under Children First. In March 2019 the group decided that the description of the role of a DLP as set out in the Children First National Guidance, may have the unintentional consequence of seeming to include the role of DLP as that of a mandated person, and should be clarified in line with the spirit of the legislation and in line with legal advice received. The group was kept updated throughout the year on ongoing discussions between DCYA and Tusla regarding this important and complex issue. In the interim, legal advice regarding the role have been shared with all CFIDIG members for their information and consideration in their sectors.

In addition, an addendum to the Children First guidance, which was reviewed by the group in 2018, was issued and published online by the Minister for Children and Youth Affairs under section 6 of the Children First Act in January 2019. The addendum, which followed from a commitment in the Action Plan for Online Safety 2018-19, clarifies that organisations providing relevant services to children should consider the specific issue of online safety when carrying out their risk assessment and preparing their Child Safeguarding Statement.

The following informative presentations were given to the CFIDIG in 2019:

- Mandated Reporting – Year 1 (Tusla, March 2019)
- Child Protection and Safeguarding Inspections in Schools (Department of Education and Skills, March 2019)
- Role of Children First Information and Advice Officers (Tusla, May 2019)
- Compliance and the Role of the Garda National Vetting Bureau (AGS, October 2019)

6. Priorities for 2020

The priorities for 2020 will be as follows:

- Continue to review and monitor impact of implementation of Children First Act 2015;
- Address any cross Departmental/cross sectoral issues arising, including in relation to effective interagency working;
- Inform consideration of proposals for updates to Children First National Guidance;
- Roll out of a Children First Awareness Week information campaign to reinforce the importance of supporting the protection and welfare of Children;
- Support awareness of and access to Children First online training through all relevant sectors;
- 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 1 JANUARY TO 31 DECEMBER 2019*

Department	Member	Membership Dates 1 st January 2019-31 st December 2019 unless otherwise stated
Children and Youth Affairs	Éimear Fisher {Chair} Grainne Morrissey	
Education and Skills	Teresa McNeill	
Housing Planning and Local Government	Sean McLaughlin	
Justice and Equality	Grainne Whelan	
Employment Affairs and Social Protection	Eoghan Ryan Marie O'Flynn	01/01/19 -7/11/19 7/11/19 – 31/12/19
Transport, Tourism and Sport	Olive Walsh Siobhán Nic Thighearnáin	01/01/19 – 18/02/19 18/02/19 – 31/12/19
Culture, Heritage and the Gaeltacht	Alison Geraghty Karen Brophy	01/01/19 – 20/08/19 20/08/19 – 31/12/19
Health	Susan Kent Rachel Kenna	01/01/19 – 12/03/19 12/03/19 – 31/12/19
Finance	Feargal Ó Brolcháin	
Agriculture, Food and the Marine	Padraig McMahon	
Communications, Climate Action and Environment	Brendan O'Reilly	

Defence	Gareth O’Flaherty	01/01/19 – 12/03/19
	Anne Behan	12/03/19 – 31/12/19
Foreign Affairs and Trade	Fiona Flood	
Business, Enterprise and Innovation	Margaret Lawlor	
Public Expenditure and Reform	Kieran Sheedy	
Taoiseach	Teresa Doolan	
Rural and Community Development	Ciara Bates	01/01/19 – 20/08/19
	Clodagh McDonnell	20/08/2019 – 31/12/19
Agencies		
Tusla Child and Family Agency	Jim Gibson *	
An Garda Síochána	D/Superintendent Declan Daly	
Health Service Executive	John Hennessy **	

* Tusla was represented by Linda Creamer at the 2019 meetings of the CFIDIG

** The HSE was represented by Marion Martin at the 2019 meetings of the CFIDIG

APPENDIX 2

MEETINGS OF THE CHILDREN FIRST INTER-DEPARTMENTAL IMPLEMENTATION GROUP *FOR THE PERIOD 1 JANUARY TO 31 DECEMBER 2019*

1. 7 March 2019
2. 16 May 2019
3. 24 October 2019