



**AN ROINN DLÍ AGUS CIRT AGUS COMHIONANNAIS  
DEPARTMENT OF JUSTICE AND EQUALITY**

## **Children First Sectoral Implementation Plan**

**Published by the Minister for Justice and Equality in  
accordance with section 27 of the Children First Act, 2015**

**March 2018**



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## **Introduction by the Minister for Justice and Equality**

It is my pleasure to publish this Sectoral Implementation Plan in accordance with section 27 of the Children First Act, 2015. This Plan sets out how my Department and the relevant agencies in the Justice Sector will ensure their compliance with the Act and with best practice as set out in *Children First: National Guidance for the Protection and Welfare of Children*.

The Justice Sector represents a broad-ranging and very sizeable component of the civil and public service. It encompasses the provision of relevant services to children in areas as diverse as – but not limited to – policing, probation, international protection applications and appeals, accommodation for asylum seekers and resettled refugees, prison visits for families, and family mediation in cases of parental divorce or separation. My Department also provides funding to the non-government sector for the delivery of services to children that align with our policy objectives in such areas as equality, youth diversion and addressing domestic violence.

As Minister for Justice and Equality, I am committed to the highest standards of child safeguarding in respect of all of my Department's relevant services (as defined in the Act) and other interactions with or relating to children. My officials, and their colleagues across a wide range of agencies under the Department's aegis, share that same commitment. Individually and collectively they are determined to ensure, to the greatest extent practicable, that every child who avails of their organisations' services is safe from harm while so availing. To that end, detailed arrangements have been put in place to ensure that the Justice Sector meets its obligations under Children First Act and also observes non-statutory best practice in this area. These arrangements include: preparing and promulgating risk assessments, Child Safeguarding Statements and associated policies and procedures; raising awareness and providing appropriate instruction and training (including, of course, to staff with specific responsibilities under Children First); and developing specific governance, risk management, monitoring and reporting measures. This Implementation Plan outlines such arrangements in further detail.

The provision of any service to children, whether as a public service or as a private enterprise, carries an inherent degree of risk. Regrettably, it is not possible to entirely eliminate such risk. However, we carry not just a statutory obligation but also a moral imperative to do all that we practicably can to minimise the risk of harm to children availing of our services. I believe I can state with confidence that all relevant areas of the Justice Sector take these obligations very seriously and will strive not only to meet but to exceed the standards required. I am also confident that staff in the Justice Sector will aim to add further value by being alert – and responding appropriately – to signs or disclosures that a child may have been subjected to, or be at risk of, harm in a different setting outside of the service provided. In this way we can all play our part in making Ireland a safer place for children.

**Charlie Flanagan, T.D.**  
**Minister for Justice and Equality**  
**March 2018**



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**Background**

The Department of Justice and Equality has overall responsibility for public policy and administration in justice, national security, migration and equality issues. It is a multi-faceted organisation which provides policy advice to Government, implements policy and delivers related services to a wide range of customers.

The Department also provides strategic and policy direction to the wider Justice Sector and co-ordinates activities that require an inter-agency or whole-of-sector approach. The Justice Sector includes some 24 agencies under the Department's aegis, with varying levels of functional independence. A number of these agencies provide specific services to children within the meaning of Schedule 1 to the Children First Act.

The safeguarding of children is of paramount importance to the Department and the wider Justice Sector. We are collectively committed to taking all practicable steps to protect children from harm and to safeguarding them during the course of their interaction with any area of the Justice Sector.

This Sectoral Implementation Plan has been prepared in accordance with section 27 of the Children First Act, 2015 ("the Act"). It outlines the measures that have been put in place in the Department and in the wider Justice Sector with a view to ensuring the Sector's compliance with the Act and with *Children First: National Guidance for the Protection and Welfare of Children* ("the National Guidance").

In line with section 27(5) of the Act, this Implementation Plan shall be reviewed and, as necessary, revised within three years of its publication, i.e. by March 2021.

**Relevant services provided in the Justice Sector**

The following are the activities of the Department and the wider Justice Sector that have been identified as relevant services within the meaning of Schedule 1 to the Act:

*Reception and Integration Agency (RIA) and the Irish Refugee Protection Programme (IRPP):*  
Providing residential accommodation to, respectively, children in asylum-seeking families and to refugees under EU and UN resettlement programmes.

*Irish Naturalisation and Immigration Service (INIS):*

While INIS provides its services largely to adults, there are specific areas where services are or may be provided directly to children or minors. These include interactions with children through the delivery of front line services, including immigration functions at Dublin Airport, repatriation of non-EEA nationals, the visa process, immigration permissions and repatriation of minors who do not have permission to remain.



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*International Protection Office (IPO):*

Conducting interviews with unaccompanied minors seeking international protection. The IPO is a semi-autonomous functional unit of INIS.

*Probation Service:*

Management of Young Persons' Probation (YPP), including the funding of community-based groups that deliver relevant services as part of various YPP projects.

*Irish Prison Service:*

Facilitating family visits by the children of prisoners; providing residential care for the infant children of prisoners in the Dóchas Centre.

*International Protection Appeals Tribunal:*

Conducting interviews with unaccompanied minors as part of the international protection appeals process.

*Legal Aid Board (Family Mediation Service):*

Conducting interviews with children as part of the provision of family mediation to couples who are divorcing or separating.

*An Garda Síochána:*

As one of the two statutory child protection agencies, An Garda Síochána provides a wide range of relevant services to children as part of its general work and, more specifically, in investigating suspected cases of child abuse.

*Garda Síochána Ombudsman Commission:*

Taking and investigating complaints made by or on behalf of children regarding alleged Garda misconduct. Interviewing and taking statements from child complainants and witnesses in the course of investigations into alleged Garda misconduct.

*Irish Film Classification Office:*

Occasionally facilitating children of school-going age to attend film screenings as part of media education and focus group study.

The Department also offers occasional work experience placements for transition year students ("TY placements"), as do some of the agencies under its aegis. While incidental to the Department's core business, the provision of TY placements is considered to be a relevant service within the meaning of the Act and is addressed in the Department's



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overarching Child Safeguarding Statement and in associated policies. The Department has advised all agencies under its aegis – including those that do not otherwise provide services to children – of the need for Children First compliance if they are similarly offering TY placements.

In addition, there are a number of activities carried out in the Justice Sector that, while not considered as relevant services under the Act, include (or may from time to time result in) particular interactions with children. Such activities include, for example, the work of the INIS Border Management Unit and that of the Courts Service in assisting children who are involved in court proceedings, facilitating student tours and accommodating families who visit the court in support of a party to proceedings. There are also areas of the Department and the wider Sector that may from time to time, in the course of their work, receive correspondence or other communications giving rise to specific child protection concerns. In line with best practice, specific policies and procedures have been put in place in these areas to ensure that Children First principles are understood and followed by staff.

**Justice Sector Children First Committee (CFC)**

Since 2012 the Department has chaired an inter-agency Justice Sector Children First Committee (CFC) whose purpose is to:

- Lead, support and monitor Children First implementation across the sector;
- Facilitate the exchange of related information, ideas and best practice; and
- Agree and co-ordinate joint initiatives in training and other matters as required.

The CFC's membership includes representatives of each of the specific agencies and functional units of the Department referred to above. Various other areas of the Department also participate, including several Divisions that fund the provision of relevant services by non-governmental organisations. Representatives of the Department of Children and Youth Affairs (D/CYA) and the Child and Family Agency (Tusla) also attend CFC meetings and provide members with information and advice regarding Government policy and operational best practice respectively. Membership of the CFC is kept under ongoing review.

In addition, as part of the preparations for implementing the Act, subgroups of the CFC were convened to discuss and agree arrangements relating to, respectively, oversight of funded bodies and training in key areas of the Sector. These subgroups shall remain in place to monitor developments and to agree any changes to such arrangements that may be deemed necessary.

The Chair of the CFC also represents the Department of Justice and Equality on the statutory Children First Inter-Departmental Implementation Group, chaired by D/CYA.

**Risk Assessments and Child Safeguarding Statements**

In accordance with section 11 of the Act, each relevant service provider in the Justice Sector has produced a Child Safeguarding Statement (CSS) which incorporates a risk



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assessment and the corresponding risk controls that have been put in place. Each such CSS is informed by the nature of the service(s) provided, the associated risks and the needs of service users and staff. Each CSS also references the more detailed internal procedures, policies and codes that govern recruitment, training, instruction, investigations and other applicable matters as set out in section 11(3) of the Act. These more detailed documents shall be available to interested parties on request.

Some organisations, including the Department, have produced a number of separate Child Safeguarding Statements where this is deemed appropriate by virtue of the overall breadth of services provided, the discrete nature of individual services, or the distinct public identity of particular areas of service provision. For example, while both the Reception and Integration Agency and the Irish Refugee Protection Programme reside within the Department, they are discrete functional units which provide a very specific service to children and are known in their own right to service users and other stakeholders. On this basis, these two areas have produced a joint CSS which is distinct from the overarching CSS for the Department more generally. INIS is another discrete functional branch of the Department which provides a particular service to children and, as such, has prepared its own CSS (as has the International Protection Office which is a semi-autonomous executive office of INIS).

Each service provider's CSS shall be disseminated to all staff and made available to all service users, their parents and the public (via both onsite display and publication on the service provider's website). In accordance with section 11(7) of the Act, each relevant area shall review its CSS at intervals of not less than 24 months or as soon as possible after there has been a material change in any matter to which the Statement refers. The outcome of such reviews, and any proposed amendments to a CSS, shall be notified to the CFC and (in the case of agencies) to the relevant line Division of the Department.

**Key policies and procedures**

Each relevant area of the Justice Sector has reviewed and, as required, updated their underlying policies and procedures to ensure compliance with Children First legislation and guidance. The following are among the matters addressed in such policies and procedures:

Recruitment, including Garda clearance and vetting

All staff in the Justice Sector are subject either to Garda clearance in line with standard civil and public service procedures or, where applicable, to full statutory vetting under the National Vetting Bureau Acts 2012-16.

Designated Liaison Persons

All areas in the Justice Sector that provide services to children shall, in line with the *National Guidance*, appoint at least one Designated Liaison Person (DLP) and at least one Deputy DLP. Additional DLPs/Deputy DLPs shall be appointed as necessary (e.g. in larger and/or geographically dispersed organisations or organisations that have provide a range of discrete services). Each DLP shall act as their area's principal contact for



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information and advice regarding specific child safeguarding concerns. Each DLP shall also liaise with the statutory child protection authorities in reporting such concerns as required. All DLPs/Deputy DLPs shall be provided with training commensurate with their needs.

Mandated Persons

The Act designates certain professionals and other persons in specified occupations (as categorised in Schedule 2 to the Act) as ‘mandated persons’ who are obliged to make reports to Tusla in certain prescribed circumstances and to assist with Tusla assessments on request. This is distinct from, and additional to, the best practice reporting arrangements for organisations generally (via DLPs) under the *National Guidance*.

All mandated persons working in the Justice Sector have been notified of their obligations under the Children First Act and have been provided with all applicable instructions and guidance (including Tusla guidance) to enable them to fulfil those obligations. Training shall also be provided to mandated persons as necessary. Mandated persons have been reminded that their obligations under the Children First Act are additional to, and not a substitute for, any obligation to disclose information to An Garda Síochána under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act, 2012 or to any other person by or under any other enactment or rule of law. Mandated persons have also been instructed to notify their local organisational DLP of any reports made by them under the Act.

Reporting and recording of safeguarding concerns

Each relevant service provider in the Justice Sector has issued, or shall issue, a general instruction to their staff to immediately notify their local DLP of any child safeguarding concern, allegation or incident that comes to their attention, whether it be something a staff member has observed or whether it has been disclosed by a child availing of the service, by a parent or guardian, or by any other person. Each applicable area of the Justice Sector shall retain, in a secure and confidential matter, comprehensive records of all notifications made to DLPs and of all reports made by DLPs and mandated persons to the statutory child protection authorities.

**Training and awareness-raising**

The Department has engaged, and will continue to engage, with all staff to ensure awareness of Children First. The Department’s approach has been to emphasise not only the obligations of relevant service provision areas, but also the duty of care that wider society owes to children – in particular, the principle that everyone should be able to recognise possible signs of abuse or neglect and to respond appropriately. This has been conveyed directly to all staff by way of a message on the Department’s staff portal page to coincide with the launch of the *National Guidance* and other supporting materials. A further such message is planned to coincide with the publication of this Implementation Plan, and the organisation’s Child Safeguarding Statement and related policies shall also be widely promulgated along with Tusla’s Children First e-learning programme. Further



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promotional activities via the portal page and by other means (e.g. the staff magazine, information seminars) are also planned on an ongoing periodic basis.

The promotion of Children First among general staff complements a more direct and targeted approach to awareness-raising, instruction and training in areas of the Justice Sector that provide services to or otherwise may have interactions with children. Staff in all such areas have been, or shall be, provided with training commensurate to their needs, including the e-learning module and/or more detailed face-to-face training and instruction as required. In the latter regard, a number of areas of the Justice Sector have partnered with Tusla on the delivery of a Children First train-the-trainer programme with a view to developing in-house training capability in key areas. An Garda Síochána is also working closely with Tusla on enhanced child protection training for all members.

Children First training and instruction aims to ensure that staff know what to do if they have any safeguarding concerns regarding a child who is availing of their service or who has otherwise come to their attention in the course of their work. In particular, all staff will be made aware of the need for them to notify any such concerns – or any relevant disclosure or allegation by or concerning a child – to their local DLP.

**Funded non-governmental organisations**

Standard Departmental procedures have been put in place to ensure that explicit assurances of compliance with both the Children First Act and the vetting legislation are obtained from all funded NGOs that seek or receive Departmental funding to provide a relevant service. Future funding agreements shall also require such service providers to consent to any reasonable verification checks that the Department may deem necessary.

**External service providers**

In any situation where an organisation contracts external service providers, and those service providers or their staff may come into unsupervised contact with children in the course of such contracted work, the staff in question will be subject to Garda vetting. Where contracts, service level agreements or other such undertakings come up for review, these requirements shall be explicitly set out in any agreements.

**Monitoring and oversight**

Where the level of interaction with children or the complexity of the issues necessitates, agencies may put in place local implementation/monitoring committees. These committees shall meet as necessary to ensure that child protection arrangements are comprehensive, effective and working well within the specific organisation. Bilateral consultation with Tusla may also take place in this context.

Each individual agency is accountable to the relevant line Division of the Department in relation to Children First compliance as in any other matter, within the parameters of their respective corporate governance or assurance agreements with the Department. Each relevant agency under the Department's aegis shall provide information on its Children First compliance at least annually to the responsible line Division as part of



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their wider corporate governance/assurance arrangements. The detail and frequency (if more than annually) of such reporting shall be agreed between the line Division and agency concerned.

Separately, for overall monitoring and reporting purposes, each relevant area of the Justice Sector shall annually submit to the CFC secretariat an update setting out key statistical and narrative information for the preceding year, including:

- Numbers of mandated persons, DLPs and Deputy DLPs
- Training provided to staff on child safeguarding matters
- Number of reports made to Tusla
- Any implementation issues of concern or of broader interest to other Justice Sector bodies

Each area of the Department that provides funding to relevant services in the non-government sector shall also submit an annual update to the CSC secretariat to include the names of relevant NGOs funded that year, nature of the services funded, compliance assurances received and any compliance verification/review activities undertaken.

On foot of the information received from the relevant service providers and funders across the Justice Sector, a composite annual report shall be prepared and submitted to the Department's Management Board on behalf of the CFC.

**Specific arrangements between An Garda Síochána and Tusla**

The Justice Sector Children First implementation arrangements are complementary to the child protection arrangements in place bilaterally between An Garda Síochána and Tusla as the State's two main statutory child protection authorities. These arrangements are informed by the Children First National Guidance 2017 and by the associated *Joint Working Protocol for An Garda Síochána/Tusla – Child and Family Agency Liaison*. This protocol sets out the specific procedures for joint working between the two agencies, including the relevant processes for notification and follow-up liaison at all levels and in all cases whether emergency or scheduled.

An Garda Síochána participates in a National Child Safeguarding Strategic Liaison Committee which is co-chaired by the Assistant Commissioner, Special Crime Operations, and the Chief Executive Officer of Tusla. The two agencies have also established a high-level group to examine how to improve information-sharing and case co-ordination to ensure the best child protection outcomes. Consideration is being given to a co-location model for the management of child sexual abuse cases, combining the new Divisional Protective Services Units (DPSUs) and Tusla social workers. Four DPSUs have been established as at February 2018 and they will be put in place in all remaining Divisions as soon as possible.



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A National Child Protection Unit has been established under the Garda National Protective Services Bureau, and Tusla's National Manager for An Garda Síochána Liaison has been seconded to this Unit.

An Garda Síochána and the Department of Justice and Equality have established a network of dedicated interview suites in seven strategically chosen locations throughout the State. These are used by the Garda authorities to record interviews with children under the age of 14 and persons of all ages with intellectual disabilities. Garda and Tusla personnel are undertaking a continuing programme of intensive joint training in the specialist skills necessary for interviewing children. The Garda College, in conjunction with Tusla colleagues, keep this training under continuous review to ensure it is in line with best international practice. A high-level group has also been established to review the interview training and co-ordination of the work of Tusla and An Garda Síochána in carrying out interviews and follow up investigations and assessments.

An Garda Síochána and Tusla are also working to link PULSE with the National Child Care Information System. This will provide for instant electronic notifications of child protection issues and for each system to be updated with the necessary information on an ongoing basis.