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DEPARTMENT OF JUSTICE AND EQUALITY

## Child Safeguarding Statement

Prepared in accordance with section 11 of the Children First Act, 2015

### 1. Declaration of child protection principles

The Department of Justice and Equality is committed to maintaining the highest standards of child safeguarding, in line with all relevant legislation including the Children First Act 2015 and informed by best practice including *Children First: National Guidance for the Protection and Welfare of Children* (2017 edition) as published by the Department of Children and Youth Affairs.

#### Key child safeguarding principles:

- The safety and protection of children who come into contact with the Department and its staff is of paramount importance.
- The Department has introduced and shall continue to implement measures to raise awareness among all staff regarding child safeguarding principles and best practice.
- Staff who make disclosures about suspected child abuse or neglect are protected by relevant legislation, including the Protection for Persons Reporting Child Abuse Act, 1998 which provides for the protection from civil liability of persons who have communicated child abuse or neglect “reasonably and in good faith” to Tusla or An Garda Síochána. This protection applies to organisations as well as to individuals.
- Staff should know that they are always correct to raise reasonable concerns even if these are not validated in a subsequent Tusla assessment or Garda investigation. Responsible action is strongly encouraged.
- In line with best practice under the Children First National Guidance, Designated Liaison Persons (DLP) and Deputy DLPs have been appointed in the relevant functional areas of the Department. A general instruction has been issued to staff to contact their local DLP/Deputy DLP regarding any specific child safeguarding concern of which they may become aware in the course of their work.
- Staff shall be provided with Children First training in accordance with their needs, responsibilities and interactions (if any) with children.
- All applicable Departmental policies and procedures shall be disseminated to staff and shall be available to any child or their parents/guardians coming into contact with the Department.

### 2. Work of the Department and its agencies

The Department of Justice and Equality has overall responsibility for public policy and administration in respect of justice, national security, equality, disability and human

rights issues. The Department is a multi-faceted organisation providing policy advice to Government, implementing policy and delivering 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 sector includes some 24 agencies under the aegis of the Department, with varying degrees of operational independence. The following Justice Sector agencies, as part of their functional mandate, have been identified as providing specific services to children within the meaning of Schedule 1 to the Children First Act:

- An Garda Síochána
- Legal Aid Board (Family Mediation Service)
- The Probation Service
- Irish Prison Service
- International Protection Appeals Tribunal
- Garda Síochána Ombudsman Commission
- Irish Film Classification Office

As relevant service providers within the meaning of the Act, these agencies are required to produce their own Child Safeguarding Statements, which can be found on their respective websites or by contacting them directly.

In addition, there are other agencies under the Department's aegis which may from time to time facilitate work experience placements for Transition Year students and, if so, are either (depending on their functional independence) required to produce a Child Safeguarding Statement or are encompassed by this Statement insofar as that activity is concerned.

Within the Department itself, interaction with children is limited but there are a small number of discrete functional units that provide a relevant service within the meaning of Schedule 1 to the Act. These are as follows:

- The **Reception and Integration Agency (RIA)**, which is responsible for procuring and administering State accommodation for applicants for international protection and for suspected victims of human trafficking.
- The **Irish Refugee Protection Programme (IRPP)**, which is a functional unit of the Office for the Promotion of Migrant Integration (OPMI). The IRPP is responsible for the procurement and administration of State accommodation for refugees under EU and UN resettlement programmes.
- The **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.
- The **International Protection Office (IPO)**, which is responsible for conducting interviews with persons (including unaccompanied minors) seeking international protection. The IPO is a semi-autonomous functional unit of INIS.

The above areas are discrete functional units or branches of the Department. Each provides a highly specialised service to children and families, has its own tailored child safeguarding policies and its own established public identity by which it is known to service users and other stakeholders. As such, a decision was taken that these areas should produce their own risk assessments and Child Safeguarding Statements. These can be found on their respective websites or by contacting their offices directly.

A review of all functions and activities across the remaining areas of the Department has been carried out in the context of the Children First Act. This review found that, outside of the discrete units listed above, the only relevant service that the Department provides within the meaning of the Act is the periodic provision of work experience placements to Transition Year students. The risk assessment that follows is therefore focused on this specific activity.

### 3. Risk Assessment

The risk assessment below has been prepared in accordance with Section 11(1)(a) of the Children First Act 2015, which defines risk as *“any potential for harm to a child while availing of the service.”* Section 2 of the Act defines harm as follows:

*“Harm means, 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,*

*whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances or otherwise.”*

<b>Risks:</b>	<b>Risk controls:</b>
<p>That a young person may be subjected to harm by a member of staff in the course of participating in a Transition Year work experience placement with the Department.</p> <p>That an occurrence or allegation of harm (whether or not it occurred in the course of the placement) that is either disclosed by the young person or witnessed/suspected by a staff member, may not be appropriately reported to the DLP and/or to the relevant statutory authorities.</p>	<p>Staff shall be made aware of the Department’s Policy on Transition Year Work Placements and associated procedure for reporting and recording incidents or concerns. This explains, <i>inter alia</i>, how to identify and report relevant concerns or allegations to their DLP. The DLP will, in consultation with the reporter and (as necessary) with Tusla, determine whether the matter needs to be referred to Tusla and (as applicable) to An Garda Síochána. The DLP will also inform the Head of Human Resources, who will determine any immediate measures that may be needed from a HR perspective.</p> <p>Appropriate Children First training shall be provided to staff in any area of the Department where a Transition Year work experience placement is located.</p> <p>All staff are expected to adhere to the relevant Departmental and Civil Service codes and policies in their interactions with children and young people. Non-compliance with these policies and failure to</p>

	<p>uphold the expected standards of behaviour may result in disciplinary action up to and including dismissal.</p> <p>All staff of the Department are subject to standard Garda clearance procedures.</p> <p>Each TY student shall, on commencing their placement:</p> <ul style="list-style-type: none"> <li>• Be given a copy of the Department’s policy on Transition Year work placements, which will be explained to them in detail.</li> <li>• Be introduced personally to a staff member who will be a contact person for them, accessible at all reasonable hours, to raise any issues or concerns around abuse, bullying/harassment, inappropriate behaviour, or any other matter of concern to the student. This contact person will be a member of staff from the Department’s HR Division (unless the placement is in HR, in which case a staff member from another Division will be nominated).</li> </ul>
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#### **4. Underlying policies and procedures**

This Child Safeguarding Statement has been developed in accordance with the Children First Act 2015, the *Children First National Guidance* (2017 edition) and TUSLA’s *Child Safeguarding: A Guide for Policy, Procedure and Practice*. In addition to the controls listed in the Risk Assessment above, the following policies, procedures and codes support our intention to safeguard children while they are availing of our service:

- Departmental policy on Transition Year work placements
- Departmental procedure for reporting and recording child safeguarding concerns
- Civil Service Code of Standards and Behaviour
- Civil Service Dignity at Work Policy
- Civil Service Disciplinary Code

These codes and policies are available upon request.

#### **5. Implementation and review**

The Department of Justice and Equality is committed to fully adhering to the provisions of this Child Safeguarding Statement and the policies and procedures that underpin it.

This Safeguarding Statement will be reviewed every 24 months, or as soon as practicable after there has been a material change in any matter to which the Statement refers.

If you have any queries regarding this Safeguarding Statement please contact Mr. Philip Coffey ([pxcoffey@justice.ie](mailto:pxcoffey@justice.ie)), who has been designated as the relevant person for the purposes of this Statement in accordance with section 11 of the Children First Act.