



An Bille um Thús Áite do Leanaí, 2014
Children First Bill 2014

Mar a tionscnaíodh

As initiated



**AN BILLE UM THÚS ÁITE DO LEANAÍ, 2014
CHILDREN FIRST BILL 2014**

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Health and Social Care Professionals Act 2005 (No. 27)
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National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (No. 47)
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AN BILLE UM THÚS ÁITE DO LEANAÍ, 2014
CHILDREN FIRST BILL 2014

Bill

entitled

An Act for the purposes of making further and better provision for the care and protection of children and for those purposes to require the preparation, by certain providers of services to children, of child safeguarding statements; to require certain persons to make reports to the Child and Family Agency in respect of children in certain circumstances; to require certain persons to assist the Child and Family Agency in certain circumstances; to provide for the establishment of the Children First Inter-Departmental Implementation Group; to make provision for the preparation of sectoral implementation plans by Departments of State; and to provide for related matters. 5
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Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL 15

Short title and commencement

- (1) This Act may be cited as the Children First Act 2014.
- (2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions. 20

Definitions

- In this Act—
 - “Agency” means the Child and Family Agency;
 - “authorised person” has the meaning assigned to it by *section 12(1)*;
 - “child” has the same meaning it has in section 2 of the Child Care Act 1991; 25
 - “child safeguarding statement” has the meaning assigned to it by *section 10(1)*;
 - “enactment” means a statute or an instrument made under a power conferred by statute;
 - “harm” means, in relation to a child, to assault, ill-treat, neglect or sexually abuse the

child, whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances or otherwise;

“Implementation Group” has the meaning assigned to it by *section 17*;

“ill-treatment” means, in relation to a child, to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated, in a manner that seriously affects or is likely to seriously affect the child’s health, development or welfare; 5

“mandated person” means a person who is a person specified in *Schedule 2*;

“mandated report form” has the meaning assigned to it by *section 11(6)*;

“Minister” means the Minister for Children and Youth Affairs;

“neglect” means, in relation to a child, to deprive the child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care in a manner that seriously affects or is likely to seriously affect the child’s health, development or welfare; 10

“prescribed” means prescribed by regulations made by the Minister under *section 3*;

“relevant service” means any work or activity specified in *Schedule 1*;

“sectoral implementation plan” has the meaning assigned to it by *section 24(1)*; 15

“sexual abuse” means, in relation to a child—

- (a) an offence against the child, specified in *Schedule 3*,
- (b) wilful exposure of the child to pornography, or
- (c) wilful sexual activity in the presence of the child;

“welfare” includes, in relation to a child, the moral, intellectual, physical, emotional and social welfare of the child. 20

Regulations

3. (1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed.
- (2) Regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations. 25
- (3) Every regulation under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within 21 days on which that House sits after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 30

Expenses

4. The expenses incurred by the Minister or any other Minister of the Government in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas. 35

Guidelines

5. (1) The Minister may issue guidelines for the purpose of providing practical guidance to persons in respect of the protection and welfare of children.
- (2) The Minister shall publish guidelines issued under *subsection (1)* in such manner (including on the internet) as he or she considers appropriate. 5
- (3) Any guidelines that have been issued by the Minister before the commencement of this subsection for the purpose of providing practical guidance in respect of the protection and welfare of children, and that are in force immediately before that commencement, shall, on such commencement, be deemed to be guidelines issued under *subsection (1)*. 10

Best interests of child

6. The Agency shall, in performing a function under this Act, regard the best interests of the child as the paramount consideration.

PART 2

CHILD SAFEGUARDING STATEMENTS

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Definitions for purposes of *Part 2*

7. In this Part—
- “contract of employment” means—
- (a) a contract of service or apprenticeship, or
- (b) any other contract whereby an individual agrees with another person, who is carrying on the business of an employment agency within the meaning of the Employment Agency Act 1971, and is acting in the course of that business, to do or perform personally any work or service for a third person (whether or not the third person is a party to the contract), 20
- whether the contract is express or implied and, if express, whether it is oral or in writing; 25
- “personal relationship” has the same meaning as it has in section 3 of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012;
- “provider” means, in relation to a relevant service, a person—
- (a) who owns, controls or manages the service, or is otherwise responsible for the running of that service, and 30
- (b) who, in respect of the provision of such relevant service—
- (i) employs (whether under contract of employment or otherwise) one or more than one other person to undertake any work or activity that constitutes a relevant service,
- (ii) enters into a contract for services with one or more than one other person for the provision by the person of a relevant service, or 35

- (iii) permits one or more than one other person (whether or not for commercial or other consideration and whether or not as part of a course of education or training, including an internship scheme) to undertake any work or activity, on behalf of the person, that constitutes a relevant service.

Part does not apply to certain relationships or arrangements 5

8. This Part does not apply to an individual who—
- (a) undertakes any work or activity in the course of a family relationship where the work or activity concerned is undertaken by the individual solely for the benefit of a child or other family member of that individual,
 - (b) undertakes any work or activity in the course of a personal relationship for no commercial consideration, or 10
 - (c) gives assistance on an occasional basis for no consideration at a school, sports or community event or activity.

Child safeguarding

9. A provider of a relevant service shall ensure, as far as practicable, that each child availing of the service from the provider is safe from harm while availing of that service. 15

Risk assessment and child safeguarding statements, etc.

10. (1) Where a person proposes to operate as a provider of a relevant service, he or she shall, within 3 months from the date on which he or she commences as such a provider—
- (a) undertake an assessment of any potential for harm to a child while availing of the service (in this section referred to as a “risk”), and 20
 - (b) prepare, in accordance with *subsection (3)*, a written statement (in this Act referred to as a “child safeguarding statement”) specifying the service being provided and the principles and procedures to be observed to ensure as far as practicable, that a child, while availing of the service, is safe from harm. 25
- (2) A person who, immediately before the commencement of this section, was operating as a provider of a relevant service shall, not later than 3 months from the date of such commencement—
- (a) undertake an assessment of any risk, and
 - (b) prepare, in accordance with *subsection (3)*, a child safeguarding statement. 30
- (3) A child safeguarding statement shall include a written assessment of the risk and, in that regard, specify the procedures that are in place—
- (a) to manage any risk identified,
 - (b) in respect of any member of staff who is the subject of any investigation (howsoever described) in respect of any act, omission or circumstance in respect of a child availing of the relevant service, 35
 - (c) for the selection or recruitment of any person as a member of staff of the provider with regard to that person’s suitability to work with children,

- (d) for the provision of information and, where necessary, instruction and training, to members of staff of the provider in relation to the identification of the occurrence of harm,
 - (e) for reporting to the Agency by the provider or a member of staff of the provider (whether a mandated person or otherwise) in accordance with this Act or the guidelines issued by the Minister under *section 5*, and 5
 - (f) for maintaining a list of the persons (if any) in the relevant service who are mandated persons.
- (4) A provider of a relevant service shall ensure that the child safeguarding statement being prepared by the provider has due regard to, and is in accordance with, any guidelines issued by— 10
- (a) the Minister under *section 5*, and
 - (b) the Agency concerning child safeguarding statements.
- (5) A provider of a relevant service shall furnish a copy of the provider’s child safeguarding statement— 15
- (a) to members of staff of the provider, and
 - (b) on request—
 - (i) to a parent or guardian, as the case may be, of a child availing of the relevant services,
 - (ii) to the Agency, or 20
 - (iii) to members of the public.
- (6) As soon as may be after the preparation of a child safeguarding statement or any review of it, the provider shall display the statement in a prominent place where the relevant service concerned relates or is provided, or both, as may be appropriate.
- (7) Subject to *subsection (8)*, a provider of a relevant service shall, at intervals of not more than 24 months, undertake a review of the provider’s child safeguarding statement and the first such review shall be undertaken not more than 24 months from the date on which the first child safeguarding statement was prepared under *subsection (1)* or *(2)*, as the case may be, and displayed under *subsection (6)*, and, any subsequent review shall be undertaken not more than 24 months from the date when the last review was undertaken. 25 30
- (8) A provider of a relevant service shall review a child safeguarding statement prepared under this section as soon as practicable after there has been a material change in any matter to which the statement refers.
- (9) Any of the following matters may be prescribed: 35
- (a) the form of a child safeguarding statement;
 - (b) the matters to be included in a child safeguarding statement;
 - (c) the procedures to be followed by a provider of a relevant service in respect of a review, by the provider, of a child safeguarding statement.

- (10) In this section “member of staff” means, in relation to a provider, a person referred to in *subparagraph (i), (ii) or (iii) of paragraph (b) of the definition of “provider” as set out in section 7.*

PART 3

REPORTING

5

Mandated persons

11. (1) Subject to *subsections (3), (4), (5), (6) and (7)*, where a mandated person knows, believes or has reasonable grounds to suspect, on the basis of information that he or she has received, acquired or becomes aware of in the course of his or her employment or profession as such a mandated person, that a child— 10
- (a) has been harmed,
 - (b) is being harmed, or
 - (c) is at risk of being harmed,
- he or she shall, as soon as practicable, report that knowledge, belief or suspicion, as the case may be, to the Agency. 15
- (2) Where a child believes that he or she—
- (a) has been harmed,
 - (b) is being harmed, or
 - (c) is at risk of being harmed,
- and discloses that belief to a mandated person in the course of the mandated person’s 20
employment or profession as such a person, the mandated person shall, subject to *subsections (5), (6) and (7)*, as soon as practicable, report that disclosure to the Agency.
- (3) A mandated person shall not be required to make a report to the Agency under *subsection (1)* where— 25
- (a) he or she knows or believes that—
 - (i) a child who is aged 15 years or more but less than 17 years is engaged in sexual activity, and
 - (ii) the other party to the sexual activity concerned is not more than 2 years older than the child concerned, 30
 - (b) he or she knows or believes that there is no material difference in capacity or maturity between the parties engaged in the sexual activity concerned,
 - (c) he or she is satisfied that *subsection (2)* does not apply, and
 - (d) the child concerned has made known to the mandated person his or her view that the activity, or information relating to it, should not be disclosed to the Agency 35
and the mandated person relied upon that view.

- (4) A mandated person shall not be required to make a report to the Agency under *subsection (1)* where the sole basis for the mandated person’s knowledge, belief or suspicion is as a result of information that he or she has acquired, received or become aware of from another mandated person that a report has been made to the Agency in respect of the child concerned by that other mandated person. 5
- (5) *Subsections (1) and (2)* apply only to information that a mandated person acquires, receives or becomes aware of after the commencement of this section irrespective of whether the harm concerned occurred before or after that commencement.
- (6) Subject to *subsection (7)*, a report under *subsection (1) or (2)* shall be made by the completion of such form as shall be specified for that purpose by the Agency (in this Act referred to as a “mandated report form”) and may be made by the mandated person— 10
- (a) himself or herself, or
- (b) jointly with one or more than one other mandated person.
- (7) Where a mandated person acting in the course of his or her employment or profession knows, believes or has reasonable grounds to suspect that a child may be at risk of immediate harm, he or she may, subject to *subsection (8)*, make a report to the Agency under *subsection (1) or (2)* in a manner other than by means of a mandated report form. 15
- (8) Where a mandated person makes a report under *subsection (7)*, he or she shall provide that report to the Agency by the completion of a mandated report form as soon as may be but in any event not later than 3 days after the making of the first-mentioned report. 20
- (9) Any of the following matters may be prescribed:
- (a) the procedures that are to apply to a mandated person making a report under this section; 25
- (b) the making of a report by a mandated person jointly with one or more than one other mandated person under this section.
- (10) The Agency shall make a mandated report form available in such form and manner (including on the internet) as the Agency considers appropriate.
- (11) The obligations imposed on a mandated person under this section are in addition to, and not in substitution for, any other obligation that the person has to disclose information to the Agency (whether or not in his or her capacity as a mandated person), but, subject to *subsection (8)*, this section shall not require the mandated person to disclose that information to the Agency more than once. 30
- (12) Nothing in *subsection (3)* shall operate to affect any other obligation that a person has to disclose information to a member of 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. 35

Authorised persons

12. (1) The chief executive officer of the Agency shall authorise in writing such member or members of staff of the Agency as he or she considers appropriate for the purposes of 40

receiving reports under *section 11* and such person or persons shall, in this Act, be referred to as an authorised person or authorised persons.

- (2) An authorised person shall be deemed to be duly appointed to be a designated officer within the meaning of the Protections for Persons Reporting Child Abuse Act 1998 and the provisions of that Act apply to the authorised person in his or her capacity as such a designated officer accordingly. 5
- (3) Where an authorised person receives a report under *section 11*, he or she shall forward, or cause to be forwarded, an acknowledgement in writing stating the date of receipt of the report to the mandated person or persons who made the report.

Agency may request mandated persons to assist with assessments 10

- 13.** (1) Where the Agency receives a report from a mandated person or persons under *section 11*, the Agency may, for the purposes of assessing whether a child who is the subject of that report or any other child—
- (a) has been harmed,
 - (b) is being harmed, or 15
 - (c) is at risk of being harmed,
- take such steps as it considers requisite and such steps may include a request to any mandated person whom it reasonably believes may be in a position to assist the Agency for those purposes, to give to the Agency such information and assistance as it may reasonably require. 20
- (2) Where the Agency makes a request of a mandated person under *subsection (1)*, the mandated person shall, as soon as practicable, comply with the request.
 - (3) If a mandated person furnishes any information (including a report), document or thing to the Agency pursuant to a request made under *subsection (1)*, the furnishing of that information, document or thing shall not give rise to any civil liability in contract, tort or otherwise and nor shall the information, document or thing be admissible as evidence against that person in any civil or criminal proceedings. 25
 - (4) The Agency may share information concerning a child who is the subject of a report under *section 11* with a mandated person who is assisting the Agency with the assessment concerned, however, the sharing of such information shall be limited to such information as is, in the opinion of the Agency, necessary and proportionate in all the circumstances of the case. 30
 - (5) Subject to the provisions of this Act and the Child Care Act 1991, the procedures for carrying out an assessment arising from a report under *section 11* shall be such as the Agency considers appropriate in all the circumstances of the case. 35
 - (6) For the purposes of performing its functions under this Part, the Agency shall have the same powers as it has under the Child Care Act 1991 or any other enactment in respect of children who are not receiving adequate care and protection.
 - (7) The powers conferred on the Agency by this Part in respect of reports under *section 11* are without prejudice to the powers conferred on it under the Child Care Act 1991 or any other enactment in respect of reports received by it, otherwise than under 40

section 11, concerning a child who is not receiving adequate care and protection.

- (8) In this section “assistance”, includes, in relation to a request under *subsection (1)*—
- (a) the provision of verbal or written information or reports,
 - (b) attendance at any meeting arranged by the Agency in connection with its assessment under *subsection (1)*, and
 - (c) the production to the Agency of any document or thing.

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Information obtained by Agency or other persons pursuant to Act

14. (1) Subject to the provisions of this Act, information shared by the Agency with another person (in this subsection referred to as a “relevant person”) in the course of carrying out an assessment arising from a report under *section 11* shall not be disclosed to a third party by the relevant person, save in accordance with law or under and in accordance with an authorisation under *subsection (2)*. 10
- (2) The Agency may authorise in writing the disclosure of information referred to in *subsection (1)* subject to such conditions (if any) as the Agency considers appropriate and specifies in the authorisation. 15
- (3) A person who fails to comply with *subsection (1)* shall be guilty of an offence and shall be liable on summary conviction to a class A fine or imprisonment for a term not exceeding 6 months or both.
- (4) Where an offence under this section is committed by a body corporate and it is proved that the offence was committed with the consent or connivance, or was attributable to any wilful neglect, of a person who was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in that capacity, that person, as well as the body corporate, shall be guilty of an offence and may be proceeded against and punished as if he or she were guilty of the first-mentioned offence. 20
- (5) Where the affairs of a body corporate are managed by its members, *subsection (4)* applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate. 25
- (6) Summary proceedings for an offence under this section may be brought and prosecuted by the Agency. 30
- (7) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, proceedings for an offence under this section may be instituted at any time within 12 months from the date of the offence.

Agency is specified body for purposes of National Vetting Bureau (Children and Vulnerable Persons) Act 2012

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15. The National Vetting Bureau (Children and Vulnerable Persons) Act 2012 is amended, in Schedule 2, by the insertion of the following paragraph after paragraph 11:

“12. The Child and Family Agency.”.

Views of child – amendment of Child and Family Agency Act 2013

16. The Child and Family Agency Act 2013 is amended, in section 9(4), by the substitution of “the Adoption Act 2010, the *Children First Act 2014* or” for “the Adoption Act 2010 or”.

PART 4

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CHILDREN FIRST INTER-DEPARTMENTAL IMPLEMENTATION GROUP AND SECTORAL IMPLEMENTATION PLANS

Children First Inter-Departmental Implementation Group

17. As soon as may be after the commencement of this section, the Minister shall establish a group to be known as the Children First Inter-Departmental Implementation Group, and in this Act referred to as the “Implementation Group”, to perform the functions assigned to it by this Act. 10

Membership of Implementation Group

18. (1) The Implementation Group shall consist of—
- (a) a chairperson, and
 - (b) not less than 17 ordinary members, 15
- each of whom shall be appointed by the Minister to be a member of the Implementation Group.
- (2) The Minister shall appoint an officer of the Minister to be the chairperson of the Implementation Group.
- (3) The ordinary members of the Implementation Group shall be comprised as follows: 20
- (a) an officer of each Minister of the Government;
 - (b) a member of An Garda Síochána nominated by the Commissioner of An Garda Síochána;
 - (c) an employee of the Agency nominated by the chief executive officer of the Agency. 25
- (4) The Minister may at any time dissolve the Implementation Group.

Functions of Implementation Group

19. The functions of the Implementation Group shall be to—
- (a) promote compliance by Departments of State with their obligations under this Act, 30
 - (b) monitor the implementation by Departments of State of the guidelines issued by the Minister under *section 5*,
 - (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 5*, 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)*. 5

Directions of Minister

- 20.** (1) The Minister may give a direction in writing to the Implementation Group in relation to the performance by the Implementation Group of its functions under this Act, requiring it to comply with such policies of the Government as are specified in the direction. 10
- (2) The Minister may, by direction in writing, amend or revoke a direction under this section (including a direction under this subsection).
- (3) The Implementation Group shall comply with a direction given to it under this section. 15

Conditions and cessation of membership

- 21.** (1) An appointment made under *section 18(1)* shall, subject to the provisions of this Part, be on such terms and conditions as may be determined by the Minister.
- (2) Without prejudice to the generality of *subsection (1)*, a person appointed by the Minister under *section 18(1)* shall cease to be a member of the Implementation Group— 20
- (a) where appointed under *subsection (3)(a)* of that section—
 - (i) if he or she ceases to be an officer of the Minister of the Government concerned, or 25
 - (ii) at the request of that Minister of the Government,
 - (b) where appointed under *subsection (3)(b)* of that section—
 - (i) if he or she ceases to be a member of An Garda Síochána, or
 - (ii) at the request of the Garda Commissioner,

or 30
 - (c) where appointed under *subsection (3)(c)* of that section—
 - (i) if he or she ceases to be an employee of the Agency, or
 - (ii) at the request of the chief executive officer of the Agency.
- (3) If a member of the Implementation Group dies or ceases to be a member of the Group, the Minister may appoint a person to be a member of the Implementation Group to fill the vacancy so occasioned in the same manner as the member of the Implementation Group who occasioned the vacancy was appointed. 35

Meetings and procedures

22. (1) The Implementation Group shall hold such and so many meetings as may be necessary for the performance of its functions and may, subject to the provisions of this Part, make such arrangements for the conduct of its meetings and business as it considers appropriate. 5
- (2) The quorum for a meeting of the Implementation Group shall be 8.
- (3) Subject to *subsection (2)*, the Implementation Group may act notwithstanding one or more than one vacancy among its membership.
- (4) At a meeting of the Implementation Group—
- (a) the chairperson of the Implementation Group shall, if present, be the chairperson of the meeting, or 10
- (b) if and so long as the chairperson of the Implementation Group is not present, or if that office is vacant, the members of the Implementation Group who are present shall choose one of their number to be the chairperson of the meeting.

Reports

23. (1) The Implementation Group shall, not later than 30 June of each calendar year, prepare and submit to the Minister a report on the performance of its functions and activities during the preceding year or, in the case of the first such report, its functions and activities since the date it was established up to and including 31 December of the preceding year. 15 20
- (2) A report under *subsection (1)* shall be in such form as the Minister may approve and shall include information in such form and regarding such matters as the Minister may from time to time direct.
- (3) The Implementation Group shall supply, when required by the Minister to do so, a report on any matter connected with the functions of the Implementation Group as may be specified by the Minister. 25
- (4) A report under *subsection (3)* shall be in such form and shall be made within such period as the Minister may specify.

Sectoral implementation plans

24. (1) Each Minister of the Government shall, as soon as may be after the commencement of this section, prepare and publish a plan (in this Act referred to as a “sectoral implementation plan”) in relation to the matters referred to in *subsection (2)* outlining the programme of measures taken or proposed to be taken by or on behalf of the Minister concerned to ensure that— 30
- (a) the Department of State concerned, and 35
- (b) any body that provides a relevant service and receives funding from the Department concerned in that regard,
- complies with the provisions of this Act and of the guidelines issued by the Minister under *section 5*.

- (2) A sectoral implementation plan shall contain information concerning—
- (a) relevant services provided by or on behalf of the Department of State concerned,
 - (b) measures taken or proposed to be taken to promote, review and report on compliance with the provisions of this Act and of the guidelines issued by the Minister under *section 5*, 5
 - (c) monitoring and review procedures in relation to the subject matter of the plan, and
 - (d) such other matters (if any) as the Minister of the Government concerned considers appropriate.
- (3) Any plan that has been published by a Minister of the Government before the commencement of this section and in relation to the matters referred to in *subsection (2)* that is in force immediately before such commencement, shall be deemed, on such commencement, to be a sectoral implementation plan prepared and published by that Minister under *subsection (1)*. 10
- (4) As soon as may be after the preparation of a sectoral implementation plan or, in the case of a sectoral implementation plan to which *subsection (3)* applies, as soon as may be after the commencement of this section, the Minister of the Government concerned shall cause copies of the plan to be laid before each House of the Oireachtas. 15
- (5) Each Minister of the Government shall review and, if appropriate, revise a sectoral implementation plan and publish a sectoral implementation plan as revised— 20
- (a) not later than 3 years, or such other period as may be determined by the Minister, from the date of publication of that plan in accordance with this section or, in the case of a sectoral implementation plan to which *subsection (3)* applies, the date of the commencement of this section, and
 - (b) not later than 3 years, or such other period as may be determined by the Minister, from the date of the last review of that plan under this section. 25
- (6) A sectoral implementation plan prepared by a Minister of the Government under *subsection (1)* may be amended by another sectoral implementation plan prepared by that Minister.

SCHEDULE 1

Section 2

RELEVANT SERVICES

1. Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children in— 5
 - (a) an establishment which provides early years services within the meaning of Part VIIA of the Child Care Act 1991,
 - (b) a school or centre of education, both within the meaning of the Education Act 1998,
 - (c) any hospital, hospice, health care centre or other centre which receives, treats 10 or otherwise provides physical or mental health services to children,
 - (d) a designated centre within the meaning of section 2 of the Health Act 2007, in so far as it relates to an institution at which residential services are provided in accordance with the Child Care Act 1991 or to children with disabilities in relation to their disabilities, 15
 - (e) a special care unit provided and maintained in accordance with section 23K of the Child Care Act 1991,
 - (f) a children detention school within the meaning of section 3 of the Children Act 2001,
 - (g) a reception or accommodation centre which provides residential 20 accommodation services to applicants for asylum under contract to the Department of Justice and Equality where children may be accommodated, or
 - (h) a centre which provides residential accommodation services to victims of domestic violence where children may be accommodated. 25
2. Any work or activity which consists of the inspection of a service provided to a child under the Child Care Act 1991, the Education Act 1998 or the Children Act 2001.
3. Any work or activity which consists of treatment, therapy or counselling provided to a child.
4. Any work or activity which consists of the provision of— 30
 - (a) educational, research, training, cultural, recreational, leisure, social or physical activities to children,
 - (b) care or supervision of children, or
 - (c) formal consultation with, or formal participation by, a child in respect of matters that affect his or her life, 35whether or not for commercial or any other consideration.
5. Any work or activity which consists of the provision of advice or guidance services (including by means of electronic interactive communications) to children.
6. Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs which would or could bring that minister, priest 40

or other person, as the case may be, into contact with a child.

7. Any work or activity as a driver of, or as an assistant to the driver, or as a conductor, or as a supervisor of children using a vehicle which is being hired or used only for the purpose of conveying children who are unaccompanied by a parent or guardian.
8. Any work or activity which is carried out by a member of An Garda Síochána, a necessary and regular part of which consists mainly of the person having access to, or contact with, children. 5

SCHEDULE 2

Section 2

MANDATED PERSONS

The following classes of persons are specified as mandated persons for the purposes of this Act:

1. Registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007. 5
2. Registered nurse or registered midwife within the meaning of section 2(1) of the Nurses and Midwives Act 2011.
3. Registrant within the meaning of section 3(1) of the Health and Social Care Professionals Act 2005. 10
4. Registered dentist within the meaning of section 2 of the Dentists Act 1985.
5. Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.
6. Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession. 15
7. Social worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
8. Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000). 20
9. Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
10. Teacher registered with the Teaching Council. 25
11. Member of An Garda Síochána.
12. Guardian *ad litem* appointed in accordance with section 26 of the Child Care Act 1991.
13. Person employed in any of the following capacities: 30
 - (a) manager of domestic violence shelter;
 - (b) manager of homeless provision or emergency accommodation facility;
 - (c) manager of asylum seeker accommodation (direct provision) centre;
 - (d) addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;
 - (e) psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies; 35
 - (f) manager of a language school or other recreational school where children reside away from home;

- (g) member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
 - (h) director of any institution where a child is detained by an order of a court;
 - (i) safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children; 5
 - (j) child care staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991;
 - (k) person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act 2001. 10
14. Youth worker who—
- (a) holds a professional qualification that is recognised by the National Qualifications Authority in youth work within the meaning of section 3 of the Youth Work Act 2001 or a related discipline, and 15
 - (b) is employed in a youth work service within the meaning of section 2 of the Youth Work Act 2001.
15. Foster carer registered with the Agency.
16. A person carrying on a pre-school service within the meaning of Part VIIA of the Child Care Act 1991. 20

SCHEDULE 3

Section 2

OFFENCES FOR PURPOSES OF *PARAGRAPH (A)* OF DEFINITION OF “SEXUAL ABUSE” IN *SECTION 2*

1. Rape.
2. Rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990. 5
3. Sexual assault.
4. Aggravated sexual assault within the meaning of section 3 of the Criminal Law (Rape) (Amendment) Act 1990.
5. An offence under section 1 of the Punishment of Incest Act 1908 (incest by males).
6. An offence under section 2 of the Punishment of Incest Act 1908 (incest by females of or over 17 years of age). 10
7. An offence under section 6(1) of the Criminal Law (Sexual Offences) Act 1993 (soliciting or importing for purposes of commission of sexual offence).
8. An offence under section 2 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 15 years of age). 15
9. An offence under section 3 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 17 years).
10. An offence under either of the following provisions of the Child Trafficking and Pornography Act 1998:
 - (a) section 3 (child trafficking and taking, etc., child for sexual exploitation); 20
 - (b) section 4 (allowing child to be used for child pornography).
11. An offence under section 5 of the Criminal Law (Human Trafficking) Act 2008 in so far as it relates to a child who has been trafficked for the purpose of his or her exploitation (soliciting or importuning for purposes of prostitution of trafficked person). 25
12. An offence under section 176 of the Criminal Justice Act 2006 (reckless endangerment of children).
13. An offence under section 249 of the Children Act 2001 (causing or encouraging sexual offence upon a child).

An Bille um Thús Áite do Leanaí, 2014

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht chun socrú breise agus feabhsaithe a dhéanamh maidir le cúram agus cosaint leanaí agus chun na gcríoch sin do cheangal ar sholáthraithe áirithe seirbhísí do leanaí ráitis um choimirciú leanaí a ullmhú; do cheangal ar dhaoine áirithe tuarascálacha a thabhairt don Ghníomhaireacht um Leanaí agus an Teaghlach i leith leanaí in imthosca áirithe; do cheangal ar dhaoine áirithe cuidiú leis an nGníomhaireacht um Leanaí agus an Teaghlach in imthosca áirithe; do dhéanamh socrú maidir leis an nGrúpa Forfheidhmithe Idir-Rannach um Thús Áite do Leanaí a bhunú; do dhéanamh socrú maidir le Ranna Stáit d'ullmhú pleananna forfheidhmithe earnála; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An tAire Leanaí agus Gnóthaí Óige a thíolaic,

10 Aibreán, 2014

Children First Bill 2014

BILL

(as initiated)

entitled

An Act for the purposes of making further and better provision for the care and protection of children and for those purposes to require the preparation, by certain providers of services to children, of child safeguarding statements; to require certain persons to make reports to the Child and Family Agency in respect of children in certain circumstances; to require certain persons to assist the Child and Family Agency in certain circumstances; to provide for the establishment of the Children First Inter-Departmental Implementation Group; to make provision for the preparation of sectoral implementation plans by Departments of State; and to provide for related matters.

Presented by the Minister for Children and Youth Affairs,

10th April, 2014

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