

Child & Family Agency (Amendment) Bill 2021

Bill No. 102 of 2021

Niall Watters, Senior Researcher (Public Administration/Social Policy)

16 September 2021

Abstract

The purpose of this Bill is to amend the *Child and Family Agency Act 2013* in order to provide the Minister for Education with appropriate governance and oversight of the education welfare functions performed by the Child and Family Agency (TUSLA), following the transfer of responsibility for those functions from the Minister for Children, Equality, Disability, Integration and Youth to the Minister for Education.



Contents

Summary	2
Policy Context	2
Tusla's Education Welfare Service(s)	2
Principal provision of the Bill	3
Financial and related implications	3
Introduction	4
Background	5
Policy and legislative context	5
Tusla	5
Tusla's Education Welfare Service	6
Educational Welfare Services (EWS)	6
School Completion Programme (SCP)	7
Home School Community Liaison Scheme (HSCL)	7
The Alternative Education Assessment and Registration Service (AEARS)	7
Previous legislation related to the current Bill	8
Education Welfare Act 2000	8
Child and Family Agency Act 2013	9
Pre-legislative scrutiny of the General Scheme of the Bill	9
Principal provisions of the Bill	9
Implications	13

This L&RS Bill Digest may be cited as:

Oireachtas Library & Research Service, 2021, *L&RS Bill Digest: Child & Family Agency (Amendment) Bill 2021*

Legal Disclaimer

No liability is accepted to any person arising out of any reliance on the contents of this paper. Nothing herein constitutes professional advice of any kind. This document contains a general summary of developments and is not complete or definitive. It has been prepared for distribution to Members to aid them in their parliamentary duties. Some papers, such as a Bill Digest, are prepared at very short notice. They are produced in the time available between the publication of a Bill and its scheduling for second stage debate. Authors are available to discuss the contents of these papers with Members and their staff but not with members of the general public.

Summary

The [*Child and Family Agency \(Amendment\) Bill 2021*](#) was published on the Oireachtas website on 26 July 2021. The Bill seeks to amend the [*Child and Family Agency Act 2013*](#) in order to provide the Minister for Education with appropriate governance and oversight of the education welfare functions performed by the Child and Family Agency (TUSLA) following the transfer of responsibility for those functions from the Minister for Children, Equality, Disability, Integration and Youth to the Minister for Education.

The Bill follows on from S.I. 588 of 2020, [*\(The Education Welfare \(Transfer of Departmental Administration and Ministerial Functions\) Order 2020\)*](#), which transferred functions vested in the Minister for Children, Equality, Disability, Integration and Youth by or under the [*Education \(Welfare\) Act 2000*](#) to the Minister for Education with effect from 1 January 2021.

Policy Context

In 2011, functions conferred to the Minister for Education under the *Education (Welfare) Act 2000* were transferred to the Minister for Children and Youth Affairs. At the time of the 2011 transfer, the functions under section 10 of the *Education (Welfare) Act 2000* were performed by the National Educational Welfare Board (NEWB), established under the *Education (Welfare) Act 2000*. The NEWB was subsequently dissolved in 2013 and the functions under section 10 of the 2000 Act were transferred to the Child and Family Agency (Tusla) upon its establishment in 2014, following the *Child and Family Agency Act 2013*.

Tusla is therefore the dedicated Statutory agency with responsibility for improving wellbeing and outcomes for children. Tusla operates in the main under the *Child and Family Agency Act 2013*. There are over 4,000 staff working in Tusla, which has an operational budget of over €750 million.

Tusla's services include the following range of universal and targeted services:

- Child protection and welfare services;
- Educational welfare services;
- Psychological services;
- Alternative care;
- Family and locally-based community supports;
- Early years services;
- Domestic, sexual and gender-based violence services.

Tusla's Education Welfare Service(s)

Tusla Education Support Service (TESS) has three strands namely the Statutory Educational Welfare Service (EWS) and the two school support services: the Home School Community Liaison Scheme (HSCL) and the School Completion Programme (SCP). The three TESS strands work together collaboratively with schools, families and other relevant services to achieve the best educational outcomes for children and young people. Under their education welfare remit, Tusla also provides an Alternative Education Assessment and Registration Service (AEARS). Each is discussed in turn below.

Principal provision of the Bill

The Bill is for the most part a technical bill providing for the insertion of the Minister for Education to the Act in respect of oversight and direction, among other things, of the education welfare functions of Tusla, the Child and Family Agency. The Principal Provisions of the Bill are set out in Table 1 in the main body of the Digest.

Financial and related implications

From 2021, the Bill provides that funding for the education welfare functions performed by the Child and Family Agency (Tusla) is to be channelled by the Minister for Education. The Bill provides that the Minister for Education will therefore determine the maximum amount of expenditure that may be incurred by Tusla in respect of its education welfare functions. The Minister for Children, Equality, Disability, Integration and Youth (CEDiy) will retain responsibility for funding all other functions of the Agency and that the two funding streams to the Agency (from the Ministers for CEDiy and Education respectively) are not interchangeable. As such, there is no additional financial costs arising from the Bill's provisions, if enacted.¹

¹ [Explanatory Memorandum](#) – Child and Family Agency (Amendment) Bill 2021

Introduction

The [*Child and Family Agency \(Amendment\) Bill 2021*](#) was published on 26 July 2021. The Bill seeks to amend the [*Child and Family Agency Act 2013*](#) in order to provide the Minister for Education with appropriate governance and oversight of the education welfare functions performed by the Child and Family Agency (TUSLA) following the transfer of responsibility for those functions from the Minister for Children, Equality, Disability, Integration and Youth to the Minister for Education (CEDiy).

S.I. 588 of 2020 ([*The Education Welfare \(Transfer of Departmental Administration and Ministerial Functions\) Order 2020*](#)) transferred functions vested in the Minister for Children, Equality, Disability, Integration and Youth by or under the [*Education \(Welfare\) Act 2000*](#) to the Minister for Education with effect from 1 January 2021.

Following the transfer of education welfare functions from the Minister for Children, Equality, , Disability, Integration and Youth to the Minister for Education, the Minister for CEDiy, Roderic O’Gorman TD, received government approval for the drafting of the General Scheme and Heads of Bill proposing legislative amendments to the *Child and Family Agency Act 2013* on 24 June 2021.

On that occasion Minister O’Gorman stated that:

“Having education welfare services under the remit of the Minister for Education, whilst part of Tusla’s full structure of integrated services, provides a wide range of expertise and supports that can be accessed to meet the presenting needs of children and families who are referred to educational welfare services. I look forward to continued collaboration between my Department and the Department of Education to support Tusla in their work to achieve the best outcomes for vulnerable children and families in the future.”²

At that time also, Minister for Education, Norma Foley TD, stated:

“Tusla supports schools and families by emphasising the importance of and promoting school attendance, participation and retention. TUSLA plays a vital role, working collaboratively with schools, students, families, community organisations, and other relevant services to achieve the best educational outcomes for our children and young people.”³

Minister Foley continued:

“This work is essential and is a key component of ensuring strong school attendance at all levels and in particular in supporting the strong retention rates for our students, giving our children and young people the best possible opportunities. The transfer of education welfare functions provides a renewed opportunity for services in this area and for greater integration between the educational welfare functions of Tusla and the wider suite of

² gov.ie - Ministers O’Gorman and Foley welcome Government Decision to Draft the Child and Family Agency (Amendment) Bill (www.gov.ie)

³ gov.ie - Ministers O’Gorman and Foley welcome Government Decision to Draft the Child and Family Agency (Amendment) Bill (www.gov.ie)

education agencies and supports including the National Council for Special Education (NCSE) and the National Educational Psychological Service (NEPS)."⁴

The Bill for the most part is a technical bill, which provides for the insertion of the Minister for Education into the *Child and Family Agency Act 2013* with respect to oversight and direction, among other things, of the education welfare functions of Tusla. This Digest provides background, policy context and a summary of the provisions of the Bill.

Background

In 2011, functions conferred to the Minister for Education under the *Education (Welfare) Act 2000* were transferred to the Minister for Children and Youth Affairs. At that time, as well as the statutory education welfare services the functions transferred included the Home School Community Liaison (HSCL) scheme and the School Completion Programme (SCP).

At the time of the 2011 transfer, the functions under section 10 of the *Education (Welfare) Act 2000* were performed by the National Educational Welfare Board (NEWB), established under the *Education (Welfare) Act 2000*. The NEWB was subsequently dissolved in 2013 and the functions under section 10 of the 2000 Act were transferred to the Child and Family Agency (Tusla) upon its establishment in 2014, following the *Child and Family Agency Act 2013*.

The relevant functions under the Act are currently carried out by two distinct service areas within Tusla – 1. Tusla Education Support Service (TESS) and, 2. the Alternative Education Assessment and Regulation Service (AEARS).⁵

On 27 June 2020, An Taoiseach, Michael Martin TD, as part of his speech on formation of new Government, announced that educational welfare functions will be returned the Department of Education.⁶

Policy and legislative context

This section provides a brief overview of the main policy and legislative context for the Bill. It firstly provides an overview of Tusla, it then looks at Tusla's current education welfare services and finally provides a brief overview of the relevant parts of the *Education (Welfare) Act 2000* and the *Child and Family Agency Act 2013*.

Tusla

On 1st January 2014, as noted above, the Child and Family Agency (Tusla) became an independent legal entity, absorbing and amalgamating the HSE Children and Family Services, the Family Support Agency and the NEWB as well as incorporating some psychological services and a range of services responding to domestic, sexual and gender-based violence.

⁴ gov.ie - Ministers O'Gorman and Foley welcome Government Decision to Draft the Child and Family Agency (Amendment) Bill (www.gov.ie)

⁵ Department of Children and Youth Affairs (2020) Introductory material for the Minister for Children and Youth Affairs, Dublin: DCYA.

⁶ gov.ie - Inclusive Education (www.gov.ie)

Tusla is therefore the dedicated Statutory agency with responsibility for improving wellbeing and outcomes for children. Tusla operates in the main under the *Child and Family Agency Act 2013*. There are over 4,000 staff working in Tusla, which has an operational budget of over €750 million.

Under the *Child and Family Act 2013*, Tusla is charged with the following:

- Supporting and promoting the development, welfare and protection of children, and the effective functioning of families;
- Offering care and protection for children in circumstances where their parents have not been able to, or are unlikely to, provide the care that a child needs. In order to discharge these responsibilities, the Agency is required to maintain and develop the services needed in order to deliver these supports to children and families and provide certain services for the psychological welfare of children and their families;
- Responsibility for ensuring that every child in the State attends school or otherwise receives an education, and for providing educational welfare services to support and monitor children's attendance, participation and retention in education;
- Ensuring that the best interests of the child guide all decisions affecting individual children;
- Consulting children and families so that they help to shape the agency's policies and services;
- Strengthening interagency co-operation to ensure seamless services responsive to needs;
- Undertaking research relating to its functions and providing information and advice to the Minister regarding those functions; and
- Commissioning services relating to the provision of child and family services

Tusla's services include the following range of universal and targeted services:

- Child protection and welfare services;
- Educational welfare services;
- Psychological services;
- Alternative care;
- Family and locally-based community supports;
- Early years services;
- Domestic, sexual and gender-based violence services.

Tusla's Education Welfare Service

Tusla Education Support Service (TESS) has three strands namely the Statutory Educational Welfare Service (EWS) and the two school support services: the Home School Community Liaison Scheme (HSCL) and the School Completion Programme (SCP). The three TESS strands work together collaboratively with schools, families and other relevant services to achieve the best educational outcomes for children and young people. Under their education welfare remit, Tusla also provides an Alternative Education Assessment and Registration Service (AEARS). Each is discussed in turn below.

Educational Welfare Services (EWS)

The EWS deals with children and families who have difficulties in relation to school attendance, participation, retention. The service works collaboratively with schools and other relevant services to deliver improved educational outcomes for children and young people. The aims and objectives of the EWS are to ensure that every child either attends school regularly or else receives a minimum education as to ensure and secure every child's entitlement to education. Tusla's educational welfare officers work with families and children in a child-centred way to overcome

barriers to their school attendance, participation and retention. These educational welfare officers work closely with schools, other educational support services and other agencies to support school attendance and resolve attendance problems for the benefit of children and families.

School Completion Programme (SCP)

The SCP is a targeted programme of support for primary and post-primary children and young people who have been identified as potentially at risk of early school leaving or who are out of school and have not successfully transferred to an alternative learning site (for example, Youthreach, Community Training Centre etc.) or employment. The SCP aims to retain a young person to completion of the Leaving Certificate Examination, equivalent qualification or suitable level of educational attainment which enables them to transition into further education, training or employment.

Home School Community Liaison Scheme (HSCL)

The HSCL seeks to promote partnership between parents, teachers and community family support services. HSCL coordinators are teachers from a participating school/s who is released from teaching duties, for a maximum of five years, in order to work intensively with and support parents/guardians. The main goal of the HSCL coordinator is to improve educational outcomes for children through their work with the key adults in the respective child's life. Home visits are the primary point of contact for HSCL coordinators so as to develop strong relationships with parents/guardians. In addition, HSCL coordinators organise parenting classes in the relevant school/s and provide information and guidance to parents/guardians with regard to accessing community-based programmes and supports. The HSCL scheme also supports families as their children transition from early education to primary school, from primary school to post-primary school and finally from post-primary school to further and higher education, training or employment.

The Alternative Education Assessment and Registration Service (AEARS)

Section 10 of the *Education Act 1998* provides the Minister for Education with the power to designate a school or a proposed school to be a school recognised for the purposes of the Act, upon a request being made for that purpose by the school patron, and where the Minister is satisfied that certain criteria have been met as set out in the Act. Under the Education Act, the Minister may also designate a place to be a centre for education.

The Constitution acknowledges the role of a parent/guardian as the primary educator of the child and has protected in law that a parent/guardian may 'home educate' a child or may choose to send their child to a non-recognised school.

The Alternative Education Assessment and Registration Service (AEARS) of Tusla has responsibility for maintaining the register of those children who are being educated outside of a recognised school. Under Section 14 (1) of the *Education (Welfare) Act 2000*, parents or guardians who elect to educate their children at home or whose children attend a non-recognised school or - must apply to have their child's name entered onto the register. As soon as practicable after an application is received by the AEARS, an assessment is carried out to determine whether the proposed provision is of a certain minimum level of education.

Previous legislation related to the current Bill

Education Welfare Act 2000

The *Education (Welfare) Act 2000* provided a then broad new framework for promoting regular school attendance and tackling the problems of absenteeism and early school leaving. The Act repealed the previous school attendance legislation and provided for an increase in the school leaving age to 16 years or the completion of three years' post primary education, whichever occurs later. As noted earlier, the Act also provided for the establishment of the NEWB as the single national body with responsibility for encouraging and supporting regular school attendance. The NEWB was established under the auspices of the then Minister of Education and Science.

The main objectives of the *Education (Welfare) Act 2000* are:

1. To provide a comprehensive new framework for promoting regular school attendance;
2. To raise the school-leaving age to 16 years.
3. To attend to the educational welfare of all 16-18 year olds who have left formal schooling;
4. To ensure that those children who are educated outside the recognised school structure are receiving an adequate education.

The general functions of the NEWB under the Act are to ensure that each child attends a recognised school or otherwise receives a certain minimum education, and to assist in the formulation and implementation of relevant policies and objectives of the Government concerning the education of children and, for those purposes, undertaken the following:

- promote and foster in society, and in particular in families, an appreciation of the benefits to be derived from education, in particular as respects the physical, intellectual, emotional, social, cultural and moral development of children, and of the social and economic advantages that flow from this;
- promote and foster, in recognised schools, an environment that encourages children to attend school and participate fully in the life of the school;
- conduct and commission research into the reasons for non-attendance on the part of students and into strategies and programmes designed to prevent it;
- disseminate to recognised schools the findings of research conducted or commissioned pursuant to paragraph;
- to advise such schools on matters relating to the prevention of non-attendance, and the good conduct of students generally;
- assist recognised schools in so far as is practicable to meet their obligations under this Act;
- advise and assist children and the parents of children who exhibit problems relating to attendance at, and behaviour in, school;
- support, monitor, and assess the effectiveness of, strategies and programmes aimed at preventing non-attendance in recognised schools;
- cooperate with such persons as the Board considers appropriate, and to coordinate the activities of the Board with the activities of those persons in so far as they relate to preventing non-attendance in recognised schools;
- carry out reviews of training and guidance given to teachers relating to matters of school attendance and the conduct of students, and to advise the Minister in relation thereto, (j) to advise the National Council for Curriculum and Assessment as respects those aspects of the school curriculum that, in the opinion of the Board, are likely to have an effect on attendance levels at, or the extent of student participation in, school; and,
- advise the Minister on any matter to which this Act relates.

Child and Family Agency Act 2013

Part 10 of the Principal Act provided for the dissolution of the NEWB and Family Support Agency. In particular, section 72 provided for the administration and business related to the performance of the functions of the NEWB under the *Education (Welfare) Act 2000* to be transferred to the Child and Family Agency (TUSLA) on its establishment, 1 January 2014. Under the Principal Act, responsibility for oversight and direction with respect with Tusla is vested in the Minister for CEDIY.

Pre-legislative scrutiny of the General Scheme of the Bill

The General Scheme of the Child and Family Agency (Amendment) Bill was not subject to pre-legislative scrutiny on the part of the Oireachtas Joint Committee on Children, Equality, Disability, Integration and Youth. This was due to request on the part of the Minister for CEDIY for the PLS process to be waived by the Committee which was subsequently agreed by the Oireachtas Joint Committee on CEDIY at its meeting of 29 June 2021.⁷

Principal provisions of the Bill

This section of the Digest examines and summarises the provisions of the Bill. The Bill comprises 30 sections. It should be noted that the vast majority of the Bill's sections provide for amendments to the Principal Act, the *Child and Family Agency Act 2013*. Most of the provisions in the Bill are technical in nature, that is they provide for the insertion of the "Minister for Education" where reference is also made first to "Minister" (of Children, Equality, Disability, Integration and Youth) in respect the relevant parts (education welfare functions of Tusla) of the Principal Act. The effect of the provisions overall is to provide for the transfer of the education welfare functions of the Minister for CEDIY under the *Child and Family Agency Act 2013* to the Minister for Education and to provide for related matters in the Principal Act. In this context, the following Table summarises the main effect of the provisions of the Bill.

Table 1: Summary of the provisions of the Child and Family Agency (Amendment) Bill 2021

Section	Title	Effect
1	Definition	The Principal Act is the <i>Child and Family Agency Act 2013</i>
2	Amendment of section 2 ("Interpretation") of Principal Act	Provides for the insertion of a definition of education welfare functions in respect of Tusla and the Minister for Education.
3	Amendment of section 3 ("Expenses") of Principal Act	Provides for reference to be made to the Minister for Education in the expenses provision of the Principal Act.

⁷ Communication to the L&RS from the Oireachtas Joint Committee on CEDIY, 14/09/2021

4	Amendment of section 8 (“Functions of Agency”) of Principal Act	Provides the Minister for Education may request Tusla to initiate research into matters related to its education welfare functions. The amendment provides also that TUSLA may give information or advice, or make proposals to the Minister for Education in respect of Tusla’s education welfare functions.
5	Amendment of section 13 (“Annual Report”) of Principal Act	Provides, among other things, that Tusla’s annual report will include any other particulars that the Minister for Education may require.
6	Amendment of section 14 (“Duty of Agency to furnish information”) of Principal Act	Provides, among other things, that Tusla will supply the Minister for Education with information that that Minister is likely to consider significant for the performance of his or her functions under the Principal Act.
7	Amendment of section 15 (“Requirement to furnish information and documents”) of Principal Act	Provides that the Minister for Education may require Tusla to furnish certain information and documents where he or she considers it necessary in the public interest to do so for the performance of the Minister for Education’s functions under the Principal Act.
8	Amendment of section 16 (“Minister may share information and documents in certain circumstances”) of Principal Act	Provides for the inserting of references to the Minister for Education such that the Minister for CDEIY may share certain information or documents received pursuant to sections 14 or 15 of the Principal Act in the context of an examination or any inquiry.
9	Amendment of section 17 (“Use of information and documents”) of Principal Act	Provides for the insertion of a reference to the Minister for Education to enable that Minister to use any information or documents furnished under section 14 or 15 for the performance of his or her functions.
10	Amendment of section 18 (“Saver”) of Principal Act	Provides for reference to the Minister for Education in the ‘Saver’ section of the Bill such that that nothing in sections 14 - 17 limits the power of that Minister contained elsewhere in the Principal Act.
11	Amendment of section 19 (“Member of Board of Agency”) of Principal Act	Provides that the Minister for Education will nominate a person to be a member of the Board of Tusla who has relevant experience and expertise in respect of its education welfare functions.

12	Amendment of section 20 (“Filling of casual vacancies”) of Principal Act	Provides that where a casual vacancy arises in respect of a Tusla Board Member with education welfare experience and expertise, the Minister for Education will nominate a relevant person for appointment by the Minister for CEDiy.
13	Amendment of section 21 (“Role of Board”) of Principal Act	Provides for Tusla’s Board to be accountable to the Minister for Education in respect of the performance of its education welfare functions.
14	Amendment of section 29 (“Functions of chief executive officer and their performance by deputy”) of Principal Act	Provides for Tusla’s chief executive to furnish the Minister for Education with information on the performance of his or her education welfare functions and the implementation of that Minister’s policies and priorities.
15	Amendment of section 40 (“Unauthorised disclosure of financial information”) of Principal Act	Provides that a person making a disclosure of confidential information to the Minister for Education does not contravene section 40(1).
16	Amendment of section 41 (“Performance framework”) of Principal Act	Provides that the Minister for Education, in respect of education welfare functions, shall provide to the Minister for CEDiy policy guidance, direction and prioritisation for the preparation of the corporate plan of Tusla.
17	Amendment of section 42 (“Corporate Plan of Agency”) of Principal Act	Provides that the corporate plan of Tusla will accord with the policies and objectives of the Minister of CEDiy, the Minister for Education and the Government as they relate to the functions of Tusla.
18	Amendment of section 44 (“Annual performance statement”) of Principal Act	Provides for the Minister for Education to develop an annual performance statement for the education welfare functions of Tusla.
19	Amendment of section 45 (“Determination of net expenditure limits for Agency”) of Principal Act	Provides for the Minister for Education to determine the maximum amount of net expenditure in a given year on the part of Tusla’s education welfare functions.
20	Amendment of section 46 (“Business plan”) of Principal Act	Provides for Tusla to submit a business plan to the Minister for Education in respect of its education welfare functions, in line with the performance statement developed by the Minister for Education.
21	Amendment of section 47 (“Power of Minister to give direction to Agency”) of Principal Act	Provides for the Minister for Education to give direction to Tusla, which must be observed, in respect of its education welfare functions.

22	Amendment of section 48 (“Power of Minister to issue guidelines to Agency”) of Principal Act	Provides for the Minister for Education to issue guidelines to Tusla in respect of its education welfare functions.
23	Amendment of section 51 (“Accounts of Agency”) of Principal Act	Provides for Tusla to supply to the Minister for Education information on its financial accounts, among other things, in respect of its education welfare functions
24	Amendment of section 52 (“Advances by Minister to Agency”) of Principal Act	Provides for the Minister for Education to make advances, with the consent of the Minister for Public Expenditure and Reform, to Tusla in respect of its education welfare functions.
25	Amendment of section 56 (“Arrangements with service providers”) of Principal Act	Provides for Tusla to have regard to directions issued by Minister for Education when entering into arrangements with not for profit service providers; and provide that the Minister for Education may make regulations in respect of arrangements between Tusla and providers of education welfare services.
26	Amendment of section 59 (“Supplemental service”) of Principal Act	Provides for Tusla to give assistance to a not for profit service which is supplemental to services provided by Tusla in line with any directions given by Minister for Education, in accordance with section 47 of the Principal Act – “Power of Minister to give direction to Agency”.
27	Amendment of section 70 (“Annual report to include report on complaints and reviews”) of Principal Act	Provides for Tusla, as part of the submission of its annual report, to submit a general report as appropriate to the Minister and the Minister for Education on the performance of its functions under Part 9 of the Principal Act (Complaints).
28	Amendment of section 94 (“Agency’s discretion to publish other reports”) of Principal Act	Provides that Tusla will submit a copy of reports relating to its education welfare functions to the Minister of CEDIY and Minister for education not later than 14 days after adopting a report.
29	Amendment of section 95 (“Charges in relation to functions”) of Principal Act	Provides for Tusla to make regulations specifying charges with the consent of the Minister for CEDIY and the Minister of Education in respect of TUSLA’s education welfare functions.
30	Short title and commencement	This is a standard provision: the proposed Act may be cited as the <i>Child and Family</i>

		<i>Agency (Amendment) Act 2021.</i> Commencement of Act, and sections therein, will be by order of the Minister of CEDIY, following consultation with the Minister for Education.
--	--	--

Implications

In enacted, the Bill will provide a basis in primary legislation for the transfer of the education welfare functions of TUSLA from under the oversight of the Minister of CDEIY alone to the Minister for Education also.

From 2021, the Bill confirms that funding for the education welfare functions performed by the Child and Family Agency (TUSLA) is to be provided by the Minister for Education. The Bill provides that the Minister for Education will therefore determine the maximum amount of expenditure that may be incurred by TUSLA in respect of its education welfare functions. The Minister for Children, Equality, Disability, Integration and Youth will retain responsibility for funding all other functions of the Agency and that the two funding streams to the Agency will not be interchangeable. As such, there is no additional financial costs to the exchequer arising from the Bills provisions, if enacted.⁸

⁸ [Explanatory Memorandum](#) – Child and Family Agency (Amendment) Bill 2021

Contact:

Houses of the Oireachtas
Leinster House
Kildare Street
Dublin 2
D02 XR20

www.oireachtas.ie

Tel: +353 (0)1 6183000 or 076 1001700

Twitter: @OireachtasNews

Library & Research Service

Tel: +353 (0)1 6184701

Email: library.and.research@oireachtas.ie

