



Tithe an
Oireachtais
Houses of the
Oireachtas

**AN COMHCHOISTE UM LEANAÍ AGUS GNÓTHAÍ ÓIGE
CLÁR OIBRE - 2019**

**JOINT COMMITTEE ON CHILDREN AND YOUTH AFFAIRS
WORK PROGRAMME - 2019**

CYA 32 015

Contents

1. Introduction.....	1
2. Select Committee	1
A. Legislation (Bills) See 3(c) also	1
B. Estimates and other Financial Matters	1
C. Referrals of Motions and Other Matters	1
D. Engagement with Ombudsman.....	1
3. Joint Committee	2
A. EU Business	2
Scrutiny of EU Legislative Proposals	2
Engagement with Ministers	2
Engagement on the Statutory Departmental Scrutiny Report	2
Engagement with European Bodies	2
B. Key policy priorities.....	2
C. Pre-Legislative Scrutiny/Post-enactment.....	3
D. Engagement with Chairperson designates	3
E. Travel.....	3
F. Number and Frequency of Meetings.....	4
4. Agreement of Work Programme.....	4
Appendix 1: Terms of Reference of the Joint Committee	5
Appendix 2: Members of the Joint Committee	8
Appendix 3: Agencies under the aegis of the Department of Children and Youth Affairs	9

Joint Committee on Children and Youth Affairs

Work Programme 2019

1. INTRODUCTION

The Joint Committee on Children and Youth Affairs was established following Orders of Dáil Éireann on 16 June 2016 and of Seanad Éireann on 20 July 2016. Standing Orders 89(4) (Dáil Éireann) and 77(4) (Seanad Éireann) require that *“as soon as may be following its appointment and thereafter at annual intervals, each Select Committee shall prepare a work programme and shall lay such programme before Dáil Éireann and Seanad Éireann”*.

2. SELECT COMMITTEES

The function of the Select Committee is to consider Bills, Estimates and other business referred to it by Dáil Éireann which relates to the Department of Children and Youth Affairs.

A. Legislation (Bills) See 3(c) also

The Select Committee will consider any Bills referred to it by Dáil Éireann, relevant to the Department of Children and Youth Affairs during the period covered by this Work Programme.

B. Estimates and other Financial Matters

Select Committees are tasked with consideration of annual Estimates for Public Services that fall within their remit. The Estimates are Ministers' spending plans for the coming financial year. When the Estimates are referred to Select Committees for consideration, this Committee will have a valuable opportunity to question the Minister for Children and Youth Affairs on financial allocations and associated output targets for the coming year. In keeping with a whole of year approach, it is the Committee's intention to have an exchange of views with the Minister in March on the emerging position for 2019. A Supplementary Estimate may be considered later in the year if additional monies are required by the relevant Government Department.

Note: the Select Committee is required to consider the Estimates but is not empowered to amend them.

In addition, the examination of the Annual Output Statements (AOS) including performance, efficiency and effectiveness in the use of public monies and Value for Money (VFM) Reviews is another important part of scrutinising Government expenditure, should such statements become available.

C. Referrals of Motions and Other Matters

From time to time, matters may arise and may be referred to the Select Committee by the Dáil. It is not possible to say in advance what those matters might be or when they might arise. However, the Select Committee will schedule the necessary meeting(s) to ensure that the matter is considered within the prescribed timeframe. There are no items currently referred to the Select Committee.

D. Engagement with Ombudsman

A Select Committee may in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department or Departments, consider such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select.

3. JOINT COMMITTEES

The duties of the Joint Committee are discharged in two ways (i) there will be items of business referred to it by one or both Houses and (ii) it can select business for consideration itself, from the areas within its terms of reference. In practice, the Joint Committee's core work has comprised EU business and key policy and governance priorities.

A. EU Business

Scrutiny of EU Legislative Proposals

The scrutiny of draft EU legislative proposals will continue to be a standing agenda item of the Joint Committee. Draft proposals will be brought to the attention of the Joint Committee in line with the 2013 mainstreaming models as agreed by the Working Group of Committee Chairs (WGCC) by setting out priority (Schedule A) and non-priority (Schedule B) items. The Joint Committee will consider all proposals as they arise during the period covered by this Work Programme.

Engagement with Ministers

Ministers of the Government attend EU Council meetings in their relevant policy areas and it is intended that the Joint Committee will invite the Minister for Children and Youth Affairs from time to time to give oral briefings following such meetings.

Engagement on the Statutory Departmental Scrutiny Report

There is a requirement under Section 2(5) of the European Union (Scrutiny) Act 2002 for Ministers to report twice yearly to both Houses on the measures, proposed measures and other developments in relation to the European Communities and the European Union in relation to which he/she performs functions. The Joint Committee can consider these reports with the Secretary-General of the Department.

Engagement with European Bodies

The Committee will continue to further its engagement with European bodies such as the EU Commission and the EU Parliament and its committees during 2018, including delegation visits where appropriate.

B. Key policy and governance priorities

The Joint Committee is empowered to consider such other policy issues as it may select within its terms of reference. In addition to core business such as engagement with the Minister and Minister of State, Departmental officials and respective bodies on policy and government issues, it should be possible to focus on a number of topics within the remit of the Department of Children and Youth Affairs with the aim of producing well-researched reports and laying them before the Houses in 2019.

The Joint Committee will **prioritise** the following issues until the end of 2019:

1. Recruitment and retention of social workers
2. The impact of homelessness on children
3. Youth mental health
4. Aftercare supports for children in foster care
5. Affordable Childcare Scheme
6. LGBTI + National Youth Strategy

In addition to issues which have been identified by the Joint Committee as areas of priority, the Committee will continue to examine ongoing and potential issues pertaining to its remit, until the end of 2019.

C. Pre-Legislative Scrutiny/Post-enactment

The Government Legislative Programme makes provision for the publication of a number of Bills. In accordance with Standing Order 146A Ministers are now required, save in exceptional circumstances and with the permission of the Business Committee, to bring the general scheme or draft heads of a Bill to a Joint Committee for consideration. Committees are empowered to consider the draft heads of Bills but can decide in relation to a particular Bill that such consideration is not necessary. The Committee will examine all referrals by the Minister for Children and Youth Affairs on a case by case basis and will carry out pre-legislative scrutiny on all Bills where it deems it necessary.

In accordance with Standing Order 164A, some 12 months following the enactment of a Bill, save in the case of the Finance Bill and the Appropriation Bill, the member of the Government or Minister of State who is officially responsible for implementation of the Act shall provide a report which shall review the functioning of the Act and which shall be laid in the Oireachtas Library. The Committee is empowered to require the Minister/Minister of State to attend before the Committee in relation to the consideration of the report [Standing Order 85(6C)].

D. Engagement with Chairpersons Designate

In accordance with Standing Order 85 (6B) the Joint Committee is empowered to engage with the chairperson designate of a body or agency under the aegis of the Department of Children and Youth Affairs prior to their appointment to discuss their strategic priorities for the role. It is an opportunity for chairpersons designate to discuss with the Committee the approach they will take as chairperson and to give their views as to what contribution they can make to the agency or body to which they are proposed to be appointed. The Joint Committee will meet with chairpersons designate as nominations arise during the year.

E. Travel

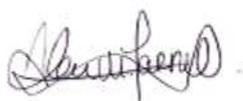
In accordance with Standing Order 85(9), the Joint Committee may decide, subject to financial, administrative and procedural constraints, to undertake travel as it considers necessary to further progress the Work Programme. Such travel may include attendance at conferences or meetings, or study visits related to issues within its remit. The Working Group of Committee Chairs will make recommendations in relation to apportionment of moneys available for travel subject to the consent of the Houses of the Oireachtas Commission [Dáil Standing Order 108].

F. Number and Frequency of Meetings

It is anticipated that the Committee will meet on a fortnightly basis as recommended by the Business Committee.

4. AGREEMENT OF WORK PROGRAMME

This Work Programme of the Joint Committee on Children and Youth Affairs for 2019 was agreed by the Joint Committee at its meeting on 16 January 2019. In accordance with Standing Orders of Dáil Éireann and Seanad Éireann, it was agreed on 30 January 2019 that the Work Programme would be laid before both Houses of the Oireachtas.



Alan Farrell T.D.
Chairman
30 January 2019

Appendix 1: Terms of Reference of the Joint Committee

a. Functions of the Committee – derived from Standing Orders [DSO 84A; SSO 70A]

- (1) The Select Committee shall consider and report to the Dáil on—
 - (a) such aspects of the expenditure, administration and policy of a Government Department or Departments and associated public bodies as the Committee may select, and
 - (b) European Union matters within the remit of the relevant Department or Departments.
- (2) The Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann for the purposes of the functions set out in this Standing Order, other than at paragraph (3), and to report thereon to both Houses of the Oireachtas.
- (3) Without prejudice to the generality of paragraph (1), the Select Committee appointed pursuant to this Standing Order shall consider, in respect of the relevant Department or Departments, such—
 - (a) Bills,
 - (b) proposals contained in any motion, including any motion within the meaning of Standing Order 187,
 - (c) Estimates for Public Services, and
 - (d) other mattersas shall be referred to the Select Committee by the Dáil, and
 - (e) Annual Output Statements including performance, efficiency and effectiveness in the use of public monies, and
 - (f) Such Value for Money and Policy Reviews as the Select Committee may select.
- (4) The Joint Committee may consider the following matters in respect of the relevant Department or Departments and associated public bodies:
 - (a) matters of policy and governance for which the Minister is officially responsible,
 - (b) public affairs administered by the Department,
 - (c) policy issues arising from Value for Money and Policy Reviews conducted or commissioned by the Department,
 - (d) Government policy and governance in respect of bodies under the aegis of the Department,
 - (e) policy and governance issues concerning bodies which are partly or wholly funded by the State or which are established or appointed by a member of the Government or the Oireachtas,
 - (f) the general scheme or draft heads of any Bill,
 - (g) any post-enactment report laid before either House or both Houses by a member of the Government or Minister of State on any Bill enacted by the Houses of the Oireachtas,
 - (h) statutory instruments, including those laid or laid in draft before either House or both Houses and those made under the European Communities Acts 1972 to 2009,

- (i) strategy statements laid before either or both Houses of the Oireachtas pursuant to the Public Service Management Act 1997,
 - (j) annual reports or annual reports and accounts, required by law, and laid before either or both Houses of the Oireachtas, of the Department or bodies referred to in subparagraphs (d) and (e) and the overall performance and operational results, statements of strategy and corporate plans of such bodies, and
 - (k) such other matters as may be referred to it by the Dáil from time to time.
- (5) Without prejudice to the generality of paragraph (1), the Joint Committee appointed pursuant to this Standing Order shall consider, in respect of the relevant Department or Departments—
- (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 114, including the compliance of such acts with the principle of subsidiarity,
 - (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
 - (c) non-legislative documents published by any EU institution in relation to EU policy matters, and
 - (d) matters listed for consideration on the agenda for meetings of the relevant EU Council of Ministers and the outcome of such meetings.
- (6) The Chairman of the Joint Committee appointed pursuant to this Standing Order, who shall be a member of Dáil Éireann, shall also be the Chairman of the Select Committee.
- (7) The following may attend meetings of the Select or Joint Committee appointed pursuant to this Standing Order, for the purposes of the functions set out in paragraph (5) and may take part in proceedings without having a right to vote or to move motions and amendments:
- (a) Members of the European Parliament elected from constituencies in Ireland, including Northern Ireland,
 - (b) Members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
 - (c) at the invitation of the Committee, other Members of the European Parliament.
- (8) A Select Committee appointed pursuant to this Standing Order may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department or Departments, consider—
- (a) such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and
 - (b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select.

b. Scope and Context of Activities of Committees (as derived from Standing Orders) [DSO 84; SSO 70]

- (1) The Joint Committee may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders; and
- (2) Such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil and/or Seanad.
- (3) The Joint Committee shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Committee of Public Accounts pursuant to Standing Order 186 and/or the Comptroller and Auditor General (Amendment) Act 1993; and
- (4) any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions in the exercise of its functions under Standing Orders [DSO 111A and SSO 104A].
- (5) The Joint Committee shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
 - (a) a member of the Government or a Minister of State, or
 - (b) the principal office-holder of a body under the aegis of a Department or which is partly or wholly funded by the State or established or appointed by a member of the Government or by the Oireachtas:

Provided that the Chairman may appeal any such request made to the Ceann Comhairle / Cathaoirleach whose decision shall be final.

- (6) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice given by the Chairman of the Select Committee, waives this instruction on motion made by the Taoiseach pursuant to Dáil Standing Order 28. The Chairmen of Select Committees shall have responsibility for compliance with this instruction.

Appendix 2: Members of the Joint Committee

Chair: Alan Farrell (FG)

Deputies: Lisa Chambers (FF)
Kathleen Funchion (SF)
Denise Mitchell (SF)
Tom Neville (FG)
Anne Rabbitte (FF)
Seán Sherlock (Lab)

Senators: Lorraine Clifford-Lee (FF)
Joan Freeman (Independent)
Catherine Noone (FG)
Fintan Warfield (SF)

Appendix 3: Bodies under the aegis of the Department of Children and Youth Affairs and associated Commission

Child and Family Agency (Tusla): On the 1st of January 2014, the Child and Family Agency became an independent legal entity, comprising HSE Children & Family Services, Family Support Agency and the National Educational Welfare Board as well as incorporating some psychological services and a range of services responding to domestic, sexual and gender based violence. The Child and Family Agency is now the dedicated State agency responsible for improving wellbeing and outcomes for children. It represents the most comprehensive reform of child protection, early intervention and family support services ever undertaken in Ireland, bringing together some 4,000 staff and an operation budget of approximately €600m. The agency operates under the Child and Family Agency Act 2013.

Adoption Authority of Ireland: The Adoption Act 2010 commenced on 1st November 2010. This coincided with Ireland's formal ratification of the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption. The Adoption Authority was also established on that day. The purpose of the Adoption Act 2010 is to improve standards in both domestic and Inter-country adoption. With effect from 1st November 2010 Inter-country adoptions can be effected with other countries which have ratified the Hague Convention or with which Ireland has a bi-lateral agreement.

Children Detention Schools: The Oberstown Children Detention Campus is located on a site in Oberstown, Lusk, Co. Dublin. The campus is funded by the Department of Children and Youth Affairs. The principal objective of the Campus under the Children Act 2001 is to provide care, education, training and other programmes with a view to reintegrating young people into communities and society.

Office of the Ombudsman for Children: The Ombudsman for Children in Ireland is a statutory office established under the Ombudsman for Children Act 2002. The main functions of the Office are:

- To promote the rights and welfare of children.
- To investigate complaints made by children or on behalf of children against public bodies, schools and hospital.

Gaisce, the President's Award: The President's Award is the National Challenge Award given by the President to young people in Ireland between the ages of 15 and 25 years. The purpose of the award is to reward young people who have set and achieved a demanding challenge for themselves in each of 4 different areas of activity (Community involvement, Personal Skill, Physical recreation, Adventure journey). There are 3 awards; bronze, silver and gold, which reflect different levels of time and commitment.

Commission of Investigation into Mother and Baby Homes: headed by Judge Yvonne Murphy. The Third Interim Report was published by the Minister for Children and Youth Affairs on the 5th December 2017. The Final Reports are due to be published by February 2019.