



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

OPENING STATEMENT

**JOINT OIREACHTAS COMMITTEE FOR
CHILDREN AND YOUTH AFFAIRS**

Pat Smyth

Interim Chief Executive

13th March 2019

**TUSLA SUBMISSION TO THE JOINT OIREACHTAS COMMITTEE
FOR CHILDREN AND YOUTH AFFAIRS
SCOUTING IRELAND**

1. INTRODUCTION

I would like to thank the Committee for their invitation to attend today to provide an update in respect of Tusla's ongoing engagement with Scouting Ireland. I am joined here today by the following colleagues:-

- Mr. Jim Gibson, Chief Operations Officer
- Ms. Linda Creamer, Service Director and National Lead for Children First
- Mr. Brian Lee, Director of Quality and Risk

At the outset I would like to acknowledge the important work of Scouting Ireland, those involved in scouting locally around the country and other organisations in the voluntary sector who provide valuable activities and outlets for children and young people.

2. BACKGROUND

The Children First Act 2015 was enacted on 19th November 2015 and commenced in full on December 11th 2017. The Act places a number of statutory obligations on specific groups of professionals and on particular organisations providing services to children. Through the provisions of the Act, it is intended to:

- Raise awareness of child abuse and neglect
- Provide for mandatory reporting by key professionals
- Improve child safeguarding arrangements in organisations providing services to children
- Provide for cooperation and information-sharing between agencies when Tusla is undertaking child protection work

The policy intent is that the Children First legislation will operate side-by-side with the existing non-statutory obligations provided for in Children First: National Guidance for the Protection and Welfare of Children (2017).

The Children First Act 2015 places specific obligations on organisations which provide services to children and young people, including the requirement to:-

- Keep children **safe from harm** while they are using the service
- Carry out a **risk assessment** to identify whether a child or young person could be harmed while availing of the service

- Develop a **Child Safeguarding Statement** that outlines the policies and procedures which are in place to manage the risks that have been identified
- Appoint a **relevant person** to be the first point of contact in respect of the organisation's Child Safeguarding Statement

3. ROLE OF THE CHILD SAFEGUARDING STATEMENT COMPLIANCE UNIT (CSSCU)

The Children First Act 2015 requires organisations that are providers of 'relevant services' to prepare a child safeguarding statement. A relevant service is any work or activity in an organisation/centre that results in a person (s) having access to or contact with children. This is a universal requirement and the list of relevant services is detailed in Schedule 1 of the Act.

The CSSCU was established in March 2018 to monitor, support and when necessary enforce compliance with this requirement and is underpinned by Article 10-13 of the Children First Act 2015. The CSSCU only acts on the receipt of unsolicited information that a relevant service does not have a child safeguarding statement in place.

The CSSCU have been engaged with Scouting Ireland since 27th November 2018 which culminated in the child safeguarding statement being deemed compliant on 13th February 2018.

4. ROLE OF CHILD PROTECTION SERVICES

Tusla's Child Protection and Welfare Teams have primary responsibility to promote the safety and wellbeing of children. In this respect Tusla receives referrals in relation to children under 18 years of age and also referrals in relation to adults disclosing childhood abuse. In the context of the emergence of a significant number of retrospective allegations of abuse by adult complainants alleging they were abused by scout leaders as children, an analysis of current cases referred to Tusla by Scouting Ireland was undertaken. This gave rise to concerns regarding the management of current cases of child protection referrals within Scouting Ireland. Tusla communicated with Scouting Ireland on 18th February in relation to concerns in respect of these cases and the organisation's policies, procedures and practice and overall compliance with Children First. This communication to the CEO of Scouting Ireland set out eight recommendations for Scouting Ireland as follows:

1. CFIAO [Children First Information Advice Officer] suggest that it is imperative that the proposed meeting with SI BOM is progressed without delay.

2. The actions of key personnel holding a role in safeguarding may have been compromised and further consideration may have to be given to this.
3. CFIAO suggest that consideration should be given to nominate the CEO of SI to be the principal liaison person in relation to this work.
4. A sub-committee should be put in place to review SI child safeguarding statement and procedures and support implementation of same throughout the organisation.
5. An urgent review of the manner in which SI managed the current child protection concerns and disclosures from children should commence.
6. There should be an immediate review of the supervision of children involved in Scouting.
7. The CFIAO recommendation is that SI should consider the viability of continuing with overnight trips given the concerns outlined.
8. Consideration should be given to ensuring that personnel manning the helpline are independent of SI, and have appropriate qualifications and experience to manage the information.

4. COMMUNICATION WITH SCOUTING IRELAND

The letter of 18th February 2019 was sent to the CEO of Scouting Ireland advising that Tusla was available to meet and discuss the issues raised. The letter was not copied or issued to any person outside of Scouting Ireland or Tusla. On Wednesday, 27th February 2019, Tusla received a request from DCYA to provide a copy of the letter dated 18th February 2019. The DCYA had received a direct communication from Scouting Ireland's Interim Safeguarding Manager, Mr. Ian Elliot, on Tuesday, 26th February 2019 in connection with Tusla's letter. Tusla's letter was provided to the Department and the Minister read the recommendations of the letter into the Dáil record, and later published the letter on the DCYA website.

Tusla did not have any direct contact from Scouting Ireland from the date of issue of the letter on 18th February 2019 until the Chairperson of Scouting Ireland wrote to the Chair of Tusla. Subsequently, following a request for a meeting between the two organisations which was issued by Tusla on Friday, 1st March 2019, the CEO of Scouting Ireland contacted the Interim Chief Executive of Tusla on Monday, 4th March 2019, when agreement was reached to meet on Thursday, 7th March 2019.

Scouting Ireland met with Tusla Operational Team on Thursday, 7th March 2019, and agreed to address the issues raised in the letter of the 18th February 2019 through an action plan. This work will be progressed over the coming weeks to put in place

improvements to policy, procedure and practice and provide assurance to Tusla in respect of the concerns raise.

5. CONCLUSION

Tusla's approach with Scouting Ireland has been one of support and information to ensure that their policies, procedures and practice meet their obligations and requirements with regard to child protection. It is, and was, Tusla's intention that the matters raised with Scouting Ireland as part of this process would be dealt with between both organisations to ensure that improvements to policies, procedures and practice would be put in place.

Following a productive meeting with Scouting Ireland last Thursday, I am satisfied that progress is being made towards addressing the concerns raised.

Pat Smyth

Interim Chief Executive

March 2019