

Children First Implementation Plan for the Education sector

2015

The purpose of this *Children First* implementation plan is to give an overview of the policies and actions being taken in the education sector in relation to the implementation of *Children First*.

This plan has been prepared in accordance with guidance from the Department of Children and Youth Affairs.

This plan is structured as follows:

1. Children First - Overview of current position
2. Children First – forthcoming legislation
3. Garda Vetting –Advance preparations for commencement of statutory vetting requirements
4. Teaching Council Amendment Bill 2015
5. Children First Inter-departmental Group
6. Appendix – Existing suite of child protection policies and procedures and associated oversight/assurance mechanisms

1. Children First – Overview of current position

In 2011, the Department of Education and Skills developed and updated its existing suite of child protection guidance and procedures to reflect the revisions made at that time to the national *Children First* guidelines.

This suite of child protection guidance and procedures, and the associated oversight/assurance mechanisms are set out in the Appendix to this plan.

The Department approach is to try and foster, develop and strengthen the child protection culture throughout the Department, schools and the wider education sector. This is an on-going process.

2. Children First – forthcoming legislation

The [Children First Bill, 2014](#), which will put elements of the [Children First: National Guidance for the Protection and Welfare of Children \(2011\)](#) on a statutory footing was published by the Houses of the Oireachtas on 14 April 2014 and is on the Government's legislative programme for enactment in the Spring/Summer 2015 Dáil session. The Bill provides for a number of key child protection measures, as follows:

- a) A requirement on organisations providing services to children to keep children safe and to produce a Child Safeguarding Statement;
- b) A requirement on defined categories of persons (mandated persons) to report child protection concerns over a defined threshold to the Child and Family Agency (the Agency);
- c) A requirement on mandated persons to assist the Agency in the assessment of a child protection risk arising from a mandated report under the Act, if so requested to do so by the Agency;
- d) Putting the Children First Interdepartmental Group on a statutory footing.

It is envisaged that the Department of Children and Youth Affairs will review and publish updated national Children First Guidance on foot of the finalised legislation and other recent legislation relevant to child protection. This should bring clarity on the thresholds for reporting child protection concerns to the Child and Family Agency under (i) the legislation and (ii) the national Children First Guidance. This will also trigger some changes to the suite of child protection policies and procedures for the education sector including the [Child Protection Procedures for Primary and Post-Primary Schools](#). The Department will, in due course, consult with the relevant education partners in this regard.

3. Garda Vetting – Advance preparations for commencement of statutory vetting requirements

The Department has published (23 April 2015) [Circular 0026/2015 - Advance preparations for the commencement of statutory requirements for Garda vetting under the National Vetting Bureau\(Children and Vulnerable Persons\) Act 2012 \(the Vetting Act\)](#) which outlines preparations being put in place in the school system in advance of the forthcoming statutory Garda vetting requirements.

The Vetting Act (when commenced) will set out the requirements for vetting of new employees and for the retrospective and re-vetting of existing employees. The

statutory vetting arrangements include a check for relevant "soft information" which is an important new aspect of the vetting arrangements. "Soft information" is referred to as "specified information" in the National Vetting Bureau Act 2012 and is information other than criminal convictions held by the Garda Síochána where such information leads to a bona-fide belief that a person poses a threat to children or vulnerable persons.

When the timeframe for commencement of the Vetting Act is confirmed in due course by the Minister for Justice and Equality, that timeframe will be notified by this Department to the school system and published on this Department's website. [Click here for more detailed information – Garda Vetting webpage.](#)

4. Teaching Council Amendment Bill 2015

The Minister for Education and Skills, Jan O'Sullivan T.D. published the [Teaching Council Amendment Bill, 2015](#) on 23rd January 2015.

The Bill caters for two main overarching aims: underpinning the central role of the Teaching Council in the forthcoming statutory vetting arrangements for registered teachers and amending and strengthening the statutory provisions relating to the Teaching Council's Fitness to Teach function.

The Bill, is included in the Government's legislative programme for enactment in the 2015 Spring/Summer session.

The Teaching Council (Amendment) Bill 2015 will dovetail with the forthcoming statutory vetting arrangements by:

- (a) Linking compliance with the statutory vetting arrangements with renewal of registration
- (b) Strengthening the Fitness to Teach provisions so as to provide an appropriate mechanism for assessing a teacher's fitness to remain on the register if information in a complaint in respect of a teacher indicates any potential risk of harm to a child.

The Department considers that removal of a teacher from the Teaching Council register is the best way of achieving child protection across all schools.

It is intended that all registered teachers will be vetted under the new statutory vetting arrangements as soon as possible after the legislation is commenced.

5. Children First Interdepartmental Group

The main role of this Interdepartmental Group is to oversee the implementation of Children First across all Government Departments.

The Group is chaired by the Department of Children and Youth Affairs.

The Children First Bill provides for the establishment of this Group on a statutory basis.

The Department of Education and Skills is represented on this Group.

A sub-committee of this Group is currently reviewing current and planned child protection mechanisms both in schools and generally.

Appendix

Existing suite of child protection guidance and procedures

Sectoral Guidance

Department of Education & Skills	Procedures for responding to Child Protection Concerns brought to the attention of staff employed by the Department of Education and Skills are in place and are updated from time to time.
Primary & Post-primary schools sector	Procedures for schools on the implementation of <i>Children First</i> in the school setting were updated and published in September 2011. This was done following the revisions in July 2011 to the national <i>Children First</i> guidelines. The updated procedures are intended to better ensure consistent and uniform implementation of <i>Children First</i> across all schools.
Higher Education Sector	In November 2010 the Higher Education Authority circulated the Department's updated Child Protection Guidelines and Procedures to all institutions under its remit with the recommendation that, as part of their corporate governance structures and procedures, the institutions should ensure that appropriate guidelines and procedures are provided to their employees. It was suggested that the Department's guidelines could be adapted to meet the requirements of the institutions.
Bodies & Agencies under the aegis of the Department	In October 2010, the Department wrote to Bodies operating under its aegis, recommending that, as part of their corporate governance structures and procedures, they should provide appropriate child protection guidelines and procedures for their employees. The Department suggested that its own procedures could be adapted to meet the requirements of each organisation. The letter also stipulated that a return confirming that a Child Protection Policy is in place should be submitted annually to the Department.

Oversight/assurance mechanisms

<p>Department of Education & Skills</p>	<p>A secure register/database of all child protection concerns reported to the Department is kept by Schools' Division. Where the Department is notified of the outcome of an assessment or investigation, the register/database is updated to reflect same.</p> <p>Child protection concerns are referred by the Department to the Board of Management of the school and to the Child and Family Agency (CFA) and the school is requested to:</p> <ul style="list-style-type: none"> • Ensure that the matter is dealt with in accordance with the procedures set out in the Child Protection Procedures for Primary and Post-Primary Schools; • Follow up with the complainant, where appropriate; • Alert the CFA that the school has received the concern and is dealing with it in accordance with the agreed procedures for schools; • Keep the CFA apprised of any further follow-up action taken in relation to this matter. <p>In the letter to the CFA an invitation is extended that if they are unhappy with the actions of the school they may, at any time, notify the Department with the reasons and concerns they may have.</p>
<p>Primary & Post-primary schools sector</p>	<p>The child protection procedures require the appointment of a Designated Liaison Person (DLP) for each school who is typically the School Principal. The updated child protection procedures for schools include additional oversight arrangements that involve the following:</p> <ul style="list-style-type: none"> • Specific reporting requirements by the School Principal to the Board of Management • Standardised format for an annual review by the Board of Management of the implementation of its child protection policy • Standard method for schools to report annually to parents associations (or parents generally) in relation to their implementation of child protection procedures. • Confirmation of compliance with child protection procedures to be provided, if requested, to the School Patron and/or the Department. <p>A series of information seminars and training has been provided for schools in relation to the updated child protection procedures for schools.</p>
<p>Higher Education Sector</p>	<p>The Higher Education Authority has agreed codes of</p>

	governance for universities and institutes of technology which set out reporting requirements on the sector in respect of compliance with codes of conduct, legislative obligations and other relevant Government policy guidelines and procedures. Confirmation of compliance is provided in an annual governance statement signed by the Chief Officer and Chairperson of each institution and submitted to the HEA. The HEA has in consultation with the HEIs updated the Codes of Governance for the sector. As part of their annual governance statement, HEIs are required to confirm that child protection policies are in place. A similar requirement will apply to other higher education institutions funded directly by the Department.
Bodies & Agencies under the aegis of the Department	A return confirming that a Child Protection Policy is in place should be submitted annually to the Department.

Children First Enforcement

Department of Education & Skills	Procedures for responding to child protection concerns brought to the attention of staff employed by the Department of Education and Skills were updated and circulated to all staff in October 2010.
Primary & Post-primary schools sector	In addition to the oversight/assurance arrangements outlined above, compliance with the new child protection procedures is assessed as part of all whole school type inspections conducted by the Department's Inspectorate. These inspection reports are published on a regular basis on the Department's website.
Higher Education Sector	Procedures adopted by institutions are based on <i>Children First</i> guidelines
Bodies & Agencies under the aegis of the Department	Procedures are to have regard to the <i>Children First</i> guidelines.

Reporting of Compliance to Minister and MAC

Department of Education & Skills	<p>Schools' Division submits a report to MAC on the number of concerns reported bimonthly to the Department as well as issues and difficulties with implementation of these procedures during the bimonthly period. These reports may be made to MAC sooner, as MAC or Schools' Division consider appropriate.</p> <p>This bi-monthly report is provided to the Minister.</p>
Primary & Post-primary schools sector	<p>The Inspectorate prepares a report on its monitoring of schools' implementation of the DES <i>Child Protection Procedures for Primary and Post-Primary Schools</i> (2011) twice annually.</p> <p>These twice annual reports from the Inspectorate will be submitted to MAC and the Minister.</p>
Higher Education Sector	Confirmation of compliance is to be provided annually by the CEO and the Chairman of the higher education institution in a statement on Corporate Governance
Bodies & Agencies under the aegis of the Department	A return confirming that a child protection policy is in place is to be submitted annually to the Department.

Details of relevant areas

Department of Education & Skills	The updated child protection procedures for the Department are applicable to all relevant Divisions, Sections and Units.
Primary & Post-primary schools sector	The updated child protection procedures for schools are published on the Department website and are applicable to all the recognised primary and post-primary schools (approximately 4,000 schools).
Higher Education Sector	As autonomous bodies the onus is on the higher education institutions to ensure that appropriate guidelines and procedures are provided for all employees and students on placement who have contact with children or vulnerable adults
Bodies & Agencies under the aegis of the Department	Appropriate guidelines and procedures are to be provided for all employees whose work brings them into contact with children.