

CHILDREN FIRST ACT 2015

BRIEFING NOTE ON COMMENCEMENT

The Children First Act 2015 was signed into law on 19 November 2015 and provides for commencement of the provisions by regulation of the Minister for Children and Youth Affairs. A number of provisions of the Act have already been commenced as follows:

- (i) Sections 1 to 5 (Part I) and section 28 (Part V) of the Act were commenced on 10 December 2015. Sections 1 to 5 are standard provisions in relation to title, citation, regulations, definitions etc. Section 28 relates to corporal punishment and removes the common law defence of reasonable chastisement in relation to same.
- (ii) Section 18 (Part III) and Sections 20-26 (Part IV) were commenced on 1 May 2016. Section 18 of the Act is a technical amendment to ensure that the Child and Family Agency is a specified body for purposes of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012. Sections 20-26 deal with establishing the Children First Interdepartmental Implementation Group (CFIDIG) on a statutory basis and expanding the Group to include all Government Departments, as well as Tusla, the HSE and an Garda Síochána.

As the Act imposes obligations on certain individuals working with children and on relevant service providers, it is vital that all individuals and sectors are fully prepared and ready to implement the legislation before it is commenced. In relation to those provisions of the Act which have not yet been commenced, the Minister recently signed off on a proposal for phased and structured preparations for implementation which will allow for full commencement of the remaining provisions of the Act by end 2017. These provisions include those related to mandated reporting of child abuse, mandated assisting and the preparation of Child Safeguarding Statements by organisations providing relevant services to children.

The phased implementation timetable will also allow Tusla to undertake the significant preparatory work required to enable it to fully meet its obligations under the legislation. This will include ensuring that the appropriate internal systems are in place to deal with the intake of mandated reports by Tusla and that a suite of resources is available to support and assist all sectors in implementing the legislation. The Department of Children and Youth Affairs is working closely with Tusla in relation to making available basic Children First training, in an e-training format, and information and resource materials.

The Department continues to work closely with the Statutory Children First Inter-Departmental Implementation Group, which will take a key role in ensuring that all necessary preparations and supports are in place for those who will acquire legal obligations under the Act.

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February 2017.*