

**CHILD
SAFEGUARDING
STATEMENT
COMPLIANCE
UNIT**

**CHILD SAFEGUARDING
STATEMENT COMPLIANCE UNIT:
ACTIVITY REPORT
2020 – 2022**

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Executive Summary

The Child Safeguarding Statement Compliance Unit (CSSCU) has a 5-year implementation plan and within the business plan for 2022 has committed to develop a paper for publication, focusing on patterns and key learnings arising from Child Safeguarding Statement reviews 2020 -2022. This falls within the commitment in the Tusla Corporate Plan to 'Advance children's safety, development, and wellbeing by strengthening partnership and communication with stakeholders.'

A Child Safeguarding Statement (CSS) is a written statement that specifies the service being provided and the principles and procedures to be observed in order to ensure, as far as practicable, that a child availing of the service is safe from harm. The purpose of the Child Safeguarding Statement is to provide a scaffold of assurance to parents, children, young people and the wider community that children are provided with care support and guidance in a safe environment.

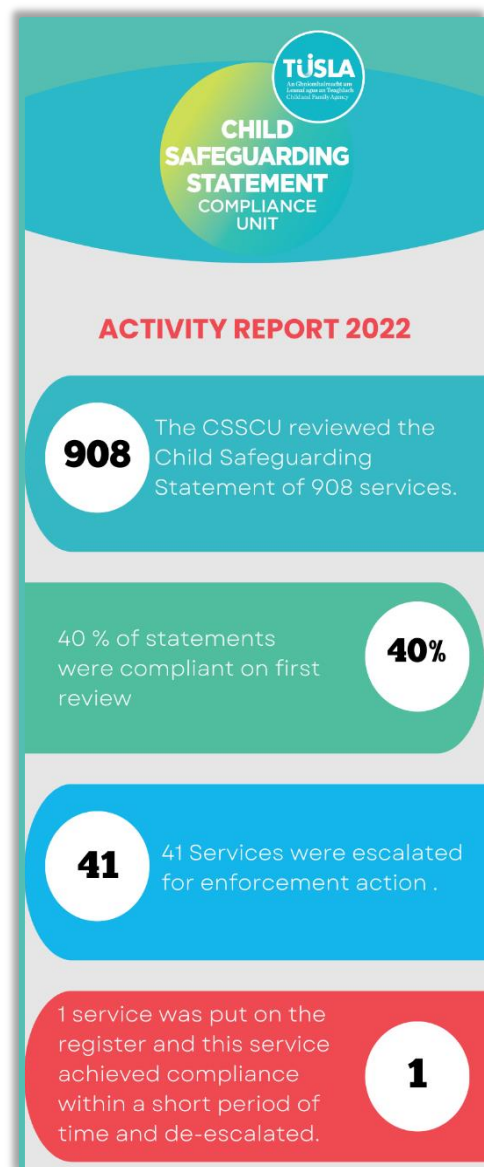
The Child Safeguarding Statement Compliance Unit has the statutory responsibility for ensuring that relevant services are compliant with their requirements under the Children First Act. This report reviews the work of the unit from 2020 to 2022.

Between 2020 and 2022 the CSSCU reviewed the Child Safeguarding Statement of 908 services. Of these, 60% were non-compliant on the first review.

The CSSCU subsequently supported these organisations through advice, support and guidance to achieve compliance with the requirements of the Part 2, Section 11 of the Children First Act 2015.

In the period of time under review, 41 services were subject to enforcement action. These services received a 'failure to furnish' notice and were escalated to the National Registration Enforcement Panel for consideration of addition to the Public Register for non-Compliant Services. In the time period under review, only 1 service was put on the register and this service achieved compliance within a short period of time and de-escalated. The CSSCU considers this to be positive evidence of the feedback, support and guidance offered to services.

In the time period under review there has been a significant development of the team and a more outward looking proactive approach to supporting all organisations with their requirements to be compliant with the legislation.



The trends identified however, suggest that there is room for improvement in respect of coordination of approaches and deepening the work and reach of the unit. The ultimate objective is that safeguarding is mainstreamed in all services. In order to get to this point a wide range of strategies will be employed. Of particular note the CSSCU intends to develop a strand of youth consultation to inform the understanding of the Unit in respect of real-life experiences of risk.

As an additional recommendation, consideration could be given to expanding the range of criteria in the legislation to assess a CSS to include a statement concerning its implementation and audit of its implementation by the relevant provider. The work of the Interdepartmental Implementation Group is key to the coordination of this. Of note is the need for support with non-regulated services in particular in respect of their implementation processes.

1.0 Introduction

History has shown that sadly children experience harm in a wide range of settings. The history of abuse of children across Irish society has demonstrated that institutions that have been invested with the highest levels of trust have failed in their duty to protect, been naïve and obstructionist in their responses to managing risk and have not had the skills or frameworks necessary to respond and manage incidents of harm. It was in the context of many reports into institutional failings that a recognition arose that no service was immune to the risks in respect of failing to protect children. The Children First Act 2015 and Children First National Guidance 2017 by intent believes that addressing these risks is a whole society responsibility.

Child protection within an Irish context is traditionally focused on the child and family situation and support, assessment and intervention remains located on the nuclear family. However, the Children First Act recognises that there are a very wide range of situations in which children can be harmed and seeks to scaffold legislation that provides scope for contextual safeguarding. Contextual safeguarding recognises that there are risks 'beyond the front door' (Contextual Safeguarding Network, https://www.contextualsafeguarding.org.uk/media/zfrngyhd/the_principles_of_contextual_safeguarding-720p.mp4) and proposes a framework to address these issues. Contextual safeguarding as defined by the Network consists of four component parts, Target, Legislative, Partnership and Outcomes (Firmin & Lloyd, 2022 303). The CSSCU and the Children First Act provide responses to each of these pillars.

2.0 What is a Child Safeguarding Statement?

Under Section 10 of the Children First Act 2015 a provider of a relevant service shall ensure, as far as practicable, that each child availing of the service from the provider is safe from harm while availing of that service.

A Child Safeguarding Statement is a written statement that specifies the service being provided and the principles and procedures to be observed in order to ensure, as far as practicable, that a child availing of the service is safe from harm. It should set out any potential risk of "harm" to a child that has been identified in the risk assessment, and

procedures in place to reduce the identified risks, as specified in section 11 (3) of the Children First Act 2015. It should name the Relevant Person who is the first point of contact for the CSS and be dated to demonstrate a review as required at a minimum within 24 months of being drafted

The purpose of the Child Safeguarding Statement is to provide a scaffold of assurance to parents, children, young people and the wider community that children are provided with care support and guidance in a safe environment. Furthermore, the CSS demonstrates a commitment to safeguarding children in an explicit way. The policies and procedures that underpin the CSS are practices that, through implementation, improve the safeguarding practices of services to children.

In a recent survey, conducted in partnership with the National Parents Council, one parent put it as follows:

'I think Child Safeguarding statements are really important and necessary. I guess the balance is between keeping kids safe and having enough space for safe and natural engagement. We don't want volunteers who are the backbone of sports and other youth clubs to be so terrified that they no longer volunteer. The work done in schools to help kids spot and speak up about abuse is excellent.'

Creating environments that are explicitly committed to the safeguarding of children is vital to ensuring that the harm of children is not tolerated. Children historically have been harmed in contexts where consideration was not given to the possibility that they could be. Trust was imbued to people in power by virtue of their rank, position and authority and there was limited accountability and assurance models to demonstrate that this trust was warranted. The purpose of a Child Safeguarding Statement is to set out the framework and intention of organisations that provide services to children that children using those services will be protected in so far as is possible. Organisations are required to proactively assess risk in the context of the services and activities they provide. By assessing the risk of harm services are actively engaging in the possibility that harm could occur, thereby reducing the risk that an assumption of safety will be made.

Additionally, a Child Safeguarding Statement provides parents and children with information in respect of how a service will act to protect children. This empowers parents, children and young people to know that there are procedures in place specifically designed to keep them safe and provides assurances that there are systems in place to mitigate against the risk of harm.

Finally, for children and their parents, who have had an experience of abuse, a Child Safeguarding Statement can serve to reduce the risk of isolation and culture of secrecy in respect of harm. By naming the possibility that abuse happens, children will be aware that they are not alone or the only one to experience this type of harm. By removing the secrecy and silence in respect of the reality that abuse happens, the intention is that the disclosure of abuse would be destigmatised, creating a culture of safe disclosure and support to those who have experienced abuse.

Of critical consideration is that harm is defined in the Children First Act as to mean the

'(a) assault, ill-treatment or neglect of the child in a manner that seriously affects

*or is likely to seriously affect the child's health, development or welfare, or
(b) sexual abuse of the child,
whether caused by a single act, omission or circumstance or a series or combination
of acts, omissions or circumstances, or otherwise;'*

This legal definition is interpreted as the harm caused by physical, emotional or sexual abuse, or the neglect of children. As the work of the CSSCU expands it is intended to develop the understanding of how harm is experienced focusing on the outcomes and impact of extra-familial harm in respect of health, development and welfare and how these risks can be managed more effectively through linking policy, procedure and practice.

3.0 Child Safeguarding Statement Compliance Unit (CSSCU)

The Child Safeguarding Statement Compliance Unit is a unit within TUSLA that has the statutory responsibility for ensuring that relevant services are compliant with their requirements under the Part 2, section 11 of the Children First Act 2015. Whilst the Unit has been in operation since 2018, this report will review the work of the unit from 2020 to 2022 as per the business plan requirements of 2022. The CSSCU sits in the Children's Services Regulation sub directorate and is overseen by the Head of Registration and Regulatory Enforcement.

According to the 2016 Census there are 1,190,502 children resident in Ireland (CS0 2016). In considering the breadth of services covered by Children First and the Child Safeguarding Statement from new-born to early adulthood, all children will have contact with a service whose activity is covered by the Act.

There are a number of key principles of child protection and welfare identified in Children First: National Guidance, that inform both Government policy and best practice for those dealing with children.

These are:

- The safety and welfare of children is everyone's responsibility.
- The best interests of children should be paramount.
- The overall aim in all dealings with children and their families is to intervene proportionately to support families to keep children safe from harm Interventions by the State should build on existing strengths and protective factors in the family.
- Early intervention is key to getting better outcomes.
- Where it is necessary for the State to intervene to keep children safe, the minimum intervention necessary should be used.
- Children should only be separated from parents/guardians when alternative means of protecting them have been exhausted.
- Children have a right to be heard, listened to and taken seriously.
- Taking account of their age and understanding, they should be consulted and involved in all matters and decisions that may affect their lives.
- Parents/guardians have a right to respect and should be consulted and involved in matters that concern their family.
- A proper balance must be struck between protecting children and respecting the rights and needs of parents/guardians and families.

- Where there is conflict, the child's welfare must come first.
- Child protection is a multiagency, multidisciplinary activity.
- Agencies and professionals must work together in the interests of children.

Children need services 'beyond the front door' and from early years to end of childhood all children should have opportunities to participate in safe educational, social and health related activities. Of principal concern to the CSSCU and TUSLA is the ideation that child protection is a multi-agency, multidisciplinary activity. Taking this as a starting point the CSSCU recognises that child welfare is a whole community responsibility.

The Children First Act 2015 imposes legal obligations on Relevant Services to have developed and displayed Child Safeguarding Statements with clear specifications of what that entails. The CSSCU is responsible for ensuring that these Relevant Services are compliant with this legislation. The CSSCU adopts a supportive compliance approach to enforcement and all efforts to engage organisations are exhausted before enforcement actions are embarked on.

The Child Safeguarding Compliance Unit works on a referral basis. Referrals are received through voluntary submissions by providers, unsolicited information, implementation reviews and referrals by colleagues within Tusla. Where a service is found to be non-compliant with the requirement to have a compliant Child Safeguarding Statement, Tusla engages with the organisation, highlights the weakness in the statement, and affords them the opportunity to comply. Only when this avenue has been exhausted does the agency move to listing an organisation on the register of non-compliance (the final stage of enforcement).

The Child Safeguarding Statement is underpinned by the required policies and procedures and implementation. The CSSCU does not have oversight of the policies and procedures, but it is expected that they would be in line with the Children First Guidelines 2017 and implemented consistently by the Relevant Service.

4.0 5 Year Implementation Support Strategy

The CSSCU operates under the framework of a 5-year Implementation Support Strategy. The overall strategic goal of the CSSCU is to drive and positively influence meaningful compliance with the legislation delivered with the correct balance of support and enforcement. By so doing the CSSCU contributes to assisting in the creation of safe environments for children to grow and develop. This strategy is and will continue to be informed by the principals of engagement and communication.

This strategy has 4 Implementation Pathways –

- Strand 1: CSS Content & Implementation Analysis
- Strand 2: Sharing and Dissemination of Learning with Key Partners
- Strand 3: Effective Partnerships with Agents of Inspection and Statutory Regulators of Children's Services
- Strand 4: Proactive Engagement with Relevant Providers

This report falls under Strand 2 as it analyses and shares key learnings from the period under review.

5.0 Data

Between 2020 and 2022 the CSSCU has reviewed the Child Safeguarding Statement of 908 services. Of these, 60% were non-compliant on the first review. The CSSCU subsequently supported these organisations through advice, support and guidance to achieve compliance with the requirements of the Children First Act 2015.



6.0 Reasons for Review

Child Safeguarding Statements have been submitted to the Unit through a number of pathways.

6.1. Voluntarily provided Statements.

Relevant services as defined in the Children First Act 2015 have been encouraged to voluntarily submit their statements for review in order to ensure that they are compliant with the requirements of the act. These submissions are reviewed using the checklist review form and the feedback is provided in a comprehensive and cohesive manner. This approach is underpinned by the ethos of supportive compliance that informs all regulatory activity within Children's Services Regulation.

6.2. Voluntarily provided statements as part of Compliance Reviews

Some oversight bodies have engaged with the CSSCU in order to support their members in demonstrating compliance with the Children First Act. These Compliance reviews have been in response to initiation by the sectors themselves with a particular commitment to ensuring that vulnerable children are protected. The methodology for these reviews have included briefings to the sector in question, signposting services to support resources and organisations submitting Child Safeguarding Statements for review on a voluntary basis mediated by their support oversight bodies. The information has then been collated into

reports fed back to the oversight bodies and resulting in improved understanding by the support oversight groups and the Relevant Services of the requirements in respect of compliance.

6.3. Formally requested statements on foot of compliance concerns

Under section 11(5) of the Children First Act 2015, the Child and Family Agency, has a mandate to formally request child safeguarding statements from Relevant Services in order to ensure that they are compliant with the act. The Act is silent on the threshold for proportionality in respect of this, but the CSSCU makes a determination that where there are concerns in respect of failures to provide copies of statements on request, or in the event of particular child welfare and protection concerns reported within an organisation, the Child Safeguarding Statement is requested of the organisation. These decisions are made on the basis of risk to children and young people availing on a service.

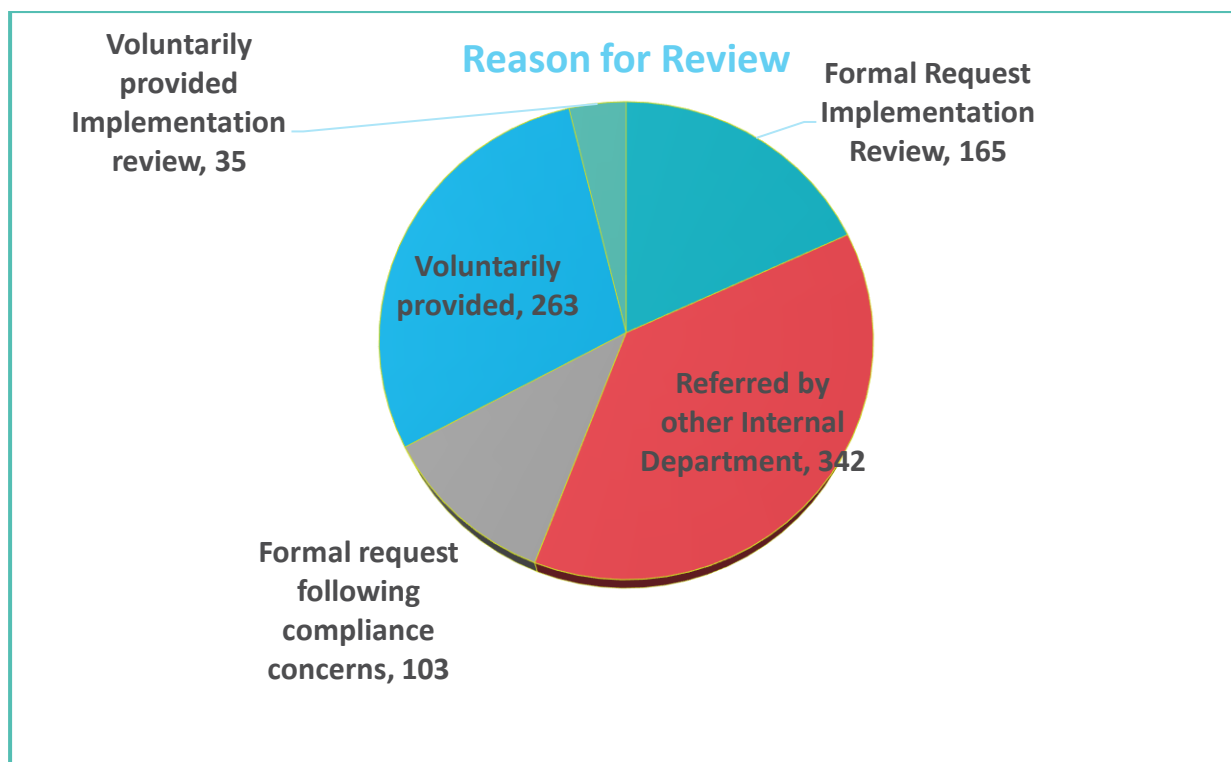
6.4 Formally requested statements as part of Compliance Reviews

In line with business plans and objectives, the CSSCU has engaged with a number of sectors and formally requested statement from all the members of these sectoral groups. The CSSCU has reviewed levels of compliance within sectoral groups. The methodology for these formal compliance reviews is similar to the voluntary supplied compliance reviews with the difference that the CSSCU formally requests the statements directly from the organisations. Sectors are selected for these reviews on the basis of perceived vulnerability of children within the particular service provision.

6.5 Statements reviewed in response to statutory Regulatory requirements/ Referred by Other Internal Departments.

As part of registration requirements, under the Child Care Act 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018, School Age Childcare services are required to have a Child Safeguarding Statement. The CSSCU has supported the registration teams in ensuring that submitted statement are in compliance with requirements. Additionally, whilst not necessarily a requirement of registration, the CSSCU has worked closely with the Early Years Inspectorate, Alternative Care Inspection and Monitoring Services and Alternative Educational Assessment and Registration teams which has led to a significant number of referrals from these services.

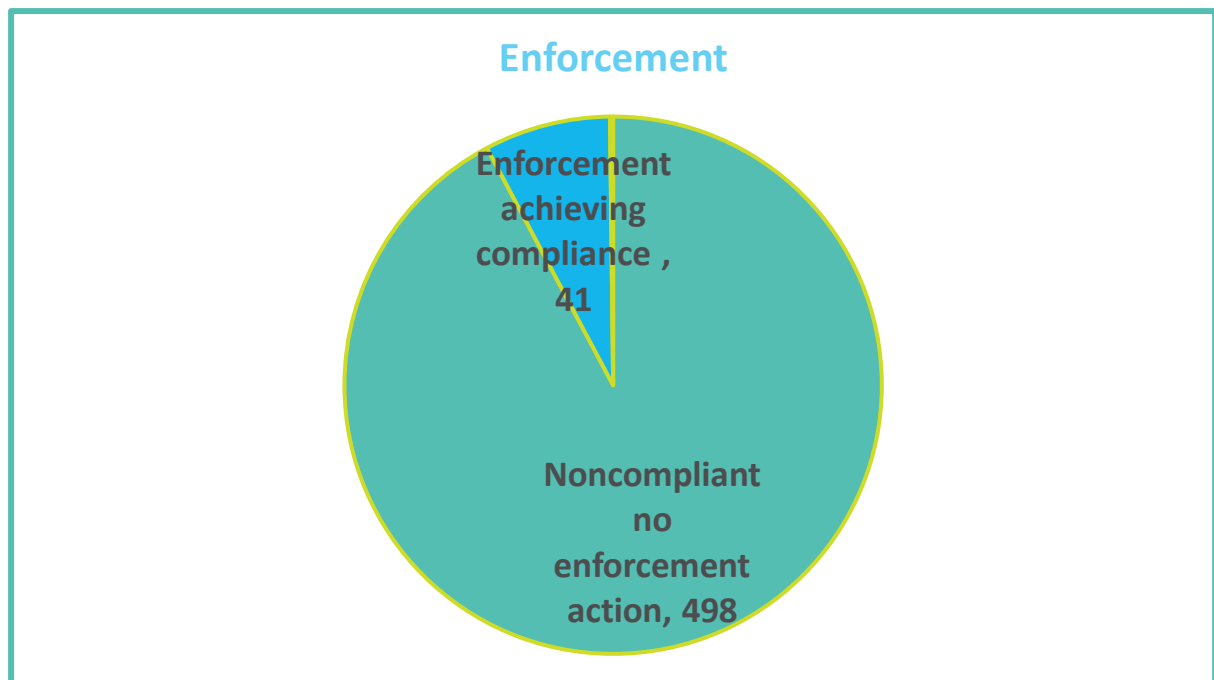
This table sets out the breakdown of reasons for review as proportion to all statements reviewed:



7.0 Enforcement

The Children First Act 2015 sets out a clear pathway for enforcement action to be taken against any service that is non-compliant with the specific requirements of the Act. A service must receive formal notification of Failure to Furnish, be advised of proposed Advance Notice to be put on the public Register of Non-Compliant Services, then advised of Advance Notice, at which point they can appeal any decisions to the District Court. To date there have been no appeals in respect of any decisions. At every step time periods are provided opportunity to submit a compliant statement.

In the period of time under review, there have been 41 services that have been subject to enforcement action. These services have received a failure to furnish notice and have been escalated to the National Registration Enforcement Panel for consideration of being put on the Public Register for non-Compliant Services. In the time period under review, only 1 service was put on the register and this service achieved compliance within a short period of time and de-escalated. The CSSCU considers this to be positive evidence of the feedback, support and guidance offered to services.



8.0 Relevant Services

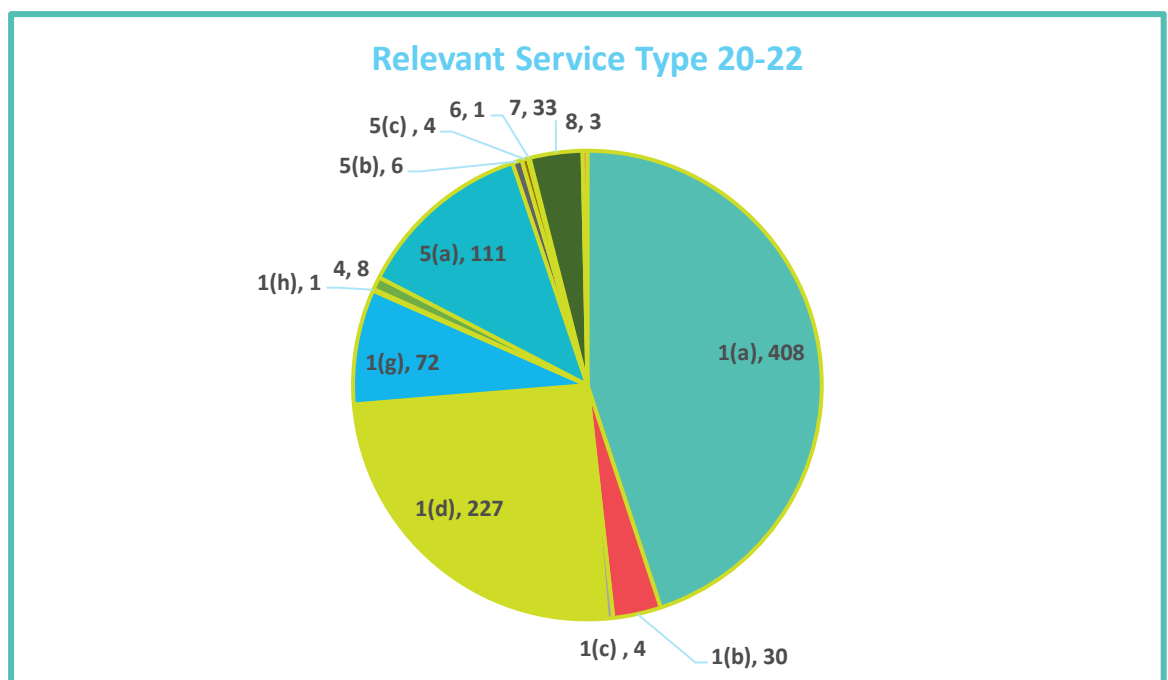
The Children First Act sets out the Relevant Services that are required to have CSS in place. These are set out in Schedule 1 of the Act as follows:

Relevant services:

1. Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with children in-
 - a. An establishment which provides early years services within the meaning of Part VIIA of the Child Care Act 1991;
 - b. A school or centre of education, both within the meaning of the Education Act 1998,
 - c. Any hospital, hospice, health care centre or other centre which receives, treats or otherwise provides physical or mental health services to children,
 - d. A designated centre within in the meaning of section 2 of the Health Act 2007, in so far as it relates to an institution at which residential services are provided in accordance with the Child Care Act 1991 or to children with disabilities in relation to their disabilities.
 - e. A special care unit provided and maintained in accordance with section 23K of the Child Care Act 1991
 - f. A children detention school within the meaning of section 3 of the Children Act 2001
 - g. A reception or accommodation centre which provides residential accommodation services to applications for asylum under contract to the Department of Justice and Equality where children may be accommodated, or
 - h. A centre which provides residential accommodation services to victims of domestic violence where children may be accommodated.
2. Any work or activity which consists of the inspection of a service provided to a child under the Child Care Act 1991, the Education Act 1998, the Children Act 2001 or the Health Act 2007.
3. Any work or activity which consists of the inspection, examination or investigation by the Office of the Ombudsman for Children under the Ombudsman for Children Act 2002.
4. Any work or activity which consists of treatment (including assessment which may lead to treatment), therapy or counselling provided to a child.
5. Any work or activity which consists of the provision of –
 - a. Educational, research, training, cultural, recreational, leisure, social work physical activities to children,
 - b. Care or supervision of children, or
 - c. Formal consultation with, or formal participation by, a child in respect of matters that affect his or her life,Whether or not for commercial or any other consideration.
6. Any work or activity which consists of the provision of advice or guidance services (including by means of electronic interactive communications), a necessary and regular part of which consists, mainly, of the person having access to, or contact with, children.
7. Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs which would or could bring that minister, priest or other person, as the case may be, into contact with children.
8. Any work or activity as a driver of, or as an assistant to the driver, or as a conductor or as a supervisor of children using a vehicle which is being hired or used only for the purpose of conveying children who are unaccompanied by a parent or guardian.
9. Any work or activity which is carried out by a member of An Garda Síochána, a necessary and regular part of which consists mainly of the person having access to, or contact with, children.

Figure 1- Relevant Services

The two sectors that have most engaged with the CSSCU are the Early Years sector and the Alternative Care residential services. Together these two sectors make up 70% of all Child Safeguarding Statements reviewed in the timeframe. This is possibly indicative of the close relationship between the Early Years inspectorate, the Alternative Care Inspection and Monitoring Service and the Child Safeguarding Statement Compliance Unit, all of which fall under the remit of Children's Services Regulation of Tusla. These are also regulated settings with a good understanding of the need for compliance. This also indicates a gap in respect of how unregulated services avail of the support from the unit. The challenge for the Unit, as future strategies are developed will be to bring the learning on engaging the regulated sectors to the wider domain of children services.



Service Type Category	Number of Services
1(a)	408
1(b)	30
1(c)	4
1(d)	227
1(g)	72
1(h)	1
4	8
5(a)	111
5(b)	6
5(c)	4
6	1
7	33
8	3
TOTAL	908

¹ See Figure 1 on previous page for definitions of Relevant Service Types.

9.0 Partnership

Since the inception of the unit a major strategy of the CSSCU has been to develop partnerships with sectoral oversight groups to support the dissemination of support and guidance to stakeholders. There has been a significant expansion of this approach in the period between 2020 and 2022 a wide range of key partnerships were established, developed and nurtured. The CSSCU has two approaches to targeting sectors, vulnerable service users, and a wide-reaching impact. On this basis we have established relationships with the following sectors in the timeframe between 2020 and 2022.

- Early Years Inspectorate (TUSLA)
- Alternative Care Inspection and Monitoring Service (TUSLA)
- Alternative Education Assessment and Registration Service _
- (TUSLA)
- School completion projects (TUSLA)
- Department of Employment Affairs and Social Protection
- Department of Education – Parents and Learners Unit
- Department of Children, Equality, Disability, Integration and Youth Affairs- International Protection Accommodation Service
- Department of Children, Equality, Disability, Integration and Youth Affairs- Early Learning and Care National Child Safeguarding programme
- HSE- Children First National Office
- Dublin City Council - Dublin Regional Homeless Executive
- National Board for Safeguarding Children in the Catholic Church
- Charities Regulator
- Health Information Quality Authority
- National Youth Council
- The National Arts Council
- RTE
- Family Resource Centres.
- GAA
- Residential Disability services
-

In particular we have completed Compliance Reviews, both formally requested, and voluntarily submitted with the following groups:

- Department of Education Parents and Learners Unit with particular focus on Boarding Schools
- Designated Residential Disability Sector as registered with HIQA
- Health Service Executive Children First National Office (Residential Disability Services)
- Family Resource Centres
- International Protection Accommodation Service
- National Youth Council of Ireland
- Registered School Age Childcare service
- Early Learning and Care Child Safeguarding Programme

10.0 Trends

In the review of these sectors a number of trends have been identified.

- 1) There is a need for more robust and targeted guidance to services in developing their risk assessments. Much of the feedback provided has focused on assisting organisations to recognise risks that are commonly held. The aim for the next strategic period will be to ensure that the Risk Assessment Framework is grounded in lived experience of young people, and widely disseminated and understood by organisations.
- 2) There continues to be misunderstanding in respect of the role of the Relevant Person and the procedure for appointing this person. The Unit needs to be more effective in communicating the requirement in respect of this.
- 3) There is also some inconsistency in respect of the need for the procedure for the need for having a list of mandated persons due to there being some ambiguity in the legislation around registered professionals. Exploration on how this is understood with providers would assist with ensuring greater clarity is provided by the CSSCU to these groups.
- 4) There is often a need for additional descriptions or outlines of the particular activities and services being provided by the organisation to demonstrate that the risk assessment undertaken is sufficiently robust to ensure adequate safeguarding. Ensuring that organisations are clear in outlining their purpose, function and activities is a key element in the feedback provided.

Additionally, on the basis of anecdotal evidence, whilst many services have achieved statutory compliance, we do have some concerns in respect of the depth of understanding services have in respect of the implementation of the Child Safeguarding Statement. There is no powers of enforcement or compellability in respect of ensuring a standard relating to the policies and procedures that are required to be in place, and no requirement on organisations to demonstrate that they are effectively implementing their Child Safeguarding Statement. It must be noted that the CSS is only as strong and effective as how it is implemented. The governance of this rests with the Relevant Providers.

Understanding and recognising Child Abuse is a complex and difficult task which required regular training and reflection. At a minimum all staff should be trained in understanding the CSS in order that it would be implemented effectively. However, there are no statutory requirements in respect of this learning and so regularly liaising with colleagues in the Children First Advice and Information Service and linking services to this support would ensure a deeper understanding of these complexities across all sectors.

11.0 Conclusion

The Children First Act has been enacted since 2015 and the CSSCU was established in 2018. In the time period under review there has been a significant development of in the team and a more outward looking proactive approach to supporting all organisations with their requirements to be compliant with the regulations. The team has grown from one senior compliance officer and a compliance officer to 1 Senior Compliance Officer and 2 compliance officers, admin support and a Senior Registration and Enforcement Officer who has overall responsibility for the direction of the unit. This has allowed the Unit to create more opportunities in developing strategic partnerships and be more targeted in the projects undertaken.

The trends identified above however, suggest that there is room for improvement in respect of coordination of approaches and deepening the work and reach of the unit. The ultimate objective is that safeguarding is mainstreamed in all services. In order to get to this point a wide range of strategies will be employed. Of particular note the CSSCU is intending to develop a strand of youth consultation to inform the understanding of the Unit in respect of real-life experiences of risk.

Additionally, consideration could be given to expanding the range of criteria in the legislation to assess a CSS to include a statement concerning its implementation and audit of its implementation by the relevant provider. The work of the Interdepartmental Implementation Group is key to the coordination of this. Of note is the need for work with non-regulated services in particular in respect of their implementation processes. Implementation of the Joint Working Protocol between the Children First Advice and Information Service continues to be key to this approach.

It is noted that the Children First Interdepartmental Group is the statutory oversight body for the implementation of Children First across all state agencies. The most recent report to the UN Committee on the Rights of the Child noted that the functions of this group are intended to be expanded and strengthened in the upcoming review of the Child Care Act 1991. This is an opportunity to embed further the understanding of Child Safeguarding Statements across all sectors and agencies providing services to children.

The legislation that underpins the work of the CSSCU and which is supported by the Policies, Procedure and Guidance documents has a significant impact on the lives of all children living in Ireland. It should be noted that this is creative and innovative legislation that does not have international comparisons. However, by creating a culture where the baseline of expectations is that the risk of harm to children is minimised as much as possible parents, children and young people will be empowered to know their rights to be kept safe. By continually reviewing and reflecting on the work of the unit, the objectives of creating communities and environments that recognise that keeping children safe is everyone's responsibility, will continue to be progressed.

Reference

Firmin, C.; Lloyd, J. Green Lights and Red Flags: The (Im)Possibilities of Contextual Safeguarding Responses to Extra-Familial Harm in the UK. *Soc. Sci.* **2022**, *11*, 303. <https://doi.org/10.3390/socsci11070303>