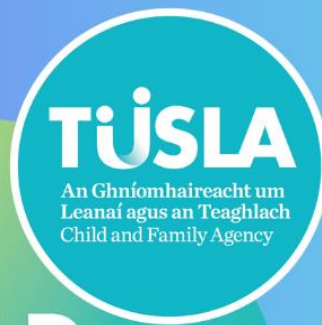




**CHILD
SAFEGUARDING
STATEMENT
COMPLIANCE
UNIT**

**Tusla's Child Safeguarding
Statement Compliance Unit**

Review of Strategy 2018 – 2023

November 2024

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Introduction

Experience has shown that children can suffer harm in a wide range of settings. The history of abuse of children across Irish society has demonstrated that organisations invested with the highest levels of trust have failed in their duty to protect, been naïve or obstructionist in their responses to managing risk and have not had the skills or understanding necessary to respond robustly to allegations of abuse. It was in the context of a variety of reports into organisational failings that a recognition arose that no service is immune to the risk of failing to protect children. It was in response to this recognition that Children First was first produced as a guidance document initially in 1999. The guidance has since evolved and subsequently accompanied by a statute and signed into law in 2015 and commenced in full on December 11th, 2017.

The Act places a number of statutory obligations on specific categories of professionals and organisations providing services to children.

The provisions of the Act intend 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 – Child and Family Agency, is undertaking child protection.

The policy intent is that the legislation will operate cross departmentally and side-by-side with any existing non-statutory obligations provided for in Children First: National Guidance for the Protection and Welfare of Children (2017). This legislation and policy position by intent believes that addressing these risks is the responsibility of all society participants.

Child protection within an Irish context is traditionally focused on the child and family situation; and support, assessment and intervention remain primarily focused on the nuclear family. However, the Children First Act recognises that there are a very wider range of situations in which children can be harmed and seeks to scaffold legislation that provides scope for contextual safeguarding and the management of the risk of extra-familial harm.

Children First Act of 2015 was drafted to underscore the necessity for a whole of society response to the risk of harm to children. The legislation created a provision for the regulation of Relevant Services in ensuring their compliance with Sections 10 – 13 of the Act.

The Act specifies both general and specific duties to organisations¹, or Relevant Services, including their obligation to prepare a Child Safeguarding Statement. The Act details the specifics of the statement and requires that organisations conduct a risk assessment of the possibility of harm ²as defined in the Act occurring in an organisation.

Primary responsibility is with organisations to mitigate in so far as is possible against any identified risk of harm occurring in the service. The Act sets out specific procedures that must be in place and these in turn are specifically identified as mechanisms for ensuring greater safety within services. The Child & Family Agency is required to supervise adherence to this requirement.

To do so, the Child Safeguarding Statement Compliance Unit (CSSCU) was established as the dedicated Unit to ensure that all relevant services have Child Safeguarding Statements (CSS) in place that are compliant with prescribed requirements. The unit was established in March 2018 to deliver both compliance support and enforcement. The CSSCU is responsible for the enforcement of Section 11 of the Children First Act 2015 and maintaining the Public Register of Non-Compliance.³

This Act is unique in that it applies universally across all sectors providing a service to children whether state funded or self-funded, in all different areas of life. This encompasses areas as diverse as Education, Alternative Care, Alternative Education, Arts, Sports, Culture, Early years and other areas that influence and impact on children.

The CSSCU was established on a pilot basis in 2018 . The unit reports to the Head of Regulatory Enforcement , Children's Services Regulation, Tusla, who reports to the Service Director of Children's Regulatory Function. The Unit is currently staffed by a Senior Registration and Enforcement Officer, Senior Compliance Officer, two compliance officers and full-time administrative support.

¹ See Part 2, Section 10, Children First Act 2015.

² 'Harm' means, in relation to a child— (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.*

³ See Part 2, Section 12, Children First Act 2015.

The overall strategic goal of the unit is to drive and positively influence meaningful compliance with the legislation delivered with a proportionate balance of support and enforcement. Much focus is placed on assisting in the creation of safe environments for children to grow and develop by use of methodologies to promote the implementation of statements once created.

This strategy is, and will continue to be, informed by the principals of engagement and communication. It should be noted that Tusla have a well-established Children First Implementation strategy, a key component of which is the joint working protocol between the Children First Advice and Information functions and the Child Safeguarding Statement Compliance Unit. Finally, the strategy is aligned with both the Children's Services Regulation Strategy and Tusla's Corporate Plan.

Purpose of this report

This report constitutes a review of the initial 5-year strategy which informed the work of the Child Safeguarding Statement Compliance Unit. The focus of the review is to look back at the approach utilised during the years 2018 – 2023, to examine the range and impact of its work. The report will set out the original goals, objectives and indicators that were in place to demonstrate the outputs. This report will highlight some of the challenges and barriers to fulfilling the original objectives and set out the intention and process for the development of the successor strategy.

Goals and Objectives

At the outset it was envisaged that at end of the 5-year plan the Unit would facilitate the following:

- Understanding by service providers to have a compliant child safeguarding statement in place.
- Enhancement of safeguarding within the child care environment.
- Defined accessible pathways for service providers to liaise with the CSSCU.
- Development of service specific fit for purpose statements.
- Protocols in place for all applicable regulated services⁴ to have their CSS reviewed for compliance on registration for a “start right stay right” modality.
- Assistance to bodies who intake Statements required for purposes of state funding and contractual arrangements where relevant.

⁴ School Age Care Settings, Residential Child Care Centres, Section 14 Approved Independent Schools

- Development of collaborative relationships, participative practices and effective communications with all key internal and external stakeholders to provide a co-ordinated approach to statement development and implementation.
- Established MOUs with all internal and external children's oversight bodies to enhance development of a consistent, transparent strategy for the implementation of Child Safeguarding Statements.
- Implementation of robust standards and clear thresholds for intervention where shortfalls in statements are identified.
- Establishment of a Feedback & Concerns function within CSSCU

In order to fulfil these goals a 4-strand approach was taken.

- **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

Strand 1: CSS Content & Implementation Analysis:

Analysis and identification of patterns and key learning to target communication of deficits, trends, to inform statement review and gaps in CSS content and implementation.

This is achieved via maintenance of an Unsolicited Information function and encouragement of providers to voluntarily submit their CSS for guidance and support.

Indicators

- Unit established.
- SOP's Protocols and Procedures drafted, reviewed and implemented
- Trends identified year on year to inform compliance approaches and template developments
- Data gathered and analysed to inform guidance to service providers.

Outputs

The Office of the Unit has been established in Estuary House, Limerick under the governance of the Children's Services Regulation sub directorate.

Standard Operating Procedures were scoped, trialled, and developed to respond to the both the request and submission of Child Safeguarding Statements. These SOPS were informed by the data gathered in respect of types of relevant services, areas of non-compliance and

risk profiles relating to children availing of services. This in turn has contributed to the development of templates and guidance documents, as well as a standardised approach to the review of Statement, ensuring consistency of application in respect of thresholding and enforcement.

Identified trends in areas of non-compliance:

A number of persistent trends were identified across the submissions in the 5-year period:

- It was particularly evident that there was an ongoing misunderstanding by service providers in respect of the definition of harm. It was very common that Child Safeguarding Statement Risk Assessments focused on risk relating to health and safety and did not address the risk of harm to a child as defined in the Children First guidance documents.
- It was common that Risk Assessments were not site or purpose and function specific and could be too broad in nature resulting in a statement being considered 'unfit for purpose'.
- The relevant person was frequently not identified or named in the Statement.
- The full list of procedures required in the 2015 Act was frequently not referenced as available.
- Corporate generic statement templates were cascaded within larger organisations to constituent services with an expectation of being individualized or purpose and function specific which did not always transpire.

This resulted in more robust and targeted guidance to services in developing their risk assessments which in turn was systematically communicated to wider stakeholders. Much of the feedback provided has focused on assisting organisations to recognise risks that are commonly held. However, there continues to be misinterpretation in respect of the role of the Relevant Person and the procedure for appointing this person. There is also some confusion 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.

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.

Strand 2: Sharing and Dissemination of Learning with Key Partners

Strategic and collaborative partnerships are continuously developed, and used as a conduit to support content, implementation audit and governance by those charged with the implementation of CSS in relevant services and organisations.

Indicators

- Identification of areas of commonality with internal and external stakeholders scoped.
- Liaison with implementation partners to ensure they are informed of the function, remit and service of CSSCU.
- Advice on how to rectify these trends compiled and communicated to implementation partners where it can be cascaded to their service providers.
- Review of communication with other funded and non-funded agencies; Formalised sharing of information via regular quarterly forums.
- Identification of pathways to enhance communication with service providers

Outputs

Throughout the 5-year strategy, the CSSCU consistently engaged in creating effective collaborative relationships with key internal and external stakeholders. These included internal Tusla stakeholders such as Alternative Care, Alternative Education, Early Years Inspectorates and the Children First Information and Advice Officers.

Additionally, the unit engaged in ongoing efforts with external agencies with a view to development of network of statement compliance and implementation partnerships. These included

- Department of Culture, Heritage and Gaeltacht
- HSE – Children First Implementation Team
- Sport Ireland
- National Child Safeguarding Board Catholic Church
- National Youth Council of Ireland
- Probation Services
- GAA
- IRFU
- Scouting Ireland
- Facebook Ireland
- Irish Defence Forces

- Dublin County Council Homeless Liaison Service
- Irish Association of Junior Schools
- Early Learning and Care Child Safeguarding Programme
- Church of Ireland Safeguarding Office
- RTE
- Wider independent Schools Sector
- National Parents Council of Ireland

The unit also engaged in wider generic public engagement through the TUSLA website. The Child Safeguarding Statement page on the TUSLA website re-designed and various videos were developed and platformed. In particular videos titled '*What is a CSS*', '*How to Develop a CSS*' and '*Information video for parents*' were developed.

The unit engaged in consultation with parents undertaken in partnership with National Parents Council and a report on this was published in order to gauge the experience of parents in engaging with the Child Safeguarding Statement in services their children participate in.

To advance this further and to incorporate the voices and experiences of children in the work of the unit a project was developed and executed to consult with young people. A report was produced and published on the TUSLA website.

The unit has also developed a process to support and engage sectoral groups in their compliance with the Children First Act. These sector compliance reviews were undertaken in respect of the services for children who were considered at risk and include the following

- Residential Disability Services
- IPAS,
- Youth Service,
- School Completion Programmes
- Dublin Homeless Services
- GAA Northeast

Reports were published on the TUSLA website in respect of these services to disseminate learning across these sectors.

In 2023 additionally, CSSCU activity report for 2020-2022 was published outlining the activities and learning of the unit.

Strand 3: Effective Partnerships with Agents of Inspection and Statutory Regulators of Children's Services.:

It was believed necessary to create referral pathways to the CSSCU for regulatory bodies who are concerned in respect of shortfalls identified in the approach taken to child safeguarding by regulated entities. Their intention was to create targeted supports to aid them in their oversight and monitoring functions as relevant to child safeguarding. These partnerships were supported by appropriate and robust external MoUs and internal joint working protocols.⁵

Indicators

- Internal and External Stakeholders to be identified; Points of contact in identified organisations to be agreed; Meetings to be arranged with relevant persons; Areas to communality to be agreed; MOUs to be explored.
- Liaise with implementation partners to ensure they are informed of the function, remit and service the Units provides; Establish a regular programme of communication with strategic Partners which would include meeting schedule, information exchange, joint training initiatives for staff of both sectors.
- A division of service providers into sectors for management and measuring of the compliance rate will be undertaken; This will be undertaken in collaboration with our implementation partners
- Review of communication MOUs with Regulatory bodies; Review of communication with other funded and non-funded agencies.
- Consolidation of established pathways to service providers.

Outputs

As the CSSCU is a small unit, with wide reach, partnership is key to the success of this strategy. In order to achieve this, partnerships were agreed with the following bodies:

- **Children's Services Regulation Units:**
 - Alternative Education Assessment and Registration Service Tusla
 - Alternative Care Inspection and Monitoring Service Tusla
 - Early Years Inspectorate Tusla

⁵ Specific Memorandums of Understanding were agreed with

- Department of Education
- HSE Children First Implementation Team.

- **TUSLA Services:**
 - The Child First Information & Advice Team
 - Tusla Education Support Service – School Completion Project
 - Tusla Service Commissioning Office
 - Tusla Childrens Residential Care Services Sub directorate
 - Practice Assurance & Service Monitoring Team

- **Government Departments**
 - Department of Education & Skills Parents and Learners Unit
 - Department of Culture, Heritage and Gaeltacht
 - Department of Social Protection
 - Department of Children, Equality, Disability, Integration & Youth - Children First Awareness Campaigns 2021 & 2023

- **Other Statutory Agencies**
 - HIQA
 - Mental Health Commission
 - An Garda National Vetting Bureau
 - HSE – Children First Implementation Team
 - Probation Service
 - DCC Homeless Liaison Service
 - Irish Defence Forces
 - Charities Regulator of Ireland

Strand 4: Proactive Engagement with Relevant Providers

The CSSCU does not have an inspectorate function and does not actively seek out noncompliance with statements. Statements are requested where there is a concern in respect of an organisation or, in a context of supporting organisations, by agreement, to achieve successful cascading of statements to its component entities or constituents. The unit of its own volition sought to identify at risk cohorts of children and thereafter work proactively with providers of services to ensure that a cohesive approach was been adopted to compliance attainment and maintenance.

Indicators

- Identification and targeting of at-risk cohorts of relevant services.
- CSS review will be used to identify trends which make CSS non-compliant; Advice on how to rectify these trends will be compiled and communicated to implementation partners where it can be cascaded to their service providers; Shared learning process to maximise resources of both sectors in the implementation of the 2015 Act
- Promotion of voluntary engagement by providers.
- Enforcement where patterns of non-engagement identified.
- Review statement templates and ensure guidance is working for service providers.
- Agreement of what data is to be collected and communicated to relevant funding bodies and oversight agencies.
- Identification of areas that need to be focused on to meet the Full compliance target.

Outputs

Compliance reviews

Year 1 (18-19)	83 services reviewed as compliant
Year 2 (19-20)	675 services reviewed as compliant
Year 3 (20-21)	528 services reviewed as compliant
Year 4 (21-22) ⁶	398 services reviewed as compliant
Year 5 (22-23)	619 Services reviewed as compliant

Sectoral compliance reviews undertaken and reports published with the following groups.

- Department of Education Boarding Schools
- Residential Disability Designated Centres as registered with HIQA
- Health Service Executive Community Disability Network Services
- Family Resource Centres Ireland
- International Protection Accommodation Service
- National Youth Council of Ireland
- Registered School Age Childcare service

⁶ This number reduced due to the impact of the cyber-attack on the HSE and TUSLA

Enforcement

The Unit has responsibility for enforcement of Section 13 of the Children First Act. In the course of the 5 years one service has been put on the Public Register of Non-compliant Services (non-compliant with the requirements of sections 10-13 of the Act). In line with a relaxation of the supportive compliance methodology in mid - 2022 the unit has been more purposive in issuing Failure to Furnish correspondences to services that have not sufficiently engaged with requests to provide statements. In that time frame, 103 services received failure to furnish notifications as part of an escalation process. Regulatory Enforcement meetings were held with 3 services.

Analysis and limitations to the work of the CSSCU

CSSCU contribution to Tusla's response to organisations of concern

Since inception the unit has played a significant role alongside colleagues from the Children First Information and Advice Service, the Office of Legal Services, and operational teams in responding to emerging safeguarding concerns in organisations who provide services to children. Whilst some of these organisations were faced with legacy issues arising from past abuse of children, they none the less faced legitimate questions about their ongoing approaches to safeguarding.

Complacency, in all its forms is detrimental to effective safeguarding. However, many organisations whilst accepting their reporting and after the fact management responsibilities continue to struggle with their preventative duties. The process of development of a CSS goes some way to assist organisations to understand its responsibilities. However, the existence of a CSS in itself, offers no assurances of implementation and ongoing oversight.

It must be noted that in the time frame of the initial strategy there has been expectations from the wider political and provider cohort that safeguarding is ensured by the development and existence of the Child Safeguarding Statement. This has caused confusion and difficulty in respect of the actual scope of the work of the unit. The CSS is one strand in the implementation of an effective safeguarding framework within any organisation. The responsibility is on organisations to ensure that the appropriate procedures, relevant implementation requirements and appropriate training is in place to ensure that the Statement is fully effective.

Accordingly the second most common impediment to the attainment of safer services for children is the failure of organisations to create robust governance and oversight frameworks

in which they can realistically oversee safeguarding processes. The education of service providers of children first requirements is not in itself a sufficient safeguard and caution must be taken not to saturate the provider cohort with inappropriately narrow perspectives on child safety attainment. Service providers will benefit from education programmes based on an evolutionary trajectory that guides and directs oversight and audit as an essential component of safeguarding assurance. In its absence the state should consider both the genesis and the providence of underpinning legislation with a view to placing safeguarding governance on a regulatory footing. The Children First Act will be a decade old next year, and considerable insight as to its strengths and limitations has been garnered.

Tusla has been focused and creative in their approach to such matters but in the absence of wider powers of intervention in the operation of non-regulated children's services, it can never be expected to deliver systemic level assurances. This is in a context where the agency has faced high expectations to provide confirmations that children's are safe and good places for young people to be.

Tusla is currently developing a research informed approach to organisational concerns which will be informed by "one agency, one response" modality.

Child protection is a multiagency, multidisciplinary activity. Tusla is committed to protecting children and promoting their welfare and its ability to do so is greatly improved if all organisations and professionals involved work together in the interests of children. In addition, any reasonable concerns that a child has been, is being or is at risk of being abused or neglected should be reported by the general public and professionals to Tusla, under the Children First National Guidance. However, the CSSCU have been increasingly concerned about the number of organisations and services for children who are not funded or under the umbrella of a state department or agency. Such provisions have no easily accessible source of support or guidance or structures to which they can avail. They are disproportionately represented in feedback and concerns made to the unit.

Review of Key learnings

Overall, the Unit has met the expectations and intentions of the original strategy. Whilst a number of metrics cannot be considered due to the reach of the Act, -all services to children are covered by the Act, impacting on approximately 1.2million children- the impact of the work of the unit cannot be underestimated. A number of key learnings must be noted.

Principally its core success must be attributed to successful partnership building and engagement with key stakeholders. This has been key to establishing the wider reach of the unit. By leveraging these partnerships, the messages and scope of the legislation is furthered for the greater benefit of children and young people using these services.

The Act puts the establishment of an Inter-Departmental Implementation Group on a statutory footing. The engagement of the CSSCU with the IDIG whilst limited has been key to the identification and engagement of the unit with stakeholders.

In that vein, implementing safeguarding is not the responsibility of any single entity and so the goal of the CSSCU is to forge understanding and take a primary role in driving the understanding of the role that Child Safeguarding Statements play in the creation of safer spaces for children.

It must be noted however, that the work of disseminating information is slow and the absolute benefits will be reaped in longer term outcomes that may not be fully measurable. The absence of harm in Relevant Services is only one element of wellbeing of children and young people and contributes to the wider jigsaw of contributing to better outcomes.

It is core to the work of the unit however, to develop and ensure a consistent understanding of compliance. Compliance should not be considered by providers as simply the wording of their statement but its implementation.

Responsible risk-based decision-making by providers increases the credibility of their services and ultimately the possibility of safer outcomes for children. This will require the development of education and practical implementation resources for non-professional children's services settings.

Next Steps

The next steps for the Child Safeguarding Unit is to develop a successor strategy.

Child protection systems need to evolve and be capable of responding to emerging needs and new threats. Priorities of a new strategy will include the following

1. Identification & engagement with non-funded services
2. Use of Child safeguarding statement development to introduce concepts and education of delivery of effective governance in services of concern.

3. Development and education of risk assessment modalities for providers.
4. Work with new online regulator to support the development of safer internet spaces for children to interact.
5. Use of CSS to promote awareness of children at risk of sexual exploitation and trafficking.
6. Expansion of relationships with IDIG partners to develop wider compliance and governance strategies.

Priorities to inform development of the next strategy (2025-2027)

In order to ensure appropriate prioritisation for the work of the unit consultation with key stakeholders will be initiated.

The Children's Services Regulation Strategy will be underpinned by four separate strands

- Targeted Engagement
- Effective Regulation
- Improved & enhanced Compliance
- Safeguarding Culture

The new strategy for the CSSCU will be in alignment with these 4 key strands and also in line with the TUSLA Corporate Strategy. Most of the positive impacts of the previous strand that focused on effective collaboration and partnerships will be retained as business as usual.

Incorporating the values of Trust, Respect, Kindness and Empowerment will be critical to the development of an informed, inclusive and effective strategy to underpin the work of the unit for 2025 – 2027.

- Task 1: Formulation of strategy steering group under an agreed terms of reference.
- Task 2: Consultation with wider stakeholders under 2 phases, strategy content proposals, and laterally a draft of the strategy.
- Task 3: Draft approval by CSR SMT & Children First Implementation Steering Committee
- Task 4:
- Approval by Tusla EMT and publication by end Q4, 2024.

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