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**Children First**

**Implementation and Compliance**

**Self-Audit Checklist for HSE**

**and HSE Funded & Contracted Services**

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# Introduction

The Children First Act 2015 places legal obligations on organisations which provide services to children and young people, referred to as ‘Relevant Services’ in the Act (See [Schedule 1](http://www.irishstatutebook.ie/eli/2015/act/36/schedule/1/enacted/en/html) of Children First Act 2015 for list of relevant services).

The HSE is a provider of Relevant Services and is required to comply with the legislation and associated Children First National Guidance (2017).

While Relevant Services have specific legal requirements, all HSE services, including corporate and adult-only[[1]](#footnote-1) services, also have requirements under HSE Policy and best practice guidance.

The Children First Implementation and Compliance Self-Audit Checklist is designed to support HSE and HSE Funded & Contracted services to demonstrate their compliance with the legislation, national guidance and HSE Policy.

Bodies such as HIQA, Child and Family Agency (Tusla) Child Safeguarding Statement Compliance Unit, and the HSE itself (as part of a Children First Compliance Assurance Check, or Internal Audit), may request evidence to support the assessment of Children First compliance within a HSE or HSE funded or HSE contracted service. This may include requesting a copy of the service’s completed Children First Self-Audit Checklist.

# Instruction for completing the checklist

This Self-Audit Checklist is designed to support HSE and HSE Funded & Contracted Services to provide assurance that their Children First obligations are being met. In the context of implementing Children First legislation and guidance, Services fall into two categories:

1. ‘[Relevant Service’](http://www.irishstatutebook.ie/eli/2015/act/36/schedule/1/enacted/en/html) as defined in Schedule 1 of the Children First Act 2015 (see Appendix 1 below for full Schedule). This includes services where having access to, or contact with, children and young people is a necessary and regular part of the work and some adult services that may on occasion accept children for treatment. **‘Relevant Services’ must complete the full checklist.**
2. Services that are not ‘Relevant Services’ – these are services that do not have direct or regular contact with children and families (including adult-only and corporate services), but that nonetheless have obligations regarding compliance with Children First legislation, guidance and HSE Policy. **Services that are not ‘Relevant Services’ are required to complete section 1.3 and all of section 2. Best practice, however, would be that all services complete section 1.**

The checklist is a self-audit tool. If the answer to any of the questions in the checklist is “**This service cannot (or can only partially) show evidence of compliance”**, a plan of action to address this should be put in place including; action required, the timeframe and person responsible.

# Key Resources

The [Children First Act 2015](https://www.irishstatutebook.ie/eli/2015/act/36/enacted/en/pdf) and the [Children First National Guidance for the Protection and Welfare of Children](https://www.tusla.ie/uploads/content/Children_First_National_Guidance_2017.pdf) (2017) set out the statutory and guidance requirements of all organisations. The following publications provide support to organisations regarding Children First:

* [www.hse.ie\childrenfirst](http://www.hse.ie\childrenfirst)
* [What is Children First?](https://www.hse.ie/eng/services/list/2/primarycare/childrenfirst/whatischildrenfirst/)
* [HSE Child Protection and Welfare Policy](https://www.hse.ie/eng/services/list/2/primarycare/childrenfirst/hse-child-protection-and-welfare-policy/)
* [Guidance for HSE Child Safeguarding Statements and Risk Assessment Workbook](https://www.hse.ie/eng/services/list/2/primarycare/childrenfirst/child-safeguarding-statement/)
* [Child Safeguarding: A Guide for Policy, Procedure and Practice](https://www.tusla.ie/uploads/content/Tusla_-_Child_Safeguarding_-_A_Guide_for_Policy%2C_Procedure_and_Practice.pdf)
* [A Guide for the Reporting of Child Protection and Welfare Concerns](http://www.tusla.ie/uploads/content/4214-TUSLA_Guide_to_Reporters_Guide_A4_v3.pdf)
* [Mandated Assisting Protocol for Tusla Staff](http://www.tusla.ie/uploads/content/4214-TUSLA_Mandated_Assisting_Protocol_A4_v3.pdf)
* [Child Protection and Welfare Practice Handbook 2](https://www.tusla.ie/uploads/content/Tusla_Child_Protection_Handbook2.pdf)

# Contact Us

If you have any queries in relation to completing this checklist, please consult with your [HSE Children First Training and Development Officer](https://www.hse.ie/eng/services/list/2/primarycare/childrenfirst/contactus/)

Keep up-to-date by checking [www.hse.ie/childrenfirst](http://www.hse.ie/childrenfirst).

#  Children First Self-Audit Checklist

|  |  |
| --- | --- |
| Service name: |  |
| Completed by: |  | Role: |  |
| Address: |  |
| Tel: |  | Email: |  |
| Date of completion: |  |
| Are you a Provider of a Relevant Service? | **Yes** □ | **No** □ |
| 1. **If you are a provider of a Relevant Service you must complete the full checklist (Sections 1 and 2)**
2. **If you are not a provider of a Relevant Service (adult-only and corporate services) – You are required to complete Section 1.3 and Section 2. It is however considered best practice that all services complete a child safeguarding risk assessment and statement.**
 |

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| * 1. **Children First Act 2015**

All Section 1 are requirements for all ‘relevant services’ under the Children First Act 2015 (see appendix 1) and recommended as best practice for all other services (corporate and adult-only services).Section 1.3 is a requirement for All HSE Services (including adult-only and corporate services) as the HSE as an organisation provides ‘relevant services’ and so all mandated persons should be identified.  |
| **Requirement*** 1. An assessment of any potential for harm to a child must be undertaken (risk assessment).
 |
| **Guidance*** Complete a child safeguarding risk assessment using the Guidance for Child Safeguarding Statements and Risk Assessment Workbook available at [www.hse.ie/childrenfirst](http://www.hse.ie/childrenfirst)
	+ - * + best practice: non ‘relevant services’ (including corporate and adult-only services) should consider any indirect contact their service may have with children e.g. phone calls; emails; Internet Access; while on service premises with an adult service user/visiting a service user etc.
* Ensure the risk assessment document can be made available to the Tusla Child Safeguarding Statement Compliance Unit and members of the public, on request.
* Identify a ‘Relevant Person’ who will be the key person to respond to any questions in relation to the process undertaken for how the risk assessment was completed
* Put appropriate controls in place to support mitigation of any risks identified e.g. policy, procedure, training, posters etc.
 |
| Requirement | This service can show evidence of compliance | This service cannot (or can only partially) show evidence of compliance | If the service cannot, or can only partially show evidence of compliance indicate action(s) to be completed, person responsible to ensure completion and date for completion  |
| * + 1. Has an assessment of any potential for harm to a child (risk) while availing of the service been undertaken?
 |  |  |  |
| * + 1. Does the risk assessment specify the procedures that are in place to manage any risks identified?
 |  |  |  |

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| --- |
| **Requirement** * 1. A Child Safeguarding Statement (CSS) must be prepared in accordance with the following legislative requirements:
* The CSS must describe the service being provided and the principles to be observed to safeguard children while availing of the service.
* A Relevant Person must be appointed for the purposes of the CSS.
* The CSS must include a written assessment of any potential for harm to a child while availing of the service.
* The CSS must specify the procedures that are in place to manage any risk identified and the prescribed procedures required to be in place, as listed in Section 11(3) of the Children First Act 2015.
* The CSS must be updated every 24 months or as soon as practicable after any material change.
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| **Guidance*** Using the Guidance for Child Safeguarding Statements and Risk Assessment Workbook available at [www.hse.ie/childrenfirst](http://www.hse.ie/childrenfirst)
* Complete a Child Safeguarding Statement, informed by the risk assessment (as required under 1.1 above),
* Display the Statement in a prominent place (available to be viewed by staff and public)
* Provide a copy of the Child Safeguarding Statement to all staff.
* Ensure the service has a procedure in place for maintaining a list of mandated persons.
 |
| Requirement | This service can show evidence of compliance | This service cannot (or can only partially) show evidence of compliance | If the service cannot, or can only show partial evidence of compliance indicate action(s) to be completed, person responsible to ensure completion and date for completion  |
| * + 1. Has a Child Safeguarding Statement been prepared?
 |  |  |  |
| * + 1. Has a Relevant Person been appointed to be the point of contact in relation to the statement?
 |  |  |  |
| **1.2.3** Is the Child Safeguarding Statement appropriately displayed in a prominent place? |  |  |  |
| **1.2.4** Has a copy of the Child Safeguarding Statement been furnished to all staff? |  |  |  |
| **1.2.5** Is a copy of the Child Safeguarding Statement available to parents/ guardians, members of the public and to Tusla on request? |   |  |  |
| **Requirement** * 1. Specify the procedure in place for identifying and maintaining a list of Mandated Persons in the service (if any).

This section is a requirement for All HSE Services (including adult-only and corporate services) as the HSE as an organisation provides ‘relevant services’ and so all mandated persons should be identified |
| **Guidance*** See [Schedule 2](https://www.irishstatutebook.ie/eli/2015/act/36/schedule/2/enacted/en/html) of the Children First Act 2015 for schedule of Mandated Persons
* Ask all staff to review the schedule and identify if they are a Mandated Person – note that while HR may be able to identify Mandated Persons by Grade Code/Profession, there are some staff who may be Mandated Persons by virtue of their role, qualification or registration status, which may not be clear within their grade code. These staff should identify themselves to their line manager
* Ensure all staff are made aware if they are a Mandated Person and of their roles and responsibilities (see appendix 2 below and [www.hse.ie/childrenfirst](http://www.hse.ie/childrenfirst) for more information)
* Have a procedure in place to update a list of Mandated Persons at regular intervals
 |
| Requirement | This service can show evidence of compliance | This service cannot (or can only partially) show evidence of compliance | If the service cannot, or can only show partial evidence of compliance indicate action(s) to be completed, person responsible to ensure completion and date for completion  |
| * + 1. Is there a procedure in place for maintaining a list of mandated persons (if any)?
 |  |  |  |
| * 1. **POLICY, GUIDANCE AND STANDARDS**

**These are requirements for ALL Services (including adult-only and corporate services)** |
| **Requirement (For HSE Services Only)****2.1 (A)** All HSE staff must ensure that they have read and understand their responsibilities as set out in the HSE Child Protection  and Welfare (CPW) Policy.  |
| **Guidance*** Ensure a copy of the CPW policy documents Appendix 3 (or equivalent) declaration is signed by all staff and retained on file within the service/by line manager.
* Put a process in place to ensure new staff receive the policy document and sign the declaration/appendix 3.
 |
| Requirement | This service can show evidence of compliance | This service cannot (or can only partially) show evidence of compliance | If the service cannot, or can only show partial evidence of compliance indicate action(s) to be completed, person responsible to ensure completion and date for completion  |
| * + 1. **(A)** Have all staff signed a declaration stating that they have read, understood and will adhere to the HSE Child Protection and Welfare Policy?
 |  |  |  |
| **Requirement (For HSE Funded & Contracted Services Only)****2.1 (B)** HSE funded and contracted services should have a CPW Policy that is consistent with the guiding principles of the HSE  CPW Policy. |
| **Guidance**Ensure locally developed Child Protection and Welfare Policies:Remain closely aligned with the guiding principles/key section covered in the HSE Child Protection and Welfare PolicyDescribe the procedure for reporting Child Protection and Welfare ConcernsAddress how Child Protection and Welfare records should be managed and retained, taking into consideration the confidential nature of such records. |
| Requirement | This service can show evidence of compliance | This service cannot (or can only partially) show evidence of compliance | If cannot or can only show partial evidence of compliance indicate action(s) to be completed, person responsible to ensure completion and date for completion  |
| **2.1.1 (B)** Is there a CPW Policy in place that is consistent with the guiding principles of the HSE CPW Policy? |  |  |  |
| * + 1. **(B)** Has a copy of the CPW Policy been made available to all staff?
 |  |  |  |
| **Requirement****2.2** All HSE staff, volunteers, students, contracted staff and staff of HSE funded or contracted organisations are required to complete the mandatory HSE eLearning module ‘An Introduction to Children First’, as required (currently every 3 years).  |
| **Guidance:*** A copy of all staff member’s certificates of completion of the HSE eLearning module ‘An Introduction to Children First’ should be held on file within the service/by line managers.
* Put a process in place to ensure that refresher training is undertaken (at least every 3 years).
 |
| Requirement | This service can show evidence of compliance | This service cannot (or can only partially) show evidence of compliance | If the service cannot, or can only show partial evidence of compliance indicate action(s) to be completed, person responsible to ensure completion and date for completion  |
| **2.2.1** Have all staff completed the mandatory HSE training module ‘An Introduction to Children First’? |   |  |  |
| **2.2.2** Is refresher training completed every 3 years? |  |   |   |
| **Requirement****2.3** Child Protection and Welfare records must be appropriately filed and securely stored in a manner which upholds the  confidential nature of the information.  |
| **Guidance:*** A local SOP should be in place that is consistent with record-keeping practice as set out in the HSE CPW Policy.
	+ - * + Services that are not patient facing e.g. corporate, adult only etc. should consider that staff members may identify and need to report a child protection and welfare concern to Tusla. A local SOP should be in place for appropriate and secure record management within the service/office.
 |
| Requirement | This service can show evidence of compliance | This service cannot (or can only partially) show evidence of compliance | If the service cannot, or can only show partial evidence of compliance indicate action(s) to be completed, person responsible to ensure completion and date for completion  |
| **2.3.1** Are Child Protection and Welfare records stored securely in a place which upholds the confidential nature of the information? |  |  |  |
| **2.3.2** If Child Protection and Welfare records are stored in a separate file to the ‘master file’ is the location of Child Protection and Welfare records clearly indicated and are they accessible if/when required? |  |  |  |
| **Requirement****2.4** All organisations should have procedures in place for reporting child protection and welfare concerns. Procedures should be  made available and followed by all staff members, students and volunteers.  |
| **Guidance:*** Specify the procedure in place for reporting Child Protection and Welfare concerns e.g. HSE [Child Protection & Welfare Reporting Procedure](https://www.hse.ie/eng/services/list/2/primarycare/childrenfirst/resources/hse-child-protection-and-welfare-reporting-procedure-reporting-algorithm.pdf) (or locally developed procedure that is in line with the HSE one).
 |
| Requirement | This service can show evidence of compliance | This service cannot (or can only partially) show evidence of compliance | If cannot or can only show partial evidence of compliance indicate action(s) to be completed, person responsible to ensure completion and date for completion  |
|  **2.4.1** Is there a Child Protection and Welfare Reporting Procedure in place? [Note: For HSE services, the HSE CPW Reporting Procedure applies.] |  |   |   |
| **2.4.2** Are staff aware of the Child Protection and Welfare Reporting Procedure? |  |  |  |

# Appendix 1 Relevant Services - Schedule 1 of the Children First Act 2015

|  |
| --- |
| 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](http://www.irishstatutebook.ie/1991/en/act/pub/0017/index.html) , |
| (b) a school or centre of education, both within the meaning of the [Education Act 1998](http://www.irishstatutebook.ie/1998/en/act/pub/0051/index.html) , |
| (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 the meaning of [section 2](http://www.irishstatutebook.ie/2007/en/act/pub/0023/sec0002.html#sec2) of the [Health Act 2007](http://www.irishstatutebook.ie/2007/en/act/pub/0023/index.html) , in so far as it relates to an institution at which residential services are provided in accordance with the [Child Care Act 1991](http://www.irishstatutebook.ie/1991/en/act/pub/0017/index.html) 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](http://www.irishstatutebook.ie/1991/en/act/pub/0017/index.html) , |
| (f) a children detention school within the meaning of [section 3](http://www.irishstatutebook.ie/2001/en/act/pub/0024/sec0003.html#sec3) of the [Children Act 2001](http://www.irishstatutebook.ie/2001/en/act/pub/0024/index.html) , |
| (g) a reception or accommodation centre which provides residential accommodation services to applicants 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](http://www.irishstatutebook.ie/1991/en/act/pub/0017/index.html) , the [Education Act 1998](http://www.irishstatutebook.ie/1998/en/act/pub/0051/index.html) , the [Children Act 2001](http://www.irishstatutebook.ie/2001/en/act/pub/0024/index.html) or the [Health Act 2007](http://www.irishstatutebook.ie/2007/en/act/pub/0023/index.html) . |
| 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](http://www.irishstatutebook.ie/2002/en/act/pub/0022/index.html) . |
| 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 or 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 a child. |
| 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. |

# Appendix 2 Mandated Persons - Schedule 2 of the Children First Act 2015

The following classes of persons are specified as mandated persons for the purposes of this Act:

|  |  |  |
| --- | --- | --- |
|  |  | 1. Registered medical practitioner within the meaning of [section 2](https://www.irishstatutebook.ie/2007/en/act/pub/0025/sec0002.html#sec2) of the [Medical Practitioners Act 2007](https://www.irishstatutebook.ie/2007/en/act/pub/0025/index.html) . |
|  |  | 2. Registered nurse or registered midwife within the meaning of [section 2](https://www.irishstatutebook.ie/2011/en/act/pub/0041/sec0002.html#sec2) (1) of the [Nurses and Midwives Act 2011](https://www.irishstatutebook.ie/2011/en/act/pub/0041/index.html) . |
|  |  | 3. Physiotherapist registered in the register of members of that profession. |
|  |  | 4. Speech and language therapist registered in the register of members of that profession. |
|  |  | 5. Occupational therapist registered in the register of members of that profession. |
|  |  | 6. Registered dentist within the meaning of [section 2](https://www.irishstatutebook.ie/1985/en/act/pub/0009/sec0002.html#sec2) of the [Dentists Act 1985](https://www.irishstatutebook.ie/1985/en/act/pub/0009/index.html) . |
|  |  | 7. Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession. |
|  |  | 8. Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the [Health and Social Care Professionals Act 2005](https://www.irishstatutebook.ie/2005/en/act/pub/0027/index.html) in the register of that profession. |
|  |  | 9. Social worker who practises as such and who is eligible for registration in accordance with Part 4 of the [Health and Social Care Professionals Act 2005](https://www.irishstatutebook.ie/2005/en/act/pub/0027/index.html) in the register (if any) of that profession. |
|  |  | 10. Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 ( [S.I. No. 109 of 2000](https://www.irishstatutebook.ie/2000/en/si/0109.html) ). |
|  |  | 11. Probation officer within the meaning of [section 1](https://www.irishstatutebook.ie/1983/en/act/pub/0023/sec0001.html#sec1) of the [Criminal Justice (Community Service) Act 1983](https://www.irishstatutebook.ie/1983/en/act/pub/0023/index.html) . |
|  |  | 12. Teacher registered with the Teaching Council. |
|  |  | 13. Member of An Garda Síochána. |
|  |  | 14. Guardian ad litem appointed in accordance with [section 26](https://www.irishstatutebook.ie/1991/en/act/pub/0017/sec0026.html#sec26) of the [Child Care Act 1991](https://www.irishstatutebook.ie/1991/en/act/pub/0017/index.html) . |
|  |  | 15. Person employed in any of the following capacities: |
|  |  | (a) manager of domestic violence shelter; |
|  |  | (b) manager of homeless provision or emergency accommodation facility; |
|  |  | (c) manager of asylum seeker accommodation (direct provision) centre; |
|  |  | (d) addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas; |
|  |  | (e) psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies; |
|  |  | (f) manager of a language school or other recreational school where children reside away from home; |
|  |  | (g) member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community; |
|  |  | (h) director of any institution where a child is detained by an order of a court; |
|  |  | (i) safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children; |
|  |  | (j) child care staff member employed in a pre-school service within the meaning of Part VIIA of the [Child Care Act 1991](https://www.irishstatutebook.ie/1991/en/act/pub/0017/index.html) ; |
|  |  | (k) person responsible for the care or management of a youth work service within the meaning of [section 2](https://www.irishstatutebook.ie/2001/en/act/pub/0042/sec0002.html#sec2) of the [Youth Work Act 2001](https://www.irishstatutebook.ie/2001/en/act/pub/0042/index.html) . |
|  |  | 16. Youth worker who— |
|  |  | (a) holds a professional qualification that is recognised by the National Qualifications Authority in youth work within the meaning of [section 3](https://www.irishstatutebook.ie/2001/en/act/pub/0042/sec0003.html#sec3) of the [Youth Work Act 2001](https://www.irishstatutebook.ie/2001/en/act/pub/0042/index.html) or a related discipline, and |
|  |  | (b) is employed in a youth work service within the meaning of [section 2](https://www.irishstatutebook.ie/2001/en/act/pub/0042/sec0002.html#sec2) of the [Youth Work Act 2001](https://www.irishstatutebook.ie/2001/en/act/pub/0042/index.html) . |
|  |  | 17. Foster carer registered with the Agency. |
|  |  | 18. A person carrying on a pre-school service within the meaning of Part VIIA of the [Child Care Act 1991](https://www.irishstatutebook.ie/1991/en/act/pub/0017/index.html) . |

1. ‘Adult-only’ services providing services to 16 and 17 year olds are considered a ‘relevant services’ under the Children First Act. 16 and 17-year-olds are defined as children under Part 1, Section 2 of the Child Care Act 1991. [↑](#footnote-ref-1)