



# **Section 38/39 Non-Acute/ Community SERVICE ARRANGEMENTS 2019**

## **(FINAL CHANGES)**

Children First Compliance



National Guidance for the  
Protection and Welfare  
of Children

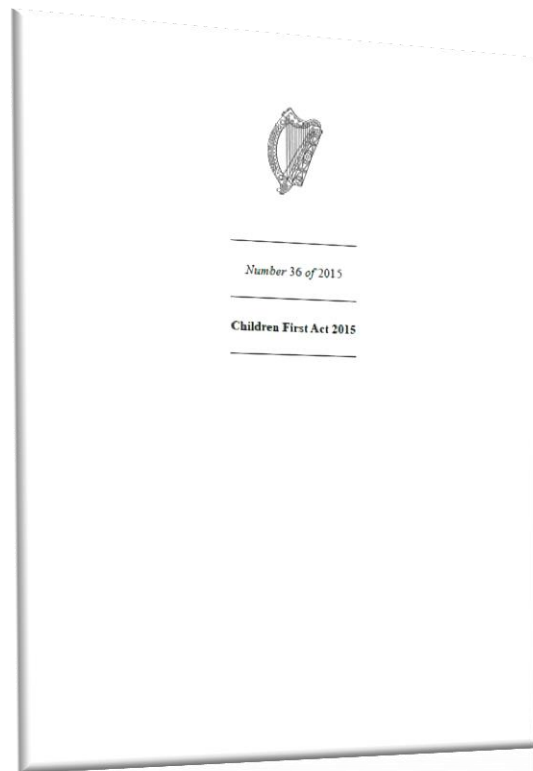
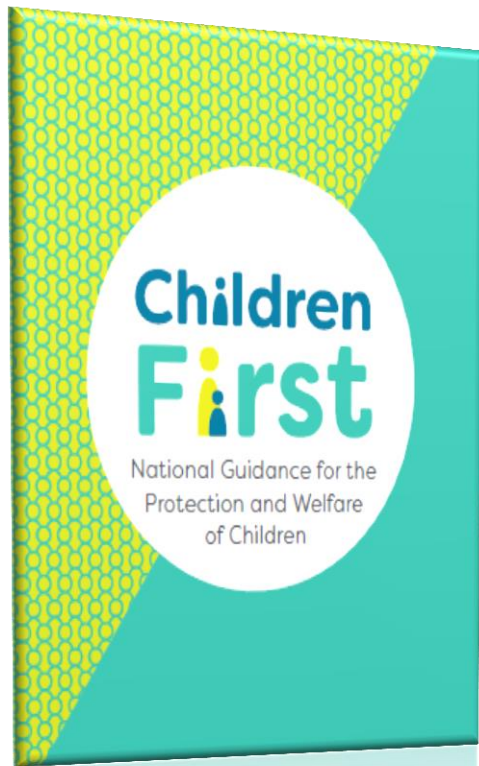
# # hello my name is...

- Presentation created by the HSE Children First National Office (CFNO).
- Our mission is to:  
*“support HSE & HSE funded services to promote and foster child-centred practice and to safeguard children through the effective implementation of Children First”.*
- HSE CFNO is made up of 12 Children First Training & Development Officers (TDOs), an administrator and the HSE Children First Lead.
- There is a TDO in each CHO and they can be contacted for advice and support in relation to Children First.
- Find contact details for your local TDO on the HSE Children First website – [www.hse.ie/childrenfirst](http://www.hse.ie/childrenfirst)

# Key Points

- What is Children First?
- What does it require of your staff and your service?
- What are consequences of non-compliance?
- Finalised Children First Changes to Service Arrangements 2019

# Key Documents



The safety and welfare of children is EVERYONE'S responsibility regardless of role or grade

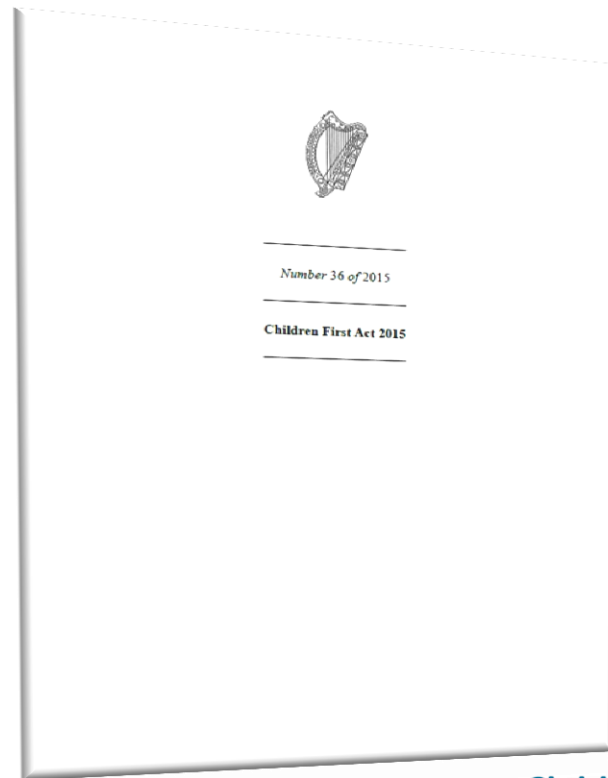
**Even if you are an adult service**

- Children may visit your premises
- Some of your staff may still be mandated persons
- You may still receive a retrospective disclosure of historical child abuse from an adult service-user
- You may have concern about an adult service-user that has children e.g. Mental health, Domestic Violence, Substance Misuse



# Children First Act

- Fully commenced in December 2017
- Legal requirements on:
  - ✓ 'relevant services'
  - ✓ 'mandated persons'



# Relevant Services

“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 (full list of Relevant Services specified in Schedule 1 of the Children First Act 2015)

Relevant Funded Services must:

- Complete a Children First Risk Assessment
- Create and display a Child Safeguarding Statement
- Appoint a Relevant Person – Risk Assessment and Child Safeguarding Statement
- Maintain a list of mandated persons

# Mandated Persons

**Mandated Persons** have two main legal obligations under the Children First Act:

- To report the **harm** of children above a defined threshold to Tusla
- To provide **Mandated Assistance** to Tusla, if requested, in assessing a concern, which has been the subject of a mandated report

Funded Agencies that are 'relevant services' must:

- Maintain a list of mandated persons
- Ensure that all mandated persons are aware of their responsibilities



# Consequences of Non-Compliance

- Service will receive a Non-Compliance Notice
- Service placed on public Register of Non-Compliance
- Consequences for Staff:
  - Criminal consequences - Withholding of Information (Criminal Justice Acts 2012) & Reckless Endangerment Criminal Justice Acts 2006)
  - Fitness to practice consequences – not fulfilling professional role
  - Vetting Bureau Garda Síochána – concerns about a professional can be shared by Gardaí with new employer
- Compliance with all aspects of Children First is part of the Service Arrangement with funded organisations

# Generic Service Arrangements 2019

- **Finalised** Children First Compliance Mentions/Changes:

Schedules	Section 38 Page Nos	Section 39 Page Nos
Schedule 2 - Quality & Safety	pp. 7,10	pp. 5, 8
Schedule 4 – Performance Monitoring	p. 20	p. 18
Schedule 5 – Information Requirements	p. 26	p. 24
Schedule 9 - Staffing	p.43	p. 38

## Schedule 2 – Quality & Safety

- Providers must comply with legal, regulatory and code of practice elements listed here. Where HSE policies, standards or codes are included, the Provider must have equivalent standards /policies /codes in place. Children First legislation and policy is part of this list.
- The Children First National Guidance for the Protection & Welfare of Children (2017) is identified as an additional standard that Providers should be implementing to ensure a quality service.

## Schedule 4 – Performance Monitoring

- The Children First ‘Implementation and Compliance Self-assessment Checklist for HSE funded Agencies’ is identified in the ‘Information Requirements’ table as something that the Provider must provide to the HSE on request, to facilitate the performance management function.
- See next slide for exact wording.

**Information Requirements**

Ref No.	Report Required	Applicable ✓	HSE – Department for returns	Annual	Bi- annual	Quarterly	Monthly
	<p>‘Children First’ website for information <a href="https://www.hse.ie/eng/services/list/2/primarycare/childrenfirst/childrenfirstnationaloffice/">https://www.hse.ie/eng/services/list/2/primarycare/childrenfirst/childrenfirstnationaloffice/</a></p> <p>Compliance with Children First Act 2015 and Children First National Guidance for the Protection and Welfare of Children 2017.</p> <p>Complete ‘Implementation and Compliance Self-assessment Checklist for HSE funded Agencies’ available at <a href="https://www.hse.ie/eng/services/list/2/primarycare/childrenfirst/resources/checklist.doc">https://www.hse.ie/eng/services/list/2/primarycare/childrenfirst/resources/checklist.doc</a></p>	✓		Checklist is to be completed annually in line with declaration at Schedule 5. It is not required to be returned to the HSE, however it must be retained by the Provider for HSE review, on request			



# Schedule 5 – Information Requirements

- A 6 point Children First declaration has been included in the 'Annual Declaration' section to ensure provider compliance with the key elements of Children First.
- Providers must self-declare that they are compliant with each of these Children First requirements.
- If for any reason a provider does not feel that they will be compliant with any of these points by final sign off of Service Arrangement, they must contact their local HSE contact person/ HSE Funding Manager for advice and support or their local HSE Children First Training & Development Officer well in advance.
- See next slide for exact wording.

<b>Annual Declarations</b> <b>By signing these Schedules and indicating 'Yes' below you are affirming these declarations.</b>  <u>Mandatory</u>	Yes	No	N/A	<b>Comment</b> If no provide details / reasons / steps taken etc. In separate submission
<p><b>I confirm that I have complied with all requirements of the Children First Act 2015.</b></p> <ul style="list-style-type: none"> <li>(i) A Children First Risk Assessment has been carried out (this applies to relevant services as per Schedule 1 of the Act)</li> <li>(ii) A Child Safeguarding Statement is in place (this applies to relevant services as per Schedule 1 of the Act)</li> <li>(iii) Mandated Persons (as per Schedule 2 of the Act) have been identified and informed of their role (applies to all services)</li> <li>(iv) A Child Protection &amp; Welfare Policy is in place (applies to all services)</li> <li>(v) All staff and volunteers have completed the HSE e-Learning Module "An Introduction to Children First" (applies to all services)</li> <li>(vi) The HSE Children First Self-Audit Checklist has been completed and is available on request (applies to all services)</li> </ul> <p>Please refer to the Children First: 'Children First' website for information  <a href="https://www.hse.ie/eng/services/list/2/primarycare/childrenfirst/childrenfirstnationaloffice/">https://www.hse.ie/eng/services/list/2/primarycare/childrenfirst/childrenfirstnationaloffice/</a></p>				



# Schedule 9 – Staffing

- Schedule 9 mentions mandatory “Introduction to Children First” eLearning training that all provider staff must complete under ‘Staff Qualifications’. Exacting wording is:
  - The ‘Children First’ elearning Module which has been developed by the HSE is now available through HSELand - <https://www.hseland.ie>.
  - All staff in HSE funded and contracted agencies including those in agencies supporting adults must complete the HSE ‘Children First’ eLearning Module, which is available through HSELand – <https://www.hseland.ie>. Staff must complete the online module prior to commencement of work or as soon as practicable on commencement. The training must be completed every 3 years.



# How Can the HSE Children First National Office Assist?

- Available to support HSE contact person/ funding managers in the HSE
- Available to support any funded agency that is struggling with compliance
- Provide briefings directly to funded agencies re Children First compliance requirements and guidance on how to meet these
- Briefing material available for agencies to provide further briefings to relevant staff as necessary
- Support development of action plans. Funded agencies themselves will be required to implement and monitor this plan.
- Future training developments – keep an eye on the HSE Children First Website [www.hse.ie/childrenfirst](http://www.hse.ie/childrenfirst)

# Key Take Home Messages

- Implications of Children First legislation
- Requirements of you and your staff
- Non-compliance Consequences
- Finalised Children First Changes to Service Arrangements 2019

# Support Documents



# Thank You

## HSE Children First National Office

Further information and resources  
available at: [www.hse.ie/childrenfirst](http://www.hse.ie/childrenfirst)

Contact details of the  
HSE Children First Training &  
Development Officers  
can be viewed on the website or  
each TDO can insert their own  
contact details/emails and mention  
national email contact  
[childrenfirst@hse.ie](mailto:childrenfirst@hse.ie)