



## Update on legislation – Children First Act 2015

Today, 11<sup>th</sup> December 2017 we welcome the complete commencement of the Children First Act 2015, the latest Irish legislation relating to safeguarding young people in Ireland. There is also a new *Children First: National Guidance for the Protection and Welfare of Children* document to complement the new Act.

A copy of the *Children First Act 2015* can be found [here](#).

A copy of the 2017 *Children First: National Guidance for the Protection and Welfare of Children* can be found [here](#).

The legislation contains some new terminology and reaffirms much of what we have in place in Swim Ireland already. Our own Swim Ireland Safeguarding Policy is currently being updated and will take final shape once all the statutory documents and frameworks are released and available; in the mean time we will have some revisions to the majority of the policies by the end of the year.

Just to get you familiar with the new terminology and the Act, below is a brief explanation of some of the terms and the changes for our clubs. The references in brackets relate to the relevant part of the legislation for anyone who wishes to look this up.

### **New terminology and what these mean**

Swim Ireland has one **Mandated Person**, Kate Hills, National Children's Officer; the **Mandated Person** has a mandated obligation to report harm or risk of harm to children to the Statutory Agencies. This is a position required by the legislation (see section 14 and Schedule 2). The National Children's Officer also fulfils the role of the **Designated Liaison Person** at national level, i.e. the person who is responsible to ensure the reporting procedures are followed.

Swim Ireland and affiliated clubs provide what is termed a **Relevant Service** i.e. work/activity which consist of educational, research, training, cultural, recreational, leisure, social or physical activities to children (see Part 2 and Schedule 1).

The person or unit who provides a relevant service is called the **Provider**. In Swim Ireland the **Provider** is Swim Ireland as a national body, each regional committee and each club committee (where the club has under 18 members). The **Provider** is responsible for anyone who works in the relevant service; this is no different to our current structure where each **Provider** (i.e. Swim Ireland, Region, Club) is responsible for the people who work with young people and children.

The Club Children's Officer will subsume two named roles from within the new legislation; both roles are part of their current responsibilities. The CCO is the **Designated Liaison Person**, responsible for ensuring the club follows any reporting procedures and the **Relevant Person**. The **Relevant Person** is someone appointed by the provider (club) to be the first point of contact regarding the child safeguarding statement (see below). Both roles are currently carried out by the CCO, they just now have separate names within the legislation and Children First Guidance. Swim Ireland will not be changing the name of the Club Children's Officer.

### **Summary of the legislation**

The legislation is divided into five Parts with three additional Schedules.

#### **Part 1**

This part of the legislation deals mainly with the general administration of the Act.

#### **Part 2**

This part of the legislation provides guidance and the requirements for the **child safeguarding statement**.

Swim Ireland and each club with under 18 members will need to provide a **safeguarding statement**. This statement outlines the principles and procedures to ensure the safety and well-being of children – this is fundamentally our existing Safeguarding Policy documents (Section 11(1)). The **safeguarding statement** includes a risk assessment; each club will be provided with a template that will need to be adapted if there are some specialist needs for each club – Swim Ireland will advise on these.

**Part 3**

This part of the legislation covers reporting and describes the role of the mandated person.

**Part 4**

This part outlines the requirement of the Children First Interdepartmental Implementation Group.

**Part 5**

This part deals with abolishment of reasonable chastisement – we covered this in a previous newsletter and this part of the Act commenced in December 2015.

**Schedule 1**

This describes the relevant services according to the legislation (point 5(a))

**Schedule 2**

This describes the Mandated Person (point 15(i))

**Schedule 3**

This lists the offences relating to the definition of sexual abuse

**Timeline for Clubs – actions**

11<sup>th</sup> December 2017 – be aware of the legislation commencing; note the Swim Ireland Mandated Person is Kate Hills, [children@swimireland.ie](mailto:children@swimireland.ie) ; final documentation relating to Children First Guidance being released

End of 2017 – updated Swim Ireland policy documents released

January 2018 – Safeguarding statement and risk assessment templates for Clubs; final Swim Ireland Policy document published

February 2018 – CCOs updated on safeguarding statement and risk assessment through CCO forums; Clubs should ensure and support at least one CCO to attend. Provisional dates w/b 15<sup>th</sup> February and 26<sup>th</sup> February

11<sup>th</sup> March 2018 – all relevant services must have completed their risk assessment and display their safeguarding statement

Kate Hills,  
National Children's Officer  
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