



National Youth Council of Ireland

Comhairle Náisiúnta na nÓg

Presentation to the Joint Oireachtas Committee on Health and Children on the Heads of Children First Bill 2012

Introduction

The National Youth Council of Ireland is the representative body for 50 national voluntary youth organisations who work with and for children and young people in every community, village, town and city in Ireland. Our vision is one where all young people are empowered to develop the skills and confidence to fully participate as active citizens in an inclusive society. NYCI functions to represent the interests of young people and youth organisations. NYCI's role is recognised in legislation (Youth Work Act) and we were designated as a social partner organization in 1986.

NYCI very much welcomes the intention by this Government to place the Children First Guidance on a statutory basis. We believe that this development will help to ensure that current Children First Guidance is strengthened and this will assist in the protection of our children and young people. We also welcome this opportunity to be part of the consultation on the Heads of Bill. The youth work sector believes that child protection is everyone's responsibility and has long been committed to best practice in its work. NYCI has played an important role in the protection of children and young people through its provision of child protection support, training, information and Garda vetting to our member organisations.

NYCI's Child Protection Programme delivers a range of training programmes to the youth work sector from basic awareness, designated persons training to a new level 8 certificate with NUI Maynooth. We directly train approximately 800 youth workers each year and indirectly, through our training of trainers, more than 8,000 annually. We also provide a Garda vetting consortium to over 60 small youth work organisations, processing approximately 2,500 vets a year on their behalf. NYCI's members range from small specialist organisations run entirely by volunteers to large scale organisations with hundreds of staff and thousands of volunteers.

We have outlined below a number of key areas which we believe need to be considered by this Committee. We are aware of previous presentations made by other organisations, so as to avoid repetition of these shared concerns, we will focus on issues specific to our sector. We will address these areas under six headings, rather than under each Head listed in the Bill.

1. Volunteer Led Groups

The legal obligations, which are outlined in the Heads of Bill, for all organisations working with children are to be broadly welcomed, as they will require organisations to have safeguards in place. However, concerns arise for volunteer led organisations, which do not have paid staff or have a small number of paid staff. Volunteers may not have the same access to support, information or training as paid professionals and, although well meaning, could face challenges in meeting their legal obligations proposed in this heads of Bill.

Recommendation:

We would therefore recommend that the needs of volunteer led groups are taken into account when the bill is fully drafted and that these groups are provided with sufficient time, support, information, training and advice to ensure their compliance with Children First.

2. Structures of Organisations

Clarity is also needed for organisations with regional structures as to the 'delegated responsibilities' of the Designated Officer. A structure which allows a clear reporting system and identified responsibilities, both locally and centrally, is essential and therefore the legislation needs to facilitate that

The draft heads of bill is also unclear in relation to the responsibilities of organisations with 'affiliated' and associated groups, in terms of reporting procedures and liabilities. In some cases there are small volunteer led independent youth clubs with their own governance structure and run by a board, which may be affiliated to a larger organisation who supports the club. As currently drafted it is unclear as to where the role and responsibilities in relation to the appointment of a Designated Officer and development of a "Keeping Child Safe Plan" lie.

Recommendation:

Legislation needs to take into account nature of structures within the voluntary youth sector

3. Liability

We are concerned about the impact of the draft legislation on volunteer led groups with no staff many of whom do provide important services and supports for young people. As drafted the chairperson and/or leader of these groups would assume the role of the Designated Officer, with the added responsibilities that entails and could potentially be legally liable for non reporting and could face imprisonment or a fine. This is a significant development for volunteer leaders and therefore it is vital that the Department of Children and Youth Affairs provide adequate information, training and supports otherwise we would be concerned this provision could undermine volunteer led youth services

4. Reporting

If as proposed, reporting become a legal requirement, clear and legally clarified information must be made available on reporting thresholds. Although guidance on reporting has been promised from DCYA, the lack of information contained in the Bill has the potential to lead to confusion or misunderstanding.

In the youth work sector, many organisations work with very vulnerable young people. All staff, volunteers, mandated individuals and Designated Officers need to have clear information relating to reporting. For example thresholds for reporting welfare cases which border on neglect are often very difficult to identify. Also, clear guidance is needed regarding the reporting of known underage consensual sexual activity, as this could prevent young people from seeking appropriate information or support from their youth service.

If the youth work sector (and other sectors) are not given enough time, support and clear information, the potential of 'over reporting' could lead to a very dangerous situation, whereby an already stretched social work service will not be in a position to meet the increased numbers of reports, and as a result, young people who need immediate assistance could be overlooked.

Recommendation:

Reporting requirements to be clarified and clear thresholds for reporting to be considered for inclusion in the Bill, particularly on welfare and neglect and underage sexual activity.

HSE need to prioritise the allocation of additional resources (such as social work posts) before the introduction of this legislation.

5. Related Legislation

The scope of the Children First Bill is very comprehensive and covers a huge number of organisations. The scope outlined in the Heads of Vetting Bill does not seem to cover organisations or individuals to the same extent, and excludes 'persons assisting on an occasional, ad-hoc, voluntary basis in sports or community or other organisations which involve children or vulnerable adults but where those persons do not have regular or ongoing unsupervised contact with children or vulnerable adults'.

This potential inconsistency could lead to confusion for organisations.

Recommendation:

The proposed vetting legislation needs to be linked to the Children First Bill, so as to ensure consistency and over lap of legal requirements for organisations.

6. Role of the HSE

The Heads of Bill gives the HSE a dual role concerning the implementation of this legislation as a support agency and monitor of Children First compliance. Although the legislative basis for the support function of the HSE is to be welcomed, we are concerned at the potential conflict with the monitoring function for the act also being held by the HSE. We would be concerned that this may inhibit some and prevent organisations from seeking the support they need and undermine the implementation of legislation. We would recommend that a separate statutory body other than the HSE should be given responsibility for monitoring compliance.

Recommendation:

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