

## **Recent legislation relevant to child protection**

### **Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012.**

Under the [Criminal Justice \(Withholding of Information on Offences against Children and Vulnerable Persons\) Act 2012](#), it is a criminal offence for any person to fail to disclose to An Garda Síochána information in relation to certain specified offences against children and vulnerable persons. Under the Act, a person shall be guilty of an offence if –

- a) he or she knows or believes that any of the offences specified in the Act has been committed by another person against a child or vulnerable person, and
- b) he or she has information which he or she knows or believes might be of material assistance in securing the apprehension, prosecution or conviction of that other person for that offence, and
- c) fails without reasonable excuse to disclose that information as soon as it is practicable to do so to a member of the Garda Síochána

Details of the specified offences to which this Act applies are set out in [Schedule 1](#) and [Schedule 2](#) of the Act.

It is the personal responsibility of each individual person to comply with the provisions of the [Criminal Justice \(Withholding of information on offences against children and vulnerable persons\) Act 2012](#).

It is important to note that the fact that a member of school personnel has dealt with a child protection concern in accordance with the [Child Protection Procedures for Primary and Post-Primary Schools](#) does not absolve that person of their legal obligation to disclose information to the Gardai under this Act where that person has information that falls within the ambit of the Act.

It should also be noted that where a member of school personnel has disclosed information to An Garda Síochána and the information relates to a matter that would also fall to be dealt with under the [Child Protection Procedures for Primary and Post-Primary Schools](#), that member of school personnel must also deal with the matter in accordance with the relevant provisions of the [Child Protection Procedures for Primary and Post-Primary Schools](#).

### **National Vetting Bureau Act 2012**

[The National Vetting Bureau Act 2012](#) was enacted in 2012. It is expected that, following some amendments which will be made to it and are currently being progressed by the Minister for Justice and Equality, the Act will become operational in the latter part of 2014. When it comes into effect, the Act will put in place certain statutory requirements for the garda vetting of persons involved

in working with children and vulnerable adults, including those working in schools. In the meantime the current arrangements (as set out in [Circular 0063 / 2010](#)) for the Garda vetting of school personnel continue to apply.

## **Proposed legislation relevant to child protection**

### **Children First Bill 2014**

The [Children First Bill, 2014](#), which will put elements of the [Children First: National Guidance for the Protection and Welfare of Children \(2011\)](#) on a statutory footing was published by the Houses of the Oireachtas on 14 April 2014. The Bill provides for a number of key child protection measures, as follows:

- a) A requirement on organisations providing services to children to keep children safe and to produce a Child Safeguarding Statement;
- b) A requirement on defined categories of persons (mandated persons) to report child protection concerns over a defined threshold to the [Child and Family Agency](#) (the Agency);
- c) A requirement on mandated persons to assist the Agency in the assessment of a child protection risk arising from a mandated report under the Act, if so requested to do so by the Agency;
- d) Putting the Children First Interdepartmental Group on a statutory footing.

It is envisaged that the Department of Children and Youth Affairs will review and publish updated Children First Guidance on foot of the finalised legislation and other recent legislation relevant to child protection. This will also trigger some changes to the existing [Child Protection Procedures for Primary and Post-Primary Schools](#) and the Department of Education and Skills will, in due course, consult with the relevant education partners in this regard.

## **Proposed amendments to Teaching Council legislation**

Since the arrangements for garda vetting of school staff were introduced in September 2006, the Teaching Council has undertaken a key role in the operation of the vetting arrangements for teachers.

In anticipation of the commencement of the [National Vetting Bureau Act 2012](#), the Department of Education and Skills is currently progressing some amendments to the Teaching Council legislation aimed at underpinning the role of the Teaching Council in the new statutory vetting arrangements for registered teachers.