



STATUTORY INSTRUMENTS.

**S.I. No. 470 of 2017**



CHILDREN FIRST ACT 2015 (COMMENCEMENT) ORDER 2017

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I, KATHERINE ZAPPONE, Minister for Children and Youth Affairs, in exercise of the powers conferred on me by section 1 of the Children First Act 2015 (No. 36 of 2015), hereby order as follows:

1. This Order may be cited as the Children First Act 2015 (Commencement) Order 2017.
2. The 11th day of December 2017 is appointed as the day on which the Children First Act 2015 (No. 36 of 2015), insofar as it is not already in operation, shall come into operation.



GIVEN under my Official Seal,  
26 October 2017.

KATHERINE ZAPPONE,  
Minister for Children and Youth Affairs.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 31st October, 2017.*

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

This Order provides for the commencement of the remaining provisions (sections 6 — 17, 19 and 27) of the Children First Act 2015 (No. 36 of 2015) with effect from 11th of December 2017.

Section 6 provides that the Minister may issue and publish guidelines for the purpose of providing practical guidance to persons in respect of the protection and welfare of children and any such guidelines in force at the time of commencement of this section shall be deemed to be guidelines issued by the Minister under the Act.

Section 7 provides that the Child and Family Agency shall, in performing a function under the Act, regard the best interests of the child as the paramount consideration.

Sections 8 to 13, inclusive, provide that a provider of relevant services to children must ensure that, as far as practicable, a child, while availing of its services, is kept safe from harm. Providers of relevant services to children are required, within specified deadlines, to carry out a risk assessment and prepare a Child Safeguarding Statement which sets out the policies and procedures which are in place to mitigate the risks identified. Providers of relevant services to children, who, upon request, fail to provide a copy of their Child Safeguarding Statement to the Child and Family Agency, may be placed on a publicly available register of non-compliance.

Sections 14 to 17, inclusive, provide that certain professionals and other persons in specified occupations are mandated persons for the purpose of the Act. Where a mandated person knows, believes or has reasonable grounds to suspect that a child is being harmed, has been harmed or is at risk of being harmed, he or she shall report that belief or suspicion to the Child and Family Agency, as soon as practicable. Where a child makes a disclosure to a mandated person that he or she believes that he or she is being harmed, has been harmed or is at risk of being harmed, that mandated person shall, as soon as practicable, report that disclosure to the Child and Family Agency.

Section 16 also provides that where the Child and Family Agency is carrying out an assessment of a child who has been the subject of a mandated report, a mandated person must assist the Agency on request, and give the Agency such information and assistance as it may reasonably require.

Section 19 amends section 9(4) of the Child and Family Agency Act 2013 to include a reference to the Children First Act 2015 to provide for the views of the child to be taken into account by the Child and Family Agency when performing its functions under the Children First Act.

Section 27 provides that each Minister of State shall publish a sectoral implementation plan in relation to relevant services provided by the Department concerned and by any body that is in receipt of funds from that Department, to include the measures taken, or proposed to be taken, to promote, review and report on compliance with the Act and the Guidance, and other matters as the relevant Minister considers appropriate.

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