



GOVERNMENT OF MALTA

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## Government response to the Consultation on the Child Protection (Alternative Care) Act

*June/July 2018*

*Ministry for the Family, Children's Rights & Social Solidarity  
Palazzo Ferreria, 310, Republic str,  
Valletta*

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# Executive Summary

## Introduction and overview

### 1. A brief introduction about the subject.

Care and custody of minors in need of protection will no longer be entrusted in the hands of the Minister and as such the Minister will no longer be involved in the issuing of care orders. Government will no longer be directly or indirectly involved in such sensitive decisions. Decisions will be taken either by the Juvenile Court or by the Review Board, as the case may be. The Review Board will not only be consultative in nature as the current Children and Young Persons Advisory Board, but it will be tantamount to a quasi-judicial Board

### 2. The public consultation date.

Include the objective and purpose of the public consultation.

On June 14th 2018, the Government published a consultation paper setting the proposals for the Child Protection (Alternative Care) Act. The proposed legislation is considered a breakthrough in Child Protection.

### 3. This consultation sought views on:

- *Child Protection – Alternative Care*
- *Fostering & Adoptions*
- *Care-Orders*

## Responses to the consultation and process used to seek stakeholder views

This document is the Government Response to this consultation and sets out the Government's decisions on these matters.

4. The closing date of the public consultation. Which methods were used to receive the feedback. The total amount of responses. From whom you received the feedback.

The consultation closed on 31st July 2018. The consultation document and the reply form were available online and responses were accepted electronically. In total, there were 36 responses. These were received from across the industry including National Associations, The Office of the President, UNHCR and others. Responses were also received from outside the industry including local authorities, NGOs and individuals. A list of respondents can be found at Annex A.

5. Include (if any) meetings with stakeholders and list who the stakeholders were.

Meetings were held during the drafting of the law. Main stakeholders were Foundation for Social Welfare Services (FSWS), Maltese Association of Social Workers (MASW), National Foster Care Association Malta (NFCAM), Kummisjoni Ejjew Għandi (Arcidiocese of Malta)

## Summary of responses and decisions

The following is a summary of the consultation responses received. We would like to thank all those who took the time to respond to the consultation and participate in stakeholder meetings around the consultation exercise.

6. Statistics.

- Total feedback received: 36
- Total feedback received by individuals: 12
- Total feedback received by organisations: 24
- Total feedback received through email: 36
- Total feedback received through online form: N/A
- Total feedback received by post: N/A

7. Summary of feedback received.

The majority of respondents mainly from the social sector welcomed the new proposed Child Protection Act. New improvements in Fostering and Adoptions were welcomed by the sector and associations, although through the public consultation it transpired that some clauses need to be defined better in the interest of the children and their future. Questions about the appointment of boards and how persons are selected also featured in the feedback received.

Other questions and opinions were raised on the Mandatory Reporting Clause for professionals, where the mentioned professionals are bound to report any abuse.

8. Your assessment and the Government's decision (list the Government's decisions).

The Ministry is now working to better improve the Act according to the suggestions and feedback received. Main decisions will be communicated through a formal press conference.

## Implementation

9. When you intend to implement the decisions

This Act is subject to pass through Parliament and through the committee stage. After those stages are passed though, decisions will be implemented accordingly.

## Contact Details

If you have any questions regarding this response, please contact: [claudia.cuschieri@gov.mt](mailto:claudia.cuschieri@gov.mt)

## Annex A: List of respondents

<b>Organisation</b>
Safeguarding Commission
Kummissjoni Ejjew Ghandi – Arcidiocese Malta
Maltese Association of Family Therapy & Systematic Practice
Malta College of Family Doctors
Faculty of Health Sciences
Association of Private Family Doctors
National Foster Care Association Malta
Father's Rights Movement
UNHCR
Dr Kevin Borg – Paediatrician with special interest in safeguarding children
Faculty for Social Wellbeing
Alternattiva Demokratika
Kumitat Tisħieħ Familja (MFCS)
The President's Foundation for the wellbeing of society
Human Rights & Integration Directorate – MEAE
Chairperson FSWS – Mr Joe Gerada
Foundation for Social Welfare Services
Maltese Association of Social Workers (MASW)
Dr Charles Azzopardi – Family Therapist
The Children & Young Persons advisory board
National Commission for the Promotion of Equality (NCPE)
Maltese Paediatric Association
Malta Chamber of Psychologists
Salesians of Don Bosco's Care Commission
<b>Private Individuals - 12</b>

