

Barry Andrews, TD
Minister for Children and Youth Affairs
Office of the Minister for Children and Youth Affairs
Hawkins House
Hawkins Street
Dublin 2

14 April 2010

Dear Minister,

We are writing to you in relation to the revised *Children First: National Guidelines for the Protection and Welfare of Children*, which were posted on the OMCYA's website on 23 December 2009. We welcome the updating of the Guidelines and believe that if they are fully adhered to they will advance the fulfilment of the State's commitments to children under the UN Convention on the Rights of the Child, as well as other domestic obligations. We recognise that the Guidelines will need to be updated once again following the successful passage of legislation to place the Guidelines on a statutory footing, as committed to in the Ryan Report *Implementation Plan*. We wish to raise a number of concerns with you in relation to the revised Guidelines and call on you to amend the revised Guidelines before they are officially launched.

- **Policy Disconnect – Family Support**

The revised Guidelines do not reflect the Government's own stated policy developed since 1999. This is despite a commitment to do so in the 'Foreword' to the revised Guidelines (2009, p. vii). An example of this is the lack of primacy given to family support, prevention and early intervention in the Guidelines, despite the fact that these are central to *The Agenda for Children's Services: A Policy Handbook* (2007) which seeks to remedy the 'disconnect' between policy at the higher levels and services on the ground.

Of particular concern is that Chapter 7 of the original Guidelines – which relates to family support – has been entirely removed from the revised Guidelines. This represents the most significant difference between the original and revised Guidelines. We believe that the reorienting of services to support families and various practice developments currently piloted and used to good effect, are placed in jeopardy by the introduction of narrower revised Guidelines, which do not readily allow for family support, prevention and early intervention. We call for the reinstatement of an updated Chapter 7 in the Revised Guidelines.

- **Grounds for Reporting**

We believe that the revised Guidelines take a retrograde step through the combined effect of removing Chapter 7 and the continued inclusion of a statement that one should report to the HSE when "a person has reasonable grounds for concern that a child may have been abused, or is being abused, or is at risk of abuse" (2009, p. 18). The Protection for Persons Reporting Child Abuse Act 1998, allows for reporting at a lower threshold when "a child's health, development or welfare has been or is being avoidably impaired or neglected". The omission of this lower threshold for reporting from the revised Guidelines appears to discourage early, low threshold reporting to the HSE. This may mistakenly give the impression that the revised Guidelines only apply to cases of suspected abuse and not for concerns in relation to the welfare of a child. This issue needs clarification. We believe it should be made clear that the Guidelines should apply to both abuse and welfare concerns.

- **Child Deaths**

We understand that a number of reviews have been carried out into the deaths of children who died either while in State care or soon after leaving care, many of whom were accessing the HSE Crisis Intervention Service. Despite this learning, the revised Guidelines contain no significant reform of the care practice in respect of children requiring crisis intervention or procedure relating to the serious harm or death of children known to the HSE. We call for compliance with the HIQA *Guidance for the Health Service Executive for the Review of Serious Incidents including Deaths of Children in Care* (2010) to be written into the revised guidelines.

- **Care of Homeless Children**

The use of Section 5 of the Child Care Act, 1991 on an ongoing basis for the care and protection needs of homeless adolescents is not an appropriate care response. We believe that the revised Guidelines should preclude the HSE from repeatedly using Section 5 for the placement of homeless children. The Guidelines should also preclude the HSE from relying on voluntary care in cases where the parent is no longer actively engaged in the care plan. The revised Guidelines should emphasise that the same procedure applies to all children who require care and protection. Appropriate care options, including care orders, as set out under the Child Care Act 1991, should be used to address the needs of all children requiring ongoing care and protection including homeless adolescents. We call for the revised Guidelines to state that Section 5 should only be used on a once-off emergency basis to respond to the care and protection needs of a child, as was envisaged at the time of its enactment.

- **Ethnic Minority Children**

The revised Guidelines fail to acknowledge the changing profile of children living in Ireland, or to acknowledge serious child protection concerns such as Female Genital Mutilation (FGM), the trafficking of children or the vulnerability of certain groups of children, such as separated children or Traveller children. We call on the revised Guidelines to be amended to reflect these specific child protection challenges.

- **Adequate Resourcing of the Social Work Service**

The successful operation of the Guidelines is reliant on the adequate resourcing of the HSE social work service. All concerns should be responded to in a timely manner, and the necessary and appropriate State actions should be taken to respond to the needs of the child and his or her family. We continue to be concerned about the lack of a consistent social work response given that most social workers operate only during office hours Monday to Friday. We call for the adequate resourcing of the social work service to ensure that all areas of the HSE are implementing the Guidelines in full.

We recognise that you share our interest in the welfare, protection and best interests of children and we acknowledge the progress currently being made in relation to some of the issues raised. We would welcome the opportunity to meet with you and to positively engage with you in relation to our concerns in more detail.

Yours sincerely,



Pat Dolan
UNESCO Chair
NUI Galway



Jillian van Turnhout
Chief Executive
Children's Rights Alliance