

Review Report – Follow up on progress made in relation to  
the recommendations of the investigation into *Children First:  
National Guidelines for the Protection and Welfare of  
Children*

March 2012



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## **Review Report**

**Follow up on progress made in relation to the recommendations made on conclusion of the investigation into the implementation of Children First: National Guidelines for the Protection and Welfare of Children.**

**January 2012**

**Ombudsman for Children's Office**

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## **Preamble**

This report outlines the review undertaken by my Office, the Ombudsman for Children's Office, following the only investigation into State compliance with *Children First: National Guidelines for the Protection and Welfare of Children*.

The investigation was carried out under section 10 of the Ombudsman for Children Act, 2002, which allows me to initiate an investigation of my own volition.

Following the investigation, which commenced in November 2008, I made 11 findings of unsound administration against the Health Services Executive and the Office of the Minister for Children and Youth Affairs. In accordance with the Ombudsman for Children Act, 2002 I made 22 recommendations to improve the system.

This review examines the progress that has been made by the relevant public bodies on those 22 recommendations.

On publication of the investigation in 2010 I raised my concern that child protection had fared badly in particular during the period of reform with the creation of the HSE. I concluded from the investigation that child protection services were not at times given priority in this reform process.

Many frontline staff engaged with this Office during the investigation. The purpose of this review is to seek assurance from the management of the Health Services Executive that progress continues to be made in the area of child protection. Of course it is not uncommon for the views of those operating at senior management level in any organisation to differ from the people working on the frontline. In this regard I accept the bona fides of the HSE management but encourage them to account publicly for the progress made. As this review concludes the work of my Office on this investigation it is important to encourage those accountable to use the newly established structures and mechanisms to monitor progress under the aegis of the Department of Children and Youth Affairs. In particular, I am keen to see the HSE update the public through the publication of its Review of Adequacy reports. HIQA, as the independent authority for monitoring standards, will shortly commence inspection of the child protection system at practice level.

At a macro-level, the Oireachtas should have a role ensuring accountability exists across the agencies responsible for child protection.



Emily Logan

Ombudsman for Children

**Background:**

In November 2008, this Office began an examination into the state of implementation of Children First: National Guidelines for the Protection and Welfare of Children. In April 2010 the Ombudsman for Children completed a report outlining the results of an investigation.

The investigation focused on the actions of the Health Service Executive (HSE) in terms of implementation and the Department of Health and Children (OMCYA) because of its remit to monitor the implementation of the guidelines. The investigation was conducted in accordance with Section 10 of the Ombudsman for Children Act, 2002, which provides that the Ombudsman for Children may conduct an investigation of her own volition.

The Investigation focused in particular on:

- the extent of non-implementation of Children First;
- the extent and possible implications of partial implementation of Children First;
- identifying the obstacles/barriers and difficulties associated with implementation of Children First; and
- identifying the steps taken by the Department of Health and Children (in particular the OMCYA) and the HSE to progress implementation of Children First and address any obstacles to implementation that may have been identified.

The investigation process involved:

- Review of all documents from the 32 Local Health Offices (LHOs) of the HSE setting out their child protection policies and any other documents that demonstrated implementation of Children First. Additional information was sought from a number of those areas.
- Review of relevant documentation from the HSE and OMCYA.
- Investigation meetings were held with:
  - o 9 Child Care Managers (CCMs) throughout the State, from both urban and rural regions,
  - o the OMCYA, and
  - o the HSE at national level.

Meetings to assist the Office's understanding of the arrangements in operation at local level were also held with:

- o An Garda Síochána, and
- o the trade union IMPACT.

On conclusion of the investigation, the Ombudsman for Children made 11 findings of unsound administration against the relevant public bodies and 22 recommendations to improve the system.

### **Review Report**

In May 2011, the Ombudsman for Children's Office initiated a review of the progress made on the 22 recommendations contained in the investigation report.

The review process involved:

- seeking a written update from the HSE, OMCYA (subsequently the Department of Children and Youth Affairs) and An Garda Síochána in relation to the measures taken to progress each recommendation addressed to it.
- Meetings were held with representatives of the:
  - HSE
  - Department of Children and Youth Affairs (DCYA)
  - An Garda Síochána
  - Impact Trade Union
- Further documentation was requested on foot of a number of the meetings.

This report sets out each of the recommendations and the response to each provided during the review process by the relevant bodies. The Ombudsman for Children's commentary in relation to progress in implementing each recommendation is also shown.

### **Initiatives that have taken place since commencement of the investigation**

In considering the progress made regarding the recommendations it is important to note that there has been a number of significant developments since the investigation concluded, in particular:

- The HSE appointed a National Director for Children and Families Services in late 2010. The Department advised that this initiative was taken in recognition of the need to put strong leadership in place at senior level to deliver on a wide and challenging programme of reform in this area.
- The Department of Children and Youth Affairs was established from the 2<sup>nd</sup> June 2011.
- The revised Children First Guidelines were launched on 15<sup>th</sup> July 2011 by the Minister for Children and Youth Affairs.

- The Department has announced plans for the formation of a new Child and Family Support Agency which will take over responsibility for delivery of children and family social services from the HSE. A Task Force was set up by the Minister for Children and Youth Affairs to advise her in regard to the transition programme.
- In September 2011, the HSE published a Child Protection and Welfare Handbook, which is designed to be a companion volume and to complement the 2011 guidelines.
- The Minister for Children and Youth Affairs is preparing legislation to put Children First on a statutory footing with the plan to have a published Bill and policy in place shortly. In the Justice area, legislation is also being introduced regarding Withholding Information on Crimes Against Children and Vulnerable Adults. The Vetting and Soft Information Bill is also being progressed with a Bill expected to be published shortly.
- An Garda Síochána's April 2010 policy on the Investigation of Sexual Crime, Crimes Against Children and Child Welfare is currently being reviewed to take account of the 2011 Children First Guidelines.

#### **Recommendations and Responses:**

- 1. That resources be better matched to meet need around the State in social work departments to ensure equitable service provision through evidence based resource allocation.**

#### ***Response from DCYA and HSE***

Efforts have been made to address deficits in relation to social work resources with 200 additional social work posts for child protection services created in 2010 which have all been filled, and where necessary back filling of vacant posts within the existing workforce.

The Government committed to a further 60 social work posts to be recruited in 2011 as set out in the HSE National Service Plan, but wider expenditure controls within the HSE affected progress on this front. In November 2011, the Department informed this Office that the HSE had advised that it is planned to have these additional staff in place by the end of 2011.

HSE advised that the additional posts were allocated according to a formula which took account of deprivation and also reflected workload pressures. For the further 60 posts, the allocation was based on a formula involving child population and children living in poverty. HSE advised that there are regular monthly meetings regarding resources allocation.

DCYA advised that a national audit of resources, both financial and staffing, targeted at children and families across the statutory and non-statutory sector is provided for in the Government's Implementation Plan following the Ryan Commission recommendations. The audit is to be conducted by the HSE across the non statutory, Exchequer funded, services in 2011.

HSE advised that the following reviews of resources are ongoing:

- A review of residential and alternative care services (with particular emphasis on the costing of private residential services) which commenced in April 2011 is nearing completion.
- A review of family support programmes was due to commence for completion in Q3 2012.
- A census of children and family services staffing is underway and reporting expected at the end of Q1, 2012.

Work is underway in relation to the development and implementation of the National Child Care Information System (NCCIS)<sup>1</sup>, a computerised national recording system, which will inform the management of national demand for children and family services. Further reference to the planned NCCIS is made under recommendation no. 8.

### ***Ombudsman for Children's Comment***

Efforts have been made to improve the social work resources nationally, with the focus being on provision of these additional posts almost equally across the regions. It is imperative that the allocation of the further 60 posts is based on an analysis of need and if not already in place should be progressed. The implementation of the NCCIS should also provide more consistent and valuable data to assist in planning resource provision.

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<sup>1</sup> See Report of the NCCIS Business Standardisation Project, October 2009.  
[http://www.hse.ie/eng/services/Publications/services/Children/nccisbbsp\\_part1.pdf](http://www.hse.ie/eng/services/Publications/services/Children/nccisbbsp_part1.pdf)

Matching resources to need involves consideration of many factors and it is important that appropriate mechanisms are developed to assist and guide this process.

The review of resources being carried out by the HSE is a positive step to ascertaining clear and current information regarding particular resource provision nationally, which can assist in future planning. Social work services are only one aspect of child welfare and protection services, with family support services also being central in this process. The Office would encourage the HSE to ensure that planning in relation to such services is based on matching resources to need.

2. **Given the well documented cases of clerical child sex abuse and the systemic failure to report such cases, that the application of the revised Children First Guidelines to churches be made explicit in the Guidelines themselves.**

#### ***Response from DCYA***

Chapter 1 of the revised guidelines have been expanded to clarify that they apply to voluntary and community groups including all faith based organisations. The guidelines state:

*“It also offers guidance to agencies and community and voluntary organisations (e.g. religious/faith sector, sporting organisations etc) that have contact with or provide services to children”.*

The DCYA informed this Office that it is satisfied that this comprehends churches and children involved in church activities.

#### ***Ombudsman for Children’s Comment***

It is noted that steps have been taken in the revised guidelines to explicitly state that they apply to all voluntary and community groups including the religious/faith sector, which has contact with or provides services to children. It is important that all organisations working with or having contact with children are aware of their obligations under Children First and understand that the guidelines apply to them.

3. **It is important that family support services, locally and nationally, are properly planned with appropriate strategies in place and it is recommended that all necessary steps be taken to this end, whether under the auspices of the revised Children First Guidelines or not.**



### ***Response from DCYA and HSE***

The Minister is committed to the future development and enhancement of family support services in line with Government policy set out in '*The Agenda for Children's Services*'. The Family Support Agency and the National Educational Welfare Board are moving under the auspices of the DCYA and this will allow for a more cohesive approach to planning and delivery of services in this important area. A strategy group is also sitting which includes a representative from the Department of Social Protection.

HSE advised that the work under this recommendation is ongoing and has been greatly enhanced by the appointment of the new National Director for Children and Families Services. The planning process is carried out using the mechanism of the National Service Plan with its incumbent delivery targets and key developments areas.

HSE advised that there are 4 pilot delivery models for family support services across the country, which have represented opportunities for the development of more coherent and integrated working amongst agencies and professionals through the development of common language and threshold criteria for working with children, their families and communities throughout the system of preventative, supportive and protective service. These models have been evaluated with a view to determination of what a standardised approach might consist of. Key learning outcomes from the review have been identified, including further issues to be addressed. The National Director will agree and support implementation of an effective model.

### ***Ombudsman for Children's Comment***

The new Department for Children and Youth Affairs brings together a number of key organisations with responsibility for children. This could provide a more cohesive approach to planning and policy with a strongly renewed and enhanced child-centred orientation. Providing clearer information, including mapping of need on a national basis and current services, is key in planning family support services.

This Office is of the view that the key to any policy development in the area of child protection and welfare is the concept of family support and effective models of provision. It is important that a clear operational plan is progressed in this regard.

4. **This Office is aware that the HSE is undertaking a Strategic Review of the Delivery and Management of Child Protection Services. It is important that this review considers all options and asks new questions. That should include whether child protection services are best delivered within the context of the HSE and, if concluded that they are, how to ensure that a focus on them is not lost amid wider concerns about health services.**

***Response from DCYA and HSE***

As noted above the DCYA has announced the plan to create a new Child and Family Support Agency which will have responsibility for the delivery of child welfare and protection services and a Task Force set up to advise in regard to the necessary transition programme.

Work is underway in relation to the restructuring of HSE services, arising from recommendations made by the PA Consulting report commissioned in 2009. The 32 Local Health Offices are being merged into 17 Integrated Service Areas (ISAs) with a Children's Services Manager taking the lead in each area, essentially replacing the role of the existing Child Care Manager and area General Manager. The 17 ISA's have been formed and recruitment of the Children's Services Managers has commenced in all areas. The National Director has a clear mandate from the Government to implement the change recommended in the PA Consulting report during his tenure.

***Ombudsman for Children's Comment***

The Office will await the outcome of the work of the Task Force that has been set up to assist the Minister in relation to the establishment of the new Child and Family Support Agency. It is particularly interesting to see a programme of change emerge that sets out definite timelines and minimises undue or prolonged disruption.

5. **It is strongly recommended that the High Level group established by the OMCYA meet to resolve all outstanding interagency policy issues regarding Children First identified in the context of the OMCYA review.**

***Response from DCYA***

The promotion of interagency collaboration is being progressed as part of the development of a comprehensive assurance framework to support the

implementation of the revised Children First Guidance. The further development of interagency structures to address policy issues is also being taken forward in the context of the establishment of the DCYA. A high level interdepartmental group has been convened and had its first meeting by October 2011, which was attended by the Minister for Children and Youth Affairs. This group contains Secretary General nominees from Departments that have dealings with children, such as Sport, Transport, Education, and Health, which will be reporting regularly to the Minister on progress.

The DCYA's approach is to work through the relevant line Departments and statutory agencies to establish and deliver a consistent implementation of Children First.

It will be meeting with the Department of Health to look at agencies providing services such as addiction counselling, mental health and family support, to advise on what is required of them.

The proposed new legislation will address cooperation in implementing Children First and the reporting of child welfare/protection concerns.

#### ***Ombudsman for Children's Comment***

It is important that collaboration and coordination on child protection is occurring at senior level across government departments and that the DCYA is also addressing different agencies and services responsibilities such as through meeting with the Department of Health. The key concerns arising through this investigation related to issues being identified but not resolved. It is essential that the mechanisms established ensure that any difficulties in relation to interagency policy issues are swiftly identified and pursued to resolution.

- 6. It is recommended that SSI, upon recommencing inspection of child protection work and consistent with its normal practice in other fields, examine case files to get a true picture of the state of implementation in practice.**

#### ***Response from DCYA***

HIQA has established a Standards Advisory Group to advise on the development of Draft National Standards for Child Protection and Welfare services. It is

envisaged that HIQA will be submitting these standards to the Minister for Health and the Minister for Children and Youth Affairs, in the first quarter of 2012.

HIQA has commenced the process of recruitment of staff to inspect children's services. It is envisaged that all new staff will be in post by early 2012.

Preparation of the methodology by HIQA for the monitoring of child protection and welfare is currently in progress and will be pilot tested in an LHO area in November/December 2011 as part of a themed foster care inspection.

It is envisaged that monitoring of HSE child protection and welfare services, using the proposed new standards, will commence in the second quarter of 2012.

#### ***Ombudsman for Children's Comment***

The Office welcomes the progression of inspection of HSE child protection services and that this will be commencing in early 2012.

### **7. That efforts be made on all sides to resolve all outstanding industrial relations issues affecting the implementation of Children First.**

#### ***Response from DCYA and HSE***

The DCYA and HSE both advise that there are no current industrial relations issues relating to the implementation of Children First. During the course of the review, the Department wrote to IMPACT to confirm this and a response provided confirming that IMPACT are supportive of the guidance and will not impede implementation of the new Guidance "Children First". In that same correspondence IMPACT expressed their views that the biggest impediment to the implementation relates to inadequate resources in both child welfare and protection services.

The DCYA advised that the Croke Park agreement provides a context within which any industrial relations difficulties can be addressed.

HSE advised that concerns were expressed by the relevant Trade Unions in relation to the standardised business processes and the full roll-out had been delayed. It was noted that these issues pertain to the availability of resources rather than the standardised business processes. HSE advised that dialogue

between the unions and the HSE has been ongoing and purposeful to-date and have indicated that national roll-out is being progressed.

At a meeting with this Office, IMPACT advised that it is fully supportive of the arrangements set out in the revised Children First guidelines and is working in cooperation with the HSE on the introduction of its Standardised Business Processes. Concern was expressed that the system is under stress because of increased demand and workload and that additional resources are required. It was confirmed that all staff across the HSE are completing the required paperwork, though a key issue has been the very different IT supports available to assist staff pending the institution of the national system.

In relation to the means used by IMPACT to inform its members that implementation of Children First is not the subject of any impediment from an industrial relations perspective, IMPACT advised that there has been a series of regional meetings with staff in support of the implementation of Children First.

#### ***Ombudsman for Children's Comment***

Industrial relations issues in relation to the 1999 Children First guidelines were dealt with in some detail in the investigation report. It was clear that there were different interpretations between the HSE and IMPACT as to the implications of the 2002 prioritisation of work agreement, with IMPACT taking from it that administrative aspects of Children First did not have to be performed. The Office found that the overall status of Children First in some HSE areas became uncertain and remained unclear at the time of the investigation, with some staff on the ground being of the view that there was an agreement not to implement Children First. This resulted in important paperwork not being done in certain regions.

The Office has been given positive reports that there are no industrial relations issues in relation to the implementation of Children First. IMPACT has also confirmed that the administrative aspects of Children First are being implemented. However, during the investigation IMPACT advised that "there is no live instruction from IMPACT to social workers not to implement Children First", though the investigation found that this was not the understanding and experience of social work staff from certain HSE areas. Given the information gathered from staff on the ground during the original investigation, the issue of a written communication by IMPACT to all relevant members to ensure that there is absolute clarity on the industrial relations position is recommended.

- 8. It is strongly recommended that work to standardise processes and improve datasets by the HSE be continued as a priority. This should include clarity on screening and initial assessments, clarity on when to accept to the Child Protection Notification System and when to close a case to the Child Protection Notification System, as well as clarity on the non-removal of cases from the Child Protection Notification System.**

***Response from HSE***

The HSE has developed standardised business processes, a set of social work practice guidance documents, which has been strategically designed in a two phase process. Phase 1 concerns the area of case referral, initial and further assessments, these components have now been implemented in each of the 32 Local Health areas. Phase 2 concerns the practice areas of child welfare and children in care, implementation has commenced with expected completion for Q 3 of 2012. The National Child Care Information System (NCCIS), which is the computerised component relating to standardised processes is under development and has moved to the procurement phase which began in September 2011, and involves a two staged process involving seeking expressions of interest, short listing of potential suppliers and issuing of detailed tender documents to those short listed, once approval has been given by the project board and sanctioning authorities. A rigorous and detailed evaluation of the short listed suppliers systems will be carried out in the first half of 2012, with the project goal to select and procure a system by Q3 2012. It is envisaged that this will provide consistent data management and function as a support to front line service delivery in terms of practice guidance.

The HSE has also published a Child Protection and Welfare Practice Handbook which is to complement the revised Children First guidelines, and provides additional guidance in relation to child protection practice.

HSE have developed an implementation plan in relation to the revised guidelines and the Practice Handbook which includes:

- Hardcopies were issued through the offices of General Managers, Regional Managers, Hospitals and Training Departments.
- It was requested that copies be provided to all Children and Family Social Workers, Child Care Managers and Public Health Nurses. Additional copies are to be provided to an identified list of heads of services.

- A memo issued to all Regional Directors of Operations in September 2011, which detailed the dissemination and certification process (see next point) for the Children First guidelines 2011 and the Practice Handbook.
- All General Managers have been requested to compile a spreadsheet of all social work staff and each staff member will be required to sign a form in which they acknowledge receipt of Children First guidelines 2011 and the Practice Handbook. The certification process, which is to be completed by the 30<sup>th</sup> November 2011, is to ensure that all social work staff have received, read and understood the documents.
- Briefing sessions have been held in each of the 4 HSE regions involving the Child Care Managers and the Principal Social Workers.
- Local briefing sessions to be held in each area with every Head of Discipline and Services within the HSE regarding both documents during October and November 2011. This should include mental health, disability, addiction, Child and Adolescent Mental Health Services, and hospital departments such as Paediatrics, A&E, Obs/Gynae and other relevant disciplines.
- All Heads of Discipline are requested to deliver the standardised briefing package to their staff.
- A record of confirmation is to be completed by each General Manager /Integrated Service Area Manager that each Head of Discipline has been briefed and has informed their own staff.
- Phase 2 of the implementation plan is being developed. Identification of all matters that need to be implemented to ensure consistency of practice is part of this process. HSE has advised that further detailed guidance will be required to achieve consistency across various aspects, such as the threshold for intervention. This phase also involves a framework for roll out of implementation of Children First across all statutory and non statutory sectors. Other briefings for external organisations are in development and design.

HSE advised that Quality Audits are being introduced. Quality assurance will be pursued both internally and externally, where mechanisms are being put in place to ensure implementation of recommendations from any external bodies including the Ombudsman for Children's Office. The HSE are currently conducting three pilot audits in Roscommon, Waterford and Dublin South East, and work is being

completed on audit methodologies. Once a methodology has been agreed, which is near completion, audits will be arranged on an ongoing basis.

#### ***Ombudsman for Children's Comment***

The NCCIS should lead to improved and more consistent data sets across HSE national. There is obviously a lead-in time for this and it is expected that this will be in place by 2013. It was clear in the follow-up meetings that the proposed system is vitally important to many aspects of delivering, managing and monitoring a modern child protection and welfare system. Accordingly, every effort should be made to ensure that the new system is put into operation in the shortest possible time.

A key issue arising from this investigation related to the variable implementation of Children First. The standardised business processes have provided more guidance on initial and further assessment and it is important that the application of these processes are reviewed by the HSE through internal audit. Inspection by HIQA should also provide valuable information about implementation.

This Office's investigation also found considerable variation in relation to the operation of the CPNS. It is important that the operation of the CPNS under the 2011 guidelines is monitored. The HSE has recognised that further detailed guidance will be required in relation to some matters and it is recommended that more detailed guidance should be given on the operation of the CPNS through such a mechanism or through the standardised business processes.

- 9. It is recommended that all necessary steps be taken to ensure that information be stored and searchable otherwise than solely on grounds of alleged victim, at least prospectively if it is not feasible to do so retrospectively.**

#### ***Response from HSE***

HSE advised that work in regard to this recommendation is ongoing, the use of a person's name and PPS number is being explored as a more efficient way to structure file recording and data retrieval mechanisms. It is expected to be completed with the introduction of the NCCIS in early 2013.

#### ***Ombudsman for Children's Comment***



The Office is not suggesting a method for information storage but encourages the HSE to ensure that whatever system is introduced will allow for information retrieval in a number of forms, rather than solely by the child's name/alleged victim.

- 10. While this is not a requirement of Children First, given the reality that families and children can move between counties, it is recommended that consideration be given to the creation of a national Child Protection Notification System, rather than only a local one.**

***Response from HSE and DCYA***

The computerised component of access to the CPNS will be addressed through the NCCIS. The NCCIS will provide access to information across HSE social work offices. Protocols will be put in place to safeguard the information and to ensure compliance with data protection requirements. No decision about external access has been made at this point. In the first instance, it is to be a system that will be internal to the HSE but in time layers of access may be added.

***Ombudsman for Children's Comment***

It is noted that progress is being made in relation to electronic access to the CPNS, but the NCCIS system has still to be fully developed and implemented.

The Office encourages the HSE to ensure that appropriate protocols are put in place to ensure access on a national basis by HSE social work staff.

As envisaged by Children First, the CPNS should provide 24 hour access and provide adequate information to appropriate professionals who have a need to access information about a child. The HSE standardised business processes identify professionals who may possibly require access as: registered medical practitioners; senior nurses; social workers; garda officers who have been designated and senior staff in the probation and welfare service.

The Office recommends that the HSE make provision for 24 hour access to the CPNS. It should develop protocols by which appropriate professionals can have access and formulate procedures in this regard.

- 11. While not a requirement of Children First, this Office strongly recommends the rolling-out of an out-of-hours service throughout the State and that all necessary funding be given priority to this end.**

### ***Response from DCYA and HSE***

The HSE provides out-of-hours emergency social work service to young people aged 18 years who are in crisis through the Crisis Intervention Service (CIS). The service operates across the greater Dublin area (Counties Dublin, Kildare and Wicklow). Referrals are made by service providers outside normal working hours i.e. Gardai, hospital and ambulance service personnel.

Outside the greater Dublin area a placement service is provided through the Emergency Place of Safety Service (EPSS) whereby Gardai can access an emergency placement for children found to be at risk out-of-hours. This service involves the out of hours placement of a child in a family setting until the next working day when the local social work service assumes responsibility for the child. As part of this service Gardai have access to advice and information from a non HSE social work resource which is provided on a contract basis.

As part of the Ryan Implementation Plan, a roll out of the out of hours services commenced when two pilot sites were chosen, these were Cork and Donegal, which involved social work staff being available between the hours of 8am and 8pm. The pilot sites commenced in full operation in April 2011 in Donegal and August 2011 in Cork. The project will be evaluated in December 2011. HSE advised that it is hoped with the support of the Minister for Children and Youth Affairs that a further allocation of resources can be secured to ensure and expand roll out of the programme in 2012-2013.

The DCYA advised that any decision on progression to a national roll-out will be made following evaluation of the two pilot projects. Proposals will then be prepared with a view to national roll-out on a phased basis. This will be subject to resources being made available through the usual Estimates process.

### **Ombudsman for Children's Comment**

The attention by the HSE to improved access to out-of-hours social work services is an important development. The Ombudsman for Children has consistently expressed serious concern regarding the absence of 24 out of hours service, most recently in the 2010 Annual Report. She noted that it leaves children and young people in a situation where in the event of a crisis, there may be no access to the support of trained social care professionals, depending on the location involved and the time at which such an incidence occurs. Although progress is being made, comparatively with other jurisdictions there is a way to go on developing and

implementing an out of hours model, with no vision for a national out of hours service outlined as of yet. While recognising that it is an economically difficult environment, the Office urges the HSE and DCYA to progress possibilities for improving and enhancing service development in this area and to outline a view in regard to what a model should look like nationally.

- 12. It is noted that the current role of CCMs is under review and it is recommended that issues of access to information by the CCM or designate and ability to direct be fully considered in that context.**

***Response from HSE***

HSE advised that the role of Child Care Managers is to be replaced by a manager in each of the Integrated Service Areas with responsibility for Children and Family Services including implementation of Children First.

HSE acknowledged that due to a lack of national governance in the past, there was significant lack of consistency in terms of budget, services and staff responsibilities, in addition to the implementation of Children First. The National Office is currently making sure that there will be consistency in present structures as well as any future ones. HSE advised that job descriptions are being standardised and the Practice Handbook provides clarity on different roles and procedures.

***Ombudsman for Children's Comment***

There are significant changes taking place in the structures within HSE through the development of Integrated Service Areas. As part of this change process it is essential that clarity is provided to all staff regarding the responsibilities, roles and levels of authority previously exercised by the Child Care Manager and who is to have responsibility for these matters under the future organisational arrangements. It is also important to ensure that the HSE designated person taking over the roles previously carried out by the Child Care Manager is provided with required access to information.

- 13. This Office can see merit in the proposal for a dedicated child protection service in an Garda Síochána and recommends consideration of this proposal.**

***Response from An Garda Síochána***

An Garda Síochána advised that the Domestic Violence and Sexual Assault Unit has national responsibility within An Garda Síochána for child protection and welfare issues. Within this unit, the Paedophile Investigation Unit and the Sexual Crime Management Unit has, as part of its function, liaison with both governmental and non-governmental organisations on matters relating to child protection and child welfare.

The Garda Policy on Investigation of Sexual Crimes, Crimes Against Children and Child Welfare (April 2010), which consolidated An Garda Síochána policy into one single document supplemented by further policy changes and new initiatives developed during the drafting of the document, is currently under review. The current review, which is at an advanced stage, includes but is not limited to ensuring compliance with the recently published Children First Guidelines 2011 and the Practice Handbook. It is expected to be published in early course.

An Garda Síochána is well advanced in the delivery to Gardaí across the country of Phase 1 of their *Children First* training programme. Phase 2, which involves interagency training alongside HSE staff has also commenced.

There is ongoing training for Gardai and HSE personnel regarding joint interviewing of victims and there are currently 84 special Garda victim interviewers trained. There are 7 specialist suites available around the country for interviewing of victims. The Office was advised that the Commissioner has made it a priority to always have interviewers available when required and they can be taken off other duties in order to facilitate timely interviewing of victims. Delays in this regard are not allowed, with applications made at the level of Chief Superintendent in order to ensure the requisite authority for making personnel available. The Superintendent in each area has responsibility for ensuring that referrals are acted upon and the improved IT system provides a monitoring mechanism in this regard.

### ***Ombudsman for Children's Comment***

Positive developments are noted in relation to National Garda Office with ongoing monitoring and oversight, the current review of Garda policy which will take account of revised Children First, and the steps taken in relation to Garda training as well as joint interviewing training for Garda and HSE personnel and development of specialist interviewing suites. A central issue is the concurrent availability of HSE and Garda staff within the time frame required for a child to be interviewed. Time is of the essence when carrying out such interviews. The Office encourages both the HSE and Gardai to ensure monitoring of this at local and

national level in order that any operational difficulties are immediately detected and resolved.

- 14. It is strongly recommended that joint liaison structures be established between the HSE and the Garda Síochána in all areas where they are outstanding.**

***Response from HSE and An Garda Síochána***

Both the HSE and An Garda Síochána reported that liaison at senior level has been greatly enhanced since the establishment of the National Office for Children and Families Services and the centralised Garda Domestic Violence and Sexual Assault Unit. A Strategic Liaison committee has been established which is designed to give a co-ordinated response from An Garda Síochána and the HSE in identifying and addressing, at senior level, any problems in relation to joint working in the area of child protection. The liaison has resulted in joint training in relation to the Children First Guidelines 2011 and collaboration on the Church Audit and missing children, which are a few of the more recent developments. An Garda Síochána have been involved with the HSE in the regional meetings regarding the launch of the revised Children First and advised that the inter agency training will also serve to maintain and develop the joint liaison structures.

An Garda Síochána have established a national Sex Offenders Risk and Management Committee and the HSE are represented at this. Five pilot areas for local SORAM Committees have been established involving An Garda Síochána and the Probation Service to address the risk management of convicted offenders who are under probation and have obligations under the Sex Offenders Act. A recent development has been initiated whereby the HSE are involved in meetings where it is deemed that there may be a risk to children.

In terms of liaison on a local level, it was noted that the Practice Handbook provides guidance on the day-to-day activities and interactions of Gardaí and HSE personnel.

Each District Officer in An Garda Síochána has appointed a designated member of An Garda Síochána to liaise with the relevant Social Work Team Leader from the HSE, which forms the liaison management team, whose functions are to:

- consider notifications of suspected child abuse;
- assign personnel and supervise investigations; and
- review progress in a case.

Garda personnel have been advised that should difficulties in cooperation arise with agencies such as the HSE, then these issues are to be given immediate attention, documented, and brought to the appropriate level of authority for resolution.

An Garda Síochána has developed a new management tool on their IT system which provides weekly data on all child protection and welfare incidents (sexual and child welfare incidents) and allows local and national Garda management teams to monitor Garda progress in the investigation of such incidents and in the operation of Garda/HSE joint liaison structures.

### **Ombudsman for Children's Comment**

During the original investigation by this Office, information provided by the HSE raised concerns that formal liaison structures at local level were not consistently in place. Positive steps have been taken at senior level to progress cooperation between the HSE and An Garda Síochána. Whilst relevant staff have been designated for liaison at local level, it is important that there is regular review and monitoring of this by both agencies to ensure implementation and that such structures are working effectively for the protection of children.

- 15. Reports that Garda notifications are not being completed is a serious matter, and it is recommended that the SSI and an Garda Síochána Inspectorate jointly inspect the extent to which this is the case.**

### ***Response from DCYA and An Garda Síochána***

DCYA advised that discussions in regard to joint inspection have taken place with HIQA which is open to this, though no definitive information on the matter was available. It was noted that the appropriate approach, in the first instance, would be to meet with the HSE and Gardai to bed down joint working so that a meaningful assessment of performance can take place.

Following completion of the investigation, An Garda Síochána Inspectorate advised that the retrospective inspection function is a matter for the Garda Professional Standards Unit.

An Garda Síochána's current policy sets out the specific steps to be followed in relation to dealing with the HSE on child protection notifications. An Garda Síochána has recently completed steps to improve the logging and follow-up of child protection notifications through development of their IT system, as set out

above, which provides a useful monitoring tool for local and senior management. An Garda Síochána advised that the IT system is regularly monitored to ensure that HSE notifications are made regarding incidents warranting such notifications. The *Children First* training currently being delivered throughout the country will further develop awareness among Gardaí in relation to this vital role.

An Garda Síochána have been involved in the Advisory Group established by HIQA to develop national standards for child protection and are open to considering closer working with HIQA. They noted that, in any event currently the meetings at local level between the Gardai and HSE liaison management team provide a regular forum for ensuring notifications have been made and are known to both agencies. An Garda Síochána advised that strategy meetings are taking place and mechanisms are in place to bring issues to a higher level, if required, should there be any difficulties in this regard.

#### ***Ombudsman for Children's Comment***

It is noted that high level meetings are taking place on a regular basis which provides a mechanism for developing strategy and resolving any difficulties in relation to interagency cooperation. There are also mechanisms in place for cooperation at local level. This Office remains of the view that joint inspection by SSI/HIQA and An Garda Síochána would ensure that the issue of interagency working is strengthened by virtue of external review. It is recommended that this be progressed.

- 16. It is also recommended that SSI and an Garda Síochána Inspectorate jointly inspect the implementation of Children First's requirements on Garda/HSE cooperation more generally, including as regards the early holding of strategy meetings.**

#### ***Response from DCYA and An Garda Síochána***

The DCYA advised that these actions (recommendations 15 and 16) are being addressed through the revised Children First Guidance and the Practice Handbook. In addition, HIQA is developing a methodology for the inspection of child protection services which will include discussions with Garda Authorities.

An Garda Síochána noted that strategy meetings have been incorporated into its policy introduced in April 2010, which is currently subject to review to take account of the revised Children First Guidelines. Garda members are instructed to request

strategy meetings in cases where the HSE have not yet organised a strategy meeting and the relevant Garda deems that one is appropriate. Any failure to organise such a meeting is reported through Garda channels in order that a Garda member of higher rank may consult with his/her counterpart in the HSE with a view to organising a strategy meeting. It is Garda policy that such issues and their outcomes are recorded on the Garda IT system.

#### ***Ombudsman for Children's Comment***

HSE have advised that they are developing a quality assurance mechanism of internal audit. It is not clear at this stage whether this will address interagency cooperation, specifically the issue of notifications, holding of strategy meetings and liaison management teams. It is recommended that this be incorporated in the audit approach in order to provide specific information for HSE management on interagency cooperation.

- 17. It is recommended that all necessary steps be taken to ensure that a list of all convicted sex offenders in the area can be given to each Local Health Office so that it can assess risk to any children. It is also recommended that current practice in this area be examined as part of the joint SSI/Garda Síochána Inspectorate inspection recommended above.**

#### ***Response from An Garda Síochána***

Under the Sex Offenders Act 2001, An Garda Síochána is obliged to keep a register of convicted sex offenders and have responsibility to investigate any breaches of this legislation. An Garda Síochána advised that it is the duty of Inspectors at divisional level to monitor offenders on the list, which is done in conjunction with the Probation Service and the HSE. They also advised that all offenders who have been risk assessed as posing a risk to children are notified to the HSE. The HSE are also involved in attending the national Sex Offender Risk and Management Committee (SORAM), and steps are being taken with a view to securing the participation of the HSE in local SORAM committees throughout the country.

An Garda Síochána has developed a risk assessment policy and procedure, known as Risk Matrix 2000 (RM2000), for convicted sex offenders and further work is ongoing in relation to the development of an additional risk management tool.



An Garda Síochána management raised concerns about the advisability of distributing lists of names to any external agency due to concerns about confidentiality. They also pointed to the greater level of difficulty that can arise in monitoring offenders who move more frequently because their conviction becomes more widely known. Practical difficulties relating to issuing of lists may also arise because of regular change occurring as offenders are added and existing ones removed in accordance with the orders of the Courts.

An Garda Síochána advised that HSE can contact them if they have concerns about an individual and information is shared with HSE social work staff if required in relation to specific child protection or welfare concerns.

#### ***Ombudsman for Children's Comment***

There are mechanisms in place for sharing of information on child protection and welfare matters as required, including information related to convicted sex offenders. The involvement of the HSE in the national SORAM and, where appropriate in the local committees that are operating, is a positive step. The central issue relates to the communication and cooperation that occurs between both agencies at local level should there be child protection concerns and the operation of the agreed structures. Recommendations have been made above in relation to the need for review and monitoring of these mechanisms by both agencies and also through joint inspection. In light of the further information obtained from An Garda Síochána, this Office is satisfied for the actions recommended to be kept under review by the Garda Authorities in the light of experience.

- 18. It is recommended that record keeping be sufficient to record decisions taken and to guide future actions and that sufficient resources be put in place to ensure this.**

#### ***Response from DCYA and HSE***

DCYA, in developing the guidance has taken account of the need for clear and proper record keeping. HSE advised that record keeping requirements are set out in the Practice Handbook and also addressed through the Standardised Business Processes. It will also be part of an induction process on the revised procedures for all new staff and existing social workers.

#### **Ombudsman for Children's Comment**

There are clear obligations regarding record keeping, as set out in the relevant documents. It is important that the required resources are in place to support this, including the timely progression of the NCCIS.

**19. It is recommended that practices regarding record keeping be included in future inspections by SSI.**

***Response from DCYA***

DCYA has advised that record keeping will be inspected by HIQA as part of their inspection process.

***Ombudsman for Children's Comment***

The Office encourages the HSE to ensure that review of record keeping is part of the quality assurance/internal audit mechanism.

**20. It is recommended that SSI, when it resumes inspection of child protection services, inspect in particular implementation of protocols on the transfer of files.**

***Response from DCYA***

DCYA advised that the HIQA inspection methodology includes provision for checks against policy, protocols, record keeping, interviews with staff, service users and observation.

**21. It is recommended that the High Level Group provide further guidance on information sharing and data protection. This should not await any forthcoming legislation on this issue.**

***Response from DCYA***

The DCYA advised that it has been in communication with the Office of the Data Protection Commissioner in relation to information sharing issues between non-statutory agencies as they relate to child protection services and were advised that child protection concerns take priority over privacy of personal information. This is set out in the revised Children First Guidelines. The Guidelines were reviewed by the Data Protection Commissioner's Office.

The DCYA will have responsibility for addressing any issues that may arise regarding information sharing, in conjunction with the relevant agencies, through agreed interagency structures.

***Ombudsman for Children's Comment***

During the investigation, concerns were expressed about information sharing not occurring due to data protection obligations. The clarity provided at a policy level is welcome. The key issue relates to application of this in practice. The DCYA and HSE should ensure, through the High Level Interdepartmental Group and through Children First training, that all departments and agencies are clear in this regard and that any issues of this nature should be raised immediately with appropriate senior personnel.

- 22. It is recommended that the HSE provide further training to professionals on their duty to report abuse, including regarding retrospective cases.**

***Response from HSE***

The HSE under the new Children First Implementation Team will, in cooperation with the HSE Children and Families Training Research and Development Unit, take responsibility for supporting and delivering training in this area to all agencies and professionals providing care and services to families in the State. This work has commenced and should be considered as ongoing. Further discussions are to take place in relation to the training of external agencies and how this can best be achieved.

***Ombudsman for Children's Comment***

Training is an important element in supporting and assisting staff regarding their role and actions required when child protection and welfare concerns arise. HSE advised that they are in the process of developing Phase 2 of the implementation plan which includes addressing training for professionals.