

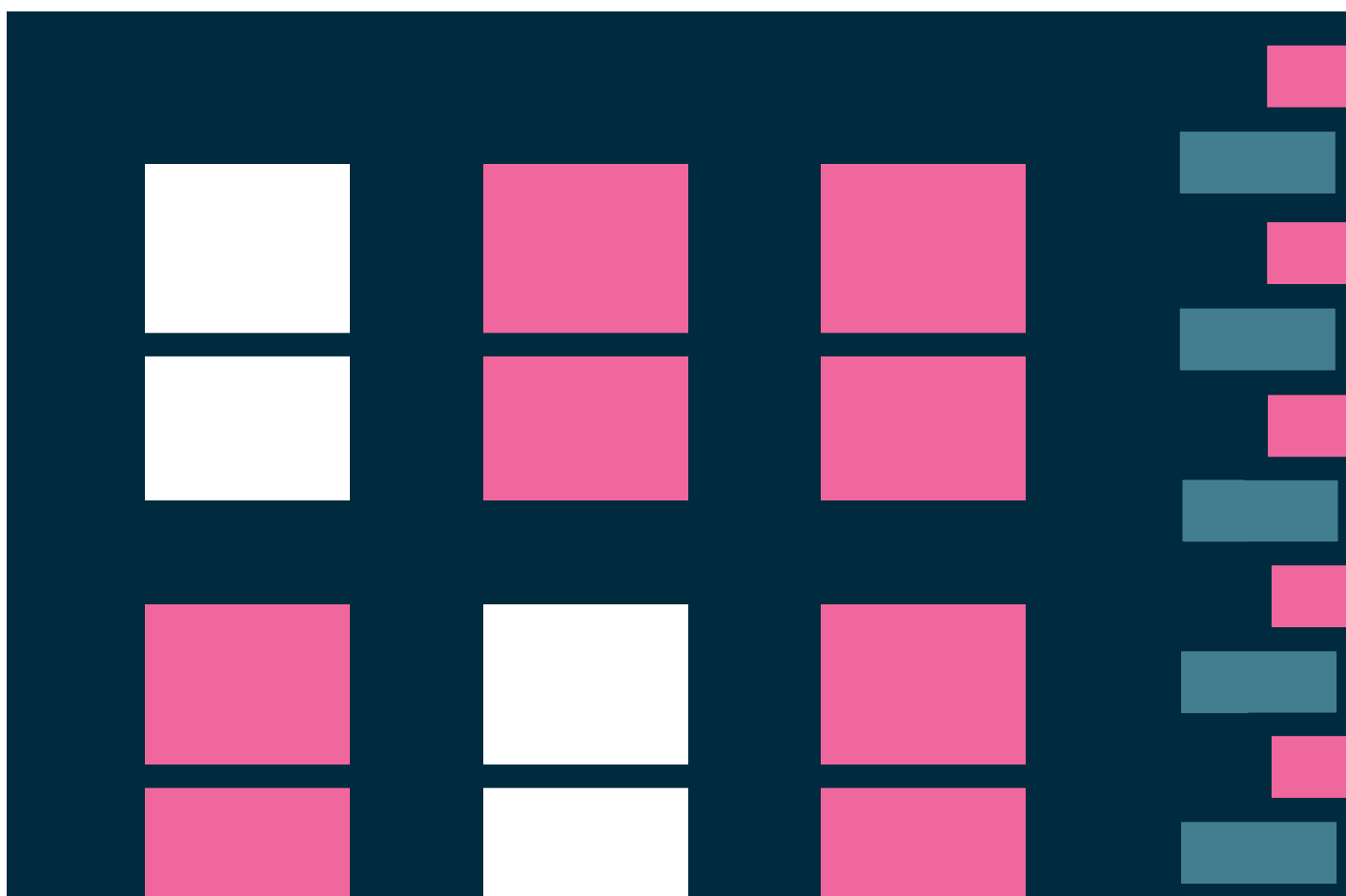
SPECIAL REPORT



**ombudsman
do leanaí
for children**

Safety & Welfare of Children in Direct Provision

October 2023





Ombudsman for Children's Office
Millennium House,
52 – 56 Great Strand Street,
Dublin 1, Ireland

1. Power to Lay a Special Report

The Ombudsman for Children ('Ombudsman') hereby submits a special report to each House of the Oireachtas under s. 13(7) of the Ombudsman for Children Act 2002 ('the 2002 Act'). This is the first special report presented to Dáil and Seanad Éireann by the Ombudsman.

Under section 13(5) of the 2002 Act, where it appears to the Ombudsman that the measures taken in response to recommendations made as a result of an investigation are not satisfactory, he may cause a special report on the case to be laid before each House of the Oireachtas under s. 13(7) of the 2002 Act. It is further to three specific recommendations made to IPAS, following an investigation into the safety and welfare of children in State provided accommodation, that this special report is presented. Both IPAS/DCEDIY and Tusla have had the opportunity to make representations regarding the draft version of this special report and their responses are included as appendices.

The Ombudsman respectfully asks the Houses to consider this report and to take whatever action they deem appropriate in the circumstances.

2. Background

In April 2021 the Ombudsman for Children's Office ('OCO') published a statement of its investigation into the administrative actions of the International Protection Accommodation Service ('IPAS') and Tusla with respect to children residing with their families in Direct Provision ('DP'), Emergency Reception and Orientation Centres ('EROCs'), and Emergency Accommodation Centres ('EACs'), including commercial hotels. The investigation highlighted systemic deficiencies with respect to the discharge of:

- IPAS's duty to inspect, or otherwise be assured, of the quality of accommodation where children are residing;
- IPAS's duty to ensure effective access to an independent internal complaints' procedure; and
- IPAS and Tusla's duties with respect to the protection & welfare of children residing in State provided accommodation to families seeking international protection.

As a result of these failures, the OCO determined that the administrative actions of IPAS and Tusla had an adverse effect on this cohort of children. At the time of issuance, both IPAS and Tusla accepted all of the findings and recommendations addressed to their unit/agency.

Prior to the publication of the investigation statement, the Government also committed to implementing the measures identified by the Advisory Group on the Provision of Support, including Accommodation, to Persons in the International Protection Process in September 2020 ('Advisory Group Report'), and published in its White Paper on Ending Direct Provision in February 2021 ('White Paper').

In the intervening two years, the OCO has sought updates from IPAS and Tusla on the actions taken to progress the commitments made. It is for the Ombudsman to determine whether the measures taken in response to the recommendations are satisfactory.

3. Determination of the Ombudsman for Children

The Ombudsman recognises that since February 2022 the onset of war in the Ukraine has precipitated a crisis-driven response that has presented further and unprecedented challenges for the Government in this area. However, this has also exacerbated the potential adverse effect on the rights and welfare of children residing in State provided accommodation. To this end, the Ombudsman wishes to highlight three specific recommendations intended to safeguard children, the progress of which has stalled or regressed since the publication of the investigation statement.

(a) IPAS to cease the use of commercial hotels and plan for accommodation capacity pressures.

In April 2021 IPAS committed to ending the use of non-designated commercial hotels and developing a contingency plan to respond to capacity pressures. According to figures provided by IPAS's parent department, the Department for Children, Equality, Disability, Integration, and Youth ('DCEDIY'), there were 20,910 international protection ('IP') applicants and beneficiaries residing in IPAS accommodation in late May/early June 2023. This was in addition to almost 65,467 Ukrainian Beneficiaries of Temporary Protection ('BOTP') receiving accommodation assistance from the State.

Whilst it is recognised that commercial hotels are inappropriate and unprotected settings for children to reside, according to DCEDIY, 2,441 children seeking IP were residing in EACs (54% of the 4,528 total), while 16,804 child BOTP were also living in hotels. Indeed, hotels constituted the primary form of accommodation for BOTPs, and the average length of their stay was seven to eight months. Approximately 150 EACs have been opened since January 2022 to provide shelter to IP and BOTP applicants.

The White Paper originally envisaged 3500 new IP arrivals per year. This was based on the average number of IP applications over the previous 10 years. However, last year, accommodation demand by IP applicants alone was fivefold this figure.

In addition, the Government is not expected to meet its Phase One or Two accommodation targets by December 2024. According to DCEDIY, their Request for Tender for accommodation centres has only secured approximately 740 beds to date. The Housing Agency, tasked with securing Phase Two accommodation, has secured just 37 properties to date. These are currently being refurbished for use. According to reporting by The Irish Times, a July 2023 update to the Advisory Group Report stated that unless care is taken to secure the right kind of medium-term accommodation, there is a risk of perpetuating direct provision instead of ending it.

Given the emerging IP and BOTP accommodation demands, it is understood that a review of the key deliverables and timelines in the White Paper is currently underway. However, despite the real need for state capacity, DCEDIY expect to utilise EACs for as long as those contracts exist (typically five years). This puts the White Paper vision of

own-door and self-contained housing out of reach for IP families, who are – in many cases - already encountering private vendor, community, and local authority, resistance to their presence. It also means that the children residing in EACs will not be protected by the safeguards that are in place (or are due to be put in place) in designated accommodation centres (see (b) below).

In the circumstances, the Ombudsman cannot be satisfied that IPAS's commitment to cease the use of commercial hotels will be met in the short to medium term.

(b) IPAS to put in place a robust quality assurance mechanism, including an independent inspectorate.

In April 2021 IPAS committed to putting in place a quality assurance mechanism that was adequately resourced to monitor complaints, child protection and welfare concerns, and any other adverse incidents that indicate that a centre may not be providing quality services to families or be complying with the Children First Act 2015.

At that time, the OCO were informed that HIQA's remit would be extended to the independent monitoring of designated accommodation centres. While three pilot inspections were completed in December 2022, the regulations governing this arrangement are not yet in place and, it is understood, will only be in effect for four years. Further, HIQA will not be granted the power to inspect EROCs or EACs where children reside as these are undesignated and governed by separate contractual arrangements.

In addition, Tusla's Child Safeguarding Statement ('CSS') Compliance Unit conducted a Child Safeguarding Statement Sector Compliance Review of 38 designated accommodation centres, culminating in the report dated 1st August 2023 (see Appendix IV). The review found that the standard of CSSs submitted by providers required some development and amendments were required in a significant majority. In particular, Tusla stated that it had 'some concerns in respect of the depth of understanding services have in respect of the implementation of the CSS. There is no powers of enforcement or compellability in respect of ensuring standards relating to the policies and procedures required to be in place and no requirement on organisations to demonstrate that they are effectively implementing their CSS. It must be noted that the CSS is only as effective as the extent to which it is implemented. The governance of this rests with the Relevant Providers.'

In the circumstances, the Ombudsman cannot be satisfied that a robust quality assurance mechanism is in place, or will be put in place, for the majority of children seeking IP.

(c) IPAS to have regard to the vulnerability of children within the international protection process in the planning and provision of their accommodation needs.

In April 2021 IPAS committed to putting in place a procedure to identify children with special reception needs and to carrying out a vulnerability assessment within 30 days of the lodging of an application for international protection on their behalf.

‘Minors’ are recognised as inherently vulnerable under the Reception Directive and Regulations. The Regulations stipulate that, in the designation of an accommodation centre, the Minister shall take account of the need for the accommodation centre to be suitable to meet all of the minor’s needs and to allow the minor to avail of the benefits to which he or she is entitled under the Regulations. This includes the Minister’s obligation to assess within 30 working days whether an applicant is an applicant with special reception needs, and, if so, the nature of his or her special reception needs.

According to data obtained by *The Irish Times* under the Freedom of Information Act, just 574 vulnerability assessments were carried out in 2021, and only 600 vulnerability assessments had been completed by mid-September 2022.

Since September 2022, each accommodation centre manager has been requested by IPAS to provide IP applicants with information regarding vulnerability assessments and a copy of the associated questionnaire. The OCO was informed that IP applicants are advised that the completion of the vulnerability assessment is optional, but if completed, it should be returned to IPAS’s Resident Welfare Team, with contact details provided. This two-stage vulnerability assessment process has received criticism from the Irish Refugee Council (‘IRC’) for the lack of information provided to IP applicants filling out the questionnaire, and the lack of input from qualified social workers and psychologists at that initial stage. According to the IRC, after receiving a declaration of vulnerability, there are further delays in receiving follow on referrals and support services.

According to the DCEDIY, as of 26 May 2023, 464 children had received a vulnerability assessment, of which 203 were referred to an IPAS social worker. In circumstances where only 10% of children seeking IP had received a statutory vulnerability assessment, with 44% of those assessed as requiring a social work referral, the Ombudsman cannot be satisfied that IPAS has sufficient regard to the vulnerability of children within the international protection process in the planning and provision of their accommodation needs.

4. Conclusion

The Ombudsman recognises the inordinate pressure on the IPAS infrastructure at this time, however, as the Advisory Group has observed, an overreliance on the private commercial sector accommodation has led to system failures on practical, economic, and legal grounds. Sadly, children are at the sharp end of these failures.

The OCO continues to receive complaints on behalf of children seeking IP. These range from complaints about the impact of living conditions, food quality and centre rules on children's health and wellbeing, to concerns about how a transfer was administered, communicated, or has affected a child's access to education and healthcare. While IPAS have been open to engaging with the OCO in relation to these complaints and concerns, the serious impact of this ongoing crisis on children, requires short-, medium-, and long-term solutions to be sought and expedited.

Appendices

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Appendix II DCEDIY Response to Draft Special Report, 3rd October 2023

An Roinn Leanaí, Comhionannais,
Míchumais, Lánpháirtíochta agus Óige
Department of Children, Equality,
Disability, Integration and Youth



Mr. Páraic Walsh
Investigator
Office of the Ombudsman for Children

By email

Re: OCO Special Report under Section 13(5) of the Ombudsman for Children Act 2002 concerning the Ombudsman for Children's investigation into the administrative actions of IPAS and Tusla regarding the safety and welfare of children in State provided accommodation to families seeking international protection published in April 2021

Dear Mr. Walsh

I refer to your correspondence of 18 September 2023 regarding the Special Report which is scheduled to be laid before each House of the Oireachtas.

We have considered the draft report and wish to provide our representations on the three specific recommendations, at (a), (b) and (c).

As an introduction to our representations and to provide some further context, the International Protection Accommodation Services (IPAS) has, at 24 September 2023, almost 24,000 persons in its accommodation. Among the accommodation portfolio of 229 centres, in addition to the National Reception Centre (at Baleskin) and the City West Transit Hub, there are 49 Accommodation Centres, 175 Emergency Accommodation Centres and three Temporary Tented Accommodations.

In respect of the three specific recommendations outlined in the report at (a), (b) and (c), I wish to report as follows;

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E: ipasinbox@equality.gov.ie



(a) IPAS to cease the use of commercial hotels and plan for accommodation capacity pressures.

The implementation of commitments made in *A White Paper to end Direct Provision and Establish a new International Protection Support Service* remains a key priority for this Department. The implementation of the White paper has been significantly impacted by the war in Ukraine and the substantial increase in International Protection Applicants.

From January 2022 to the end of August 2023, over 21,000 new Applicants have come to Ireland. In this context, the Department has had no option but to consider all offers of accommodation including the use of office buildings, sports facilities and tented structures, to address the accommodation shortfall. Approximately 150 emergency accommodation centres have opened since January 2022 and are necessary to provide shelter and reduce homelessness. The focus must remain on providing shelter.

There is a recognition that the underlying assumptions on which the White Paper was based needed to be re-examined, as the assumptions underpinning it are based on 3,500 new arrivals each year. This work is currently being undertaken by the Department with input from the White Paper Programme Board and the External Advisory Group. In terms of next steps, a cabinet memo will be going to Government in the coming week setting out a revised implementation approach. Following this, a paper setting out this approach will be published.

The revised implementation approach will focus on increasing the state owned permanent accommodation capacity to build an appropriate system to meet an increasing need. However due to the huge increase in numbers, there will be a requirement for a blended approach of accommodation options, including commercial and private providers. Private and commercial entities will be required to provide a high standard of reception conditions, which include the provision of on-site wrap around supports that adhere to a professional and human centred approach and in line with the National Standards. While the proposals set-out for a revised pathway for the White Paper are intended to achieve a more sustainable model of accommodation and supports for IP Applicants, this will take time. The current system will remain in place for the foreseeable future and will continue to be under a considerable amount of pressure. The quality of accommodation that can be offered to Applicants will continue in some instances not to be fully in line with the White Paper model.



(b) IPAS to put in place a robust quality assurance mechanism, including an independent inspectorate.

In June 2015, the McMahon Working Group (established to report to Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers) submitted its report to Government. The group recommended the establishment of a standard-setting committee and the Standards Advisory Group was convened in February 2017. Its members agreed that a thorough and robust system of standards, supported by a new system of independent inspections would ensure the recommendations of the McMahon Working Group would be fully implemented in practice.

The then Department of Justice and Equality subsequently developed the National Standards for accommodation offered to people in the protection process. These meet the minimum standards set out in the EASO Guidance on Reception Conditions: Operational Standards and Indicators, the Recast Reception Conditions Directive (Directive 2013/33/EU) and the European Communities (Reception Conditions) Regulations 2018 (S.I. No 230/2018).

The [National Standards](#) were adopted by Government and published in 2019, and came into effect at the beginning of 2021. The Government agreed that HIQA should monitor the centres for adherence to the standards. This agreement is time limited to the end of 2024, though may be extended by agreement of the Minister for Health and the Minister for Children, Equality, Disability, Integration and Youth.

The National Standards address a range of issues relating to accommodation; food and catering; individual, community and family life; health and wellbeing; governance; and meeting the special reception needs of Applicants seeking international protection. In practical terms, compliance with the National Standards can only be adequately measured through on-site assessment.

HIQA's role will apply to all 'permanent' centres contracted by IPAS, as emergency centres are subject to separate contractual arrangements. IPAS accommodation centres are already subject to regular unannounced inspections both by officials in IPAS and by an independent inspectorate company.



In advance of the introduction of independent monitoring, IPAS has taken steps to support adherence to the National Standards through its contract arrangements with accommodation centres. All properties selected under IPAS' most recent tender process are required to implement these Standards. The Request for Tenders (RFT) for the inspection of accommodation provided by this Department was published on eTenders on 2 October 2023 with a closing date of 31 October 2023.

The RFT has been divided into two Lots; one for the inspection of accommodation provided by this Department to International Protection Applicants (IPs) and one for the inspection of accommodation provided to Beneficiaries of Temporary Protection (BOTPs). The successful Tenderer for each Lot will carry out independent scheduled and ad-hoc inspections at the request of the Department which may be unannounced. Draft inspection templates detailing the inspection requirements for each Lot have been included in the RFT. These requirements are in line with the contractual standards in place between the accommodation provider and the Department and, where appropriate, the National Standards for accommodation offered to people in the protection process; the International Protection Act 2015; the Reception Conditions Directive; the Temporary Protection Directive (2001/55 EC); and government guidance.

To date, HIQA has completed pilot inspections of three state-owned IPAS centres, to better inform the formal inspection process.

(c) IPAS to have regard to the vulnerability of children within the international protection process in the planning and provision of their accommodation needs.

Since 1 February 2021, the IPAS Resident Welfare Team has made a determination in the case of 3,375 persons, with a further 133 awaiting further assessment by an IPAS social worker. A total of 2,440 persons have been deemed vulnerable within the meaning of the law underpinning the assessment, of which 793 are minors. Some further statistics relating to the period February 2021 to 1 October 2023 are set out overleaf.



Vulnerability Assessment Outcomes 1 Feb 2021 – 1 October 2023	Total
Deemed vulnerable following assessment(s)	2,440
Deemed not vulnerable following assessment(s)	935
Granted RS, SP or PTR prior to scheduled assessment(s)	161
Did not attend scheduled assessment(s)	157
Referred for appointment with IPAS Social Worker	133
Case closed by Resident Welfare Team	43
Declined to participate during assessment(s)	16
Left State prior to assessment(s)	7
No decision issued by Resident Welfare Team	3
Grand Total	3,895

Category of vulnerability identified* (1 Feb 2021 – 1 Oct 2023)	Adult	Minor	%
1. a minor	0	793	21.9%
2. an unaccompanied minor (disputed minor cases)	0	13	0.4%
3. a person with a disability	131	27	4.4%
4. an elderly person	24	0	0.7%
5. a pregnant woman	110	0	3.0%
6. a single parent of a minor	254	0	7.0%
7. a victim of human trafficking (potential)	33	0	0.9%
8. a person with a serious illness	503	60	15.5%
9. a person with a mental disorder	339	18	9.9%
10. a person who has been subjected to torture, rape or other form of serious psychological, physical or sexual violence	1065	77	31.5%
11. LGTBQI	175	1	4.9%

(*note, a person may be vulnerable under more than one category)

Whilst all children are deemed vulnerable, by default, under the Directive that underpins the vulnerability assessments, the pilot programme helps IPAS to identify children and young people with additional vulnerabilities earlier in the process and address their accommodation and reception needs in so far as possible.



Persons are initially assigned to IPAS accommodation centres by the IPAS Intake/Reception Team at the IPO. Children are only accommodated in centres which have been deemed suitable for families, and accommodation assignments are based on overall availability within the IPAS portfolio and family configurations.

When persons are assigned to IPAS accommodation, the centre manager is asked by IPAS to provide them with information regarding vulnerability assessments and a copy of the associated questionnaire. Advice is given that completion of the vulnerability assessment is optional, but if completed, it should be returned to the Resident Welfare Team and contact details are provided.

The Resident Welfare Team has four Assessment Officers and three Social Work professionals (*one vacancy*) seconded to it on a full time basis who can make a determination of a person's vulnerability status and reception needs, and refer vulnerable children, young people and their families to services which may be helpful to them. In addition, for service providers working with International Protection Applicants, a referral form is available on the IPAS website and can be submitted by a third party or service provider on behalf of the applicant and with their consent.

Assessment Officers from the Resident Welfare Team review all returned questionnaires and referral forms in order to make a determination of the applicant's vulnerability status. Where the assessment indicates that the person has one or more vulnerabilities within the meaning of the law governing vulnerability assessments, the person's reception needs are determined in the light of the vulnerabilities identified. Where consent is given by the applicant, the Assessment Officer may contact them to discuss their vulnerabilities and reception needs further by scheduling a telephone appointment for the next available date.

A training programme was delivered to Assessment Officers and members of the wider Resident Welfare Team to ensure that staff have the tools required to conduct the assessments, such as; how to conduct an interview, intercultural training, awareness of torture, sexual, physical violence, gender-based violence and suicide, how to identify these signs and process information received. Questions are asked in a sensitive, child-friendly manner (where required) and with gender-appropriate officers and interpretation as required. In some cases, where an assessment indicates high levels of vulnerabilities, the Assessment Officer may refer the person for further assessment(s) with an IPAS Social Worker.



Ongoing demands on the service due to the significantly increased numbers of arrivals has resulted in wait times for assessments being affected. However, the programme remains available to all International Protection Applicants who wish to access it, and every effort is made to prioritise cases where a vulnerability has been identified.

The Resident Welfare Team holds regular vulnerability assessment clinics in International Protection accommodation centres, where residents have an opportunity to discuss any special reception needs with the Resident Welfare Team directly. Where possible, these clinics are held in conjunction with the consultative clinics held by the IPAS Customer Service Team, ensuring that residents have an ongoing opportunity to engage directly with IPAS staff, and any issues can be addressed quickly and effectively by IPAS.

Given the ongoing challenges faced by IPAS with sourcing accommodation, the Resident Welfare Team has been working closely with the IPAS Customer Service and Centre Management Teams, as well as centre staff and NGOs, to ensure that any special reception needs can be addressed in the person's centre through the provision of relevant training and guidance for centre staff and advice and support for those who require it. The teams work with residents directly through the vulnerability assessment programme and clinics to signpost people to relevant information and services which may be helpful to them.

In cases where significant vulnerabilities or complex needs have been identified, the Resident Welfare Team may refer a person to the Intake and Reception and Resident Mobility Teams in IPAS to address specific accommodation recommendations or requirements. These teams will then identify the most suitable accommodation for the Applicant based on this information. This is done within the overall constraints of the accommodation available, which means that it is not always possible for IPAS to address all identified vulnerabilities optimally when allocating accommodation. Where possible, IPAS will improve the alignment between accommodation and vulnerabilities where accommodation that is more appropriate becomes available.

When new IPAS Centres open, a designated member of the Resident Welfare Team in IPAS is responsible for notifying the centre manager that it is mandatory that all staff complete the Children First e-learning module. This member also ensures that centre managers are categorised



as Designated Liaison Persons under Children First, and notifies them that they are required to make mandatory reports of concerns relating to children resident in their centres.

The designated member also monitors the centre's adherence with requirements of the Child Safeguarding Statement Compliance Unit. Where centres have not submitted their Child Safeguarding Statement to the Compliance Unit, they are asked by IPAS to submit the Statement and compliance letter to IPAS when complete. IPAS is also engaging with TUSLA in respect of its report entitled 'Child Safeguarding Statement Sector Compliance Review: International Protection Accommodation Services (IPAS)' which was developed by the Child Safeguarding Statement Compliance Unit (CSSU) in August 2023. Following significant engagement by the CSSU, all statements reviewed were deemed compliant. The report only considered statements from non-emergency settings. IPAS will continue to engage with TUSLA in respect of the report's findings and recommendations and to continuously promote and improve child safeguarding practices in all accommodation settings.

IPAS continues a programme of Child Protection briefings to management and staff in all IPAS accommodation centres. The main focus of these briefings is on reporting child welfare and protection concerns to TUSLA and An Garda Síochána and they engage with centre managers in relation to all related child safeguarding procedures. The IPAS Child Safeguarding Statement, August 2023 has recently been published on the IPAS website. The Statement has been deemed compliant by the Tusla CSSU.

The Resident Welfare Team has developed a number of resources for children living in Direct Provision Centres, including a Parenting Support Booklet, Children's Cyber Safety Guidance Booklet, a Children's Complaints Procedure, Children's Feedback Form and a dedicated mailbox for children and young people to contact IPAS: yourvoice@equality.gov.ie.

The Resident Welfare Team has seconded Education Welfare Officers from the TUSLA Education Support Service (TESS) and they work closely with centre managers to assist with school places and transport for children living in IPAS accommodation centres.

Supports for children living in IPAS accommodation centres are provided by both IPAS and a range of Government Departments and agencies who work together to provide services for people



living in IPAS accommodation centres. These include:

- School places in primary and post-primary schools for children resident in the centres through the Department of Education.
- Access to the free Early Childhood Care and Education (ECCE) programme for eligible children aged between 2 years and 8 months and 5 years and 6 months.
- Access to Post Leaving Cert (PLC) courses (without having to pay international fees of €3,600) for International Protection Applicants who have permission to work through the Department of Further and Higher Education, Research, Innovation and Science (DFHERIS). International Protection Applicants resident in Ireland for three years are facilitated in accessing third-level education by means of their eligibility for support under the Student Support Scheme run by the DFHERIS, which provides a similar level of financial support for International Protection Applicants as is provided for Irish students eligible for support under the SUSI grant scheme.
- Educational kits, provided through the Department of Social Protection containing a selection of stationery and other materials for children who are attending school.

To conclude, the IPAS Customer Service Team aims to conduct resident clinics at all accommodation centres. The primary objective of these clinics is to make IPAS staff available to residents to discuss issues on a one to one basis, without their personal details being provided to centre management unless required and with their permission. Any issues raised as part of these visits are followed up with the centre management and/or other relevant IPAS teams with a view to prompt resolution. Resident clinics also provide IPAS officials with an opportunity to review and examine centres and their general operation and pass any findings on for follow up through the formal inspection process.

So far, the customer service team has completed over 87 clinic visits to centres in 2023. Due to limited resources, clinics are generally organised based on trends within IPAS Helpdesk tickets, such as an unusually high volume of issues being reported from a particular centre. Clinics are also conducted often at newer centres to identify any potential issues and areas that can be immediately improved in as short a timeframe as possible.

Yours sincerely

David Delaney
Assistant Secretary

October 2023

Appendix III Tusla Response to Draft Special Report, 3rd October 2023



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Mr Páraic Walsh
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Millennium House, 52-56 Great Strand Street
Dublin 1

By email only, no hard copy will issue.

3rd October 2023

Re: OCO Special Report under Section 13(5) of the Ombudsman for Children Act 2002 Concerning the Ombudsman for Children's investigation into the administrative actions of IPAS and Tusla regarding the safety and welfare of children in State provided accommodation to families seeking international protection published in April 2021.

Dear Mr Walsh

Thank you for your letter dated 18 September 2023 in relation to the OCO Special Report referenced above.

I would like to thank you for providing Tusla with the opportunity to consider the report and to make representations in relation to the contents therein.



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

We note that the three recommendations made in the special report are assigned specifically to colleagues in the International Protection Accommodation Services (IPAS) in the Department of Justice. There is specific reference on page 5 of the report (recommendation b) to an audit conducted by Tusla's Child Safeguarding Statement ('CSS') Compliance Unit of eight CSSs from designated accommodation centres.

Of note, since completion of the audit Tusla has further engaged with IPAS and undertook a wider sectoral compliance review. The report, titled 'Child Safeguarding Statement Sector Compliance Review: International Protection Accommodation Services (IPAS)' indicates ongoing issues in respect of compliance in the sector, however, all services were supported to achieve compliance, and the work undertaken focused on improving the understanding organisations have in respect of their responsibilities. I have attached the report for further context.

We will continue to work and engage with you on the actions and recommendations made to Tusla in the April 2021 investigation report titled 'Safety & Welfare of Children in Direct and welcome your ongoing support and collaboration on this matter.

Please do not hesitate to contact me for further information or clarification on any of the information provided to you in this letter.

Kind regards,

A handwritten signature in black ink, appearing to read 'Kate Duggan'.

Kate Duggan,
Chief Executive Officer,
Tusla Child and Family Agency.

Appendix IV Child Safeguarding Statement Sector Compliance Review: International Protection Accommodation Services (IPAS), 1st August 2023



CHILD SAFEGUARDING STATEMENT SECTOR COMPLIANCE REVIEW: INTERNATIONAL PROTECTION ACCOMMODATION SERVICES (IPAS)

Report prepared by:
**Michelle Hennessy, Senior Compliance Officer and
Sile Lorigan, Compliance Officer**

04/23-CSSCU-REP
V1.
01/08/2023

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Executive Summary

The Child Safeguarding Statement Compliance Unit (CSSCU) is the dedicated Unit within TUSLA set up to ensure that all providers' Child Safeguarding Statements (CSS) are compliant with the requirements of the Children First Act 2015. The unit was established in March 2018 to provide both compliance support and enforcement. The CSSCU is responsible for the enforcement of section 11 of the Children First Act 2015 and maintaining the Public Register of Non-Compliance.

This report outlines the process of engagement with relevant services to children in accommodation centres for people seeking asylum, the methodology utilised in a CSS Sector Compliance Review, an overview and analysis of findings in relation to CSS compliance and recommendations to enhance Child Safeguarding Statement compliance within the sector.

The information and findings contribute to an improved understanding of CSS compliance within the International Protection Accommodation Services (IPAS) sector. The recommendations emerging from the sector compliance review aim to support relevant services in developing and reviewing Child Safeguarding Statements.

Overall, the sector compliance review received positive engagement from relevant services selected as within remit of the project. Yet the standard of Child Safeguarding Statements submitted by providers of accommodation and related services to children seeking International Protection requires some development. Amendments were required in a significant majority. Much of the feedback provided to the services in respect of required improvements related to the services needing to provide more specific details in relation to the service provided or to expand on the information provided in the CSS. This is to ensure that the risk assessment is adequate to meet the service being provided. The CSSCU received a response from all services to the formal requests to submit Child Safeguarding Statements for review.

Additionally, whilst many services have achieved statutory compliance, we do have some concerns in respect of the depth of understanding services have in respect of the implementation of the Child Safeguarding Statement. There is no powers of enforcement or compellability in respect of ensuring standards relating to the policies and procedures required to be in place and no requirement on organisations to demonstrate that they are effectively implementing their Child Safeguarding Statement. It must be noted that the CSS is only as effective as the extent to which it is implemented. The governance of this rests with the Relevant Providers.

Understanding and recognising Child Abuse is a complex and difficult task which requires regular training and reflection. At a minimum all staff should be trained in understanding the CSS in order for it to be implemented effectively. However, there are no statutory requirements in respect of this learning and so regularly liaising with colleagues in support services such as the Tusla's Children First Information and Advice Service assists to ensure a deeper understanding of these complexities across all sectors.

There are 6 recommendations.

For the Child Safeguarding Statement Compliance Unit	
1.	Disseminate findings and recommendations of the CSS sector compliance review with services providing accommodation and related services to children seeking International Protection through a sector briefing and report publication.
2.	Conduct a follow up CSS sector compliance review with the sector in three years to support continued CSS compliance with the requirements of Children First Act, 2015.
3.	CSSCU to progress development of Framework for Risk Assessment to assist service providers in gaining deeper understanding of possible risks of harm.

For International Protection Accommodation Services	
4.	Relevant persons in organisations to disseminate findings of the sector compliance review within services and consider recommendations in review of Child Safeguarding Statements as is required.
5.	Services to consider the commonly occurring areas of CSS noncompliance as outlined in the findings and analysis sections of this report when developing or reviewing their CSS. Particular attention advised in relation to safeguarding procedures, CSS implementation, relevant persons, and risk assessments.
6.	Services to liaise with information, advice, and training support services to strengthen the implementation of safeguarding policies and procedures specified in the Child Safeguarding Statement if required. E.g., DCEDIY IPAS Social Work Department or Tusla's Children First Information and Advice Service.

Acknowledgements

We would like to thank the Social Work Department in IPAS for their support in this project.

1.0 Introduction

The CSSCU business plan of 2022 identified vulnerable population groups as priority for ensuring that providers of relevant services to these groups are meeting their obligations to have Child Safeguarding Statements in place. As part of this plan, the CSSCU proactively engaged with 38 services providing International Protection Accommodation Services (IPAS) to children in the International Protection process.

International Protection Accommodation Services are relevant services under Schedule 1, section 1 (g) of the Children First Act, 2015 which refers to any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children in a reception or accommodation centre which provides residential accommodation services to applicants for asylum under contract to the Department of Justice and Equality where children may be accommodated.

The purpose of the engagement was to conduct a sectoral review of services to ensure that compliant Child Safeguarding Statements are in place.

This report outlines the process of engagement with services, methodology utilised in the sector compliance review, an overview and analysis of findings in relation to CSS compliance and recommendations to enhance CSS compliance within the sector. The report is intended to contribute to an improved understanding of Child Safeguarding Statement (CSS) compliance within the IPAS sector.

2.0 Context

A key strategic objective of the Child Safeguarding Statement Compliance Unit is to advance children's safety, development, and wellbeing by strengthening partnerships with providers of relevant services (as defined under schedule 1, Children First Act 2015).

A provider of a relevant service is any organisation where more than one person works with children in a voluntary or paid capacity. Key responsibilities of providers of relevant services are to keep children safe from harm; to assess risks of harm; to develop Child Safeguarding Statements; to have procedures in place to manage risks and to appoint a relevant person for the purpose of the CSS. All providers of relevant services are required to have a Child Safeguarding Statement in place.

The CSSCU prioritises engagement with providers of relevant services to particularly vulnerable children as they are more at risk of harm due to capacity to report or act self-protectively. CSSCU identified children availing of accommodation and related services as part of an International Protection process as having a level of vulnerability that requires robust safeguarding statements, policies, and procedures to ensure that children are safe from harm while availing of the service. The CSSCU had engaged with IPAS services on a voluntary basis in 2021 which informed the initiation of a formal sectoral compliance review project to proactively engage with IPAS services during 2022.

Harm as defined in the Children First Act 2015, means 'in relation to a child—

- a) assault, ill-treatment, or neglect of the child in a manner that seriously affects or is likely to seriously affect the child's health, development or welfare, or
- b) sexual abuse of the child, whether caused by a single act, omission, or circumstance or a series or combination of acts, omissions or circumstances, or otherwise'.

3.0 Purpose

The purpose of this sectoral compliance review of Child Safeguarding Statements is to provide information, key learning, and support to the sector in relation to CSS compliance with requirements of the Children First Act, 2015 as the vulnerability and potential risk of harm to children while availing of accommodation and related services is considered high.

This report is published on the TUSLA website and provides generalised information to parents, children, young people, and service users in respect of the overall CSS compliance level within the sector. It aims to contribute to a greater level of confidence by interested parties in the safety of services children are using.

4.0 Methodology

This report is based on data generated from formally requesting Child Safeguarding Statements from IPAS services affiliated with the Department of Children, Equality, Disability, Integration and Youth (DCEDIY).

A process of engagement with relevant services within the sector began in September 2022 and concluded in February 2023. The process included the selection of services; written communication to services; sector briefings; formal requests for Child Safeguarding Statements (CSS); feedback on CSS compliance review and support to relevant services to achieve compliance with the requirements of the Children First act, 2015.

4.1. Selection of Relevant Services

The unit collaborated with the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) to review databases identifying IPAS services providing accommodation and related services to children. Any service providing relevant services to persons under 18 years were considered within remit for this review.

4.2. Written Communication to Relevant Services

A written communication was issued to all relevant services selected as being within remit of the sector compliance review project to inform them of the project and the intention of CSSCU to engage with them in relation to Child Safeguarding Statement compliance. The communication invited services to an online briefing session to outline the work of the CSSCU; the requirements of a Child Safeguarding Statement as outlined in Sections 10 – 13 of the Children First Act 2015; and the process involved in a formal request from CSSCU to submit a copy of a Child Safeguarding Statement for compliance review and feedback. Services were invited to express interest in attending the briefing and to provide contact details.

Relevant services were advised that CSSCU always begin engagement from the perspective of supportive compliance and aim to support an organisation to meet the requirements of Sections 10 – 13 of the Children First Act 2015 to ensure all children availing of the service are safe from harm. However, the CSSCU also has enforcement responsibilities in relation to CSS compliance and may initiate escalation to enforcement procedures if required. This was set out in all communications to the relevant providers.

4.3. Sector Briefings

A briefing was offered to the sector and included the following.

- Introduction to the work of CSSCU.
- Outline of the purpose and context of the sector implementation review project with International Protection Accommodation Services (IPAS).
- Details of the requirements of a Child Safeguarding Statement as outlined in the Children First Act 2015.

- Overview of the process involved in a formal request from CSSCU to submit a copy of a Child Safeguarding Statement for compliance review and feedback.
- CSS information and resources.

4.4. Formal requests for Child Safeguarding Statements (CSS)

Letters formally requesting the relevant service to submit a copy of the providers Child Safeguarding Statement to the CSSCU for compliance review were issued to 33 services (see Appendix 2). The circulation of formal requests to services commenced in October 2022 and were issued to a schedule of services on a weekly basis to ensure that the unit could provide timely feedback on reviews.

4.5. CSS Compliance Review & Support

On receipt of a Child Safeguarding Statement the CSSCU utilised the units review outcome form (see Appendix 3) to conduct a desktop review to record areas of compliance or noncompliance within the CSS document. Feedback was issued to all relevant services on the outcome of the review. For those where amendments were required, CSSCU staff engaged with relevant services to support them in achieving compliance with the requirements of Section 11 of the Children First Act, 2015. In some incidents subsequent review feedback was issued to relevant services.

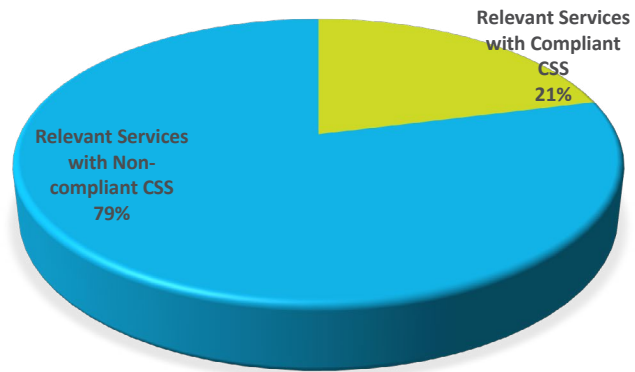
5.0 Findings

Of the 40 relevant services considered for this sector compliance review, 5 services voluntarily submitted a CSS after the CSSCU briefing, 33 services were formally requested to submit a Child Safeguarding Statement (CSS) to the CSSCU, and two services were deemed exempt as they are not currently providing services to children and therefore are not required to have a CSS in place.

Therefore, the Child Safeguarding Statements of 38 services were included in this review. All documents submitted were accepted as a valid Child Safeguarding Statement. However, it was observed that 14 services used an IPAS template, 13 services provided an overarching corporate statement rather than a service specific CSS and 5 services provided a statement incorporated in a child and adult policy document.

The status of Child Safeguarding Statement compliance on first review indicated that 21% of CSSs were compliant. 79% were non-compliant on first review and required support in updating the CSS to achieve compliance.

STATUS OF CSS COMPLIANCE ON FIRST REVIEW



Areas of non-compliance identified with 30 relevant services during the sector implementation review are outlined in the table below.

Description of Non-Compliance	Number of services applicable ¹
Insufficient detail on CSS that the procedures as specified in s.11(3), Children First Act 2015 are in place. *Two procedures most omitted were the procedure for appointing a relevant person and the procedure for maintaining a list of mandated persons.	26
Insufficient detail in relation to CSS implementation, i.e., a date for adoption or review of the CSS.	21
Insufficient detail provided in relation to the relevant person for the CSS.	19
Insufficient detail in risk assessment adequately reflecting the service being provided or the procedures in place to manage risks or no risk assessment included in CSS.	10
Insufficient detail on principles to safeguard children from harm in CSS.	3
Name or address of service not provided on CSS.	3
Document not referenced/titled Child Safeguarding Statement.	1

¹ Each service may have had more than one area of non-compliance and so this table is not cumulative.

The most frequent areas of noncompliance were in relation to safeguarding procedures, CSS implementation, relevant persons, and risk assessments.

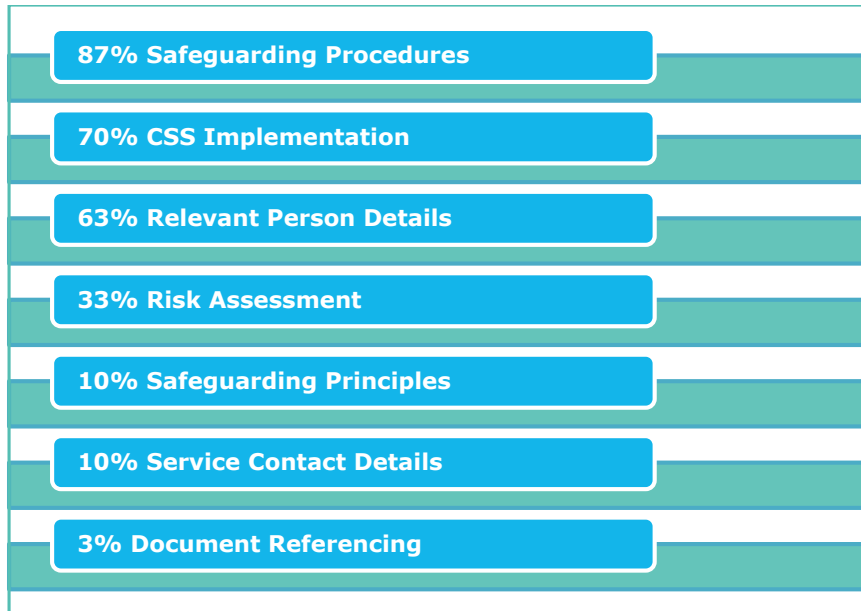
During the duration of the sector compliance review project, enforcement action was commenced with 12 services (32%). The reasons for enforcement action were due to no response to the formal request for CSS with six services and due to no response to feedback issued on CSS non-compliance requiring resubmission with six services. No service has been added to the public register of non-compliance.

6.0 Analysis

Overall, the sector compliance review received positive engagement from relevant services selected as within remit of the project. However, the standard of Child Safeguarding Statements submitted by providers of accommodation and related services to children seeking International Protection requires some development. A significant majority of CSS for the International Protection Accommodation Services (IPAS) reviewed required amendments to the Child Safeguarding Statement. To achieve compliance services were required to include omitted information, provide more specific details or to expand on the information already provided within the CSS document. The CSSCU received a response from all services to the formal requests to review Child Safeguarding Statements.

A non-compliant Child Safeguarding Statement (CSS) can impact the safety of children while availing of accommodation and related services during an International Protection process. Without a clear commitment to keeping children safe from harm, a risk assessment and appropriate procedures in place, lack of clarity may arise within a service causing confusion for staff in respect of how to respond to any child welfare or protection concern. Therefore, a compliant Child Safeguarding Statement must reflect the specific service being provided and set out clear principles of safeguarding. It must identify possible risks of harm to a child as defined in the Children First Act, 2015 and the procedures in place to mitigate against those risks. These risks should correlate with the service being provided to demonstrate robust analysis of any potential harm that a child may experience in that specific service. The CSS must state that specified safeguarding procedures are in place and implemented. Service contact details, plans for CSS review and details of the relevant person must be clearly provided on the CSS. All information provided within the CSS must be assessable to service users, children, parents, and members of the public.

Analysis of the findings section identified a pattern of frequency of non-compliance in relation to the statements of 30 IPAS services involved in the sector compliance review. The list below outlines the percentage of relevant services deemed non-compliant on first review that were required to make amendments in particular areas within the CSS to achieve compliance.



6.1. Safeguarding Procedures

87% of services with a noncompliant CSS required amendments in relation to six safeguarding procedures as specified in s.11(3), Children First Act 2015. Two procedures most omitted were the procedure for appointing a relevant person and the procedure for maintaining a list of mandated persons.

The Children First Act, 2015 specifies that the following procedures must be both referenced in a Child Safeguarding Statement as being in place and implemented in practice within the service.

1. "[Procedure] for reporting to [Tusla] by the provider or a member of staff of the provider (whether a mandated person or otherwise) in accordance with this Act or the [Children First] guidelines issued by the Minister under section 6" i.e. A reporting procedure.
2. "[Procedure] in respect of any member of staff who is the subject of any investigation (howsoever described) in respect of any act, omission or circumstance in respect of a child availing of the relevant service" i.e. A procedure for managing allegations of abuse against staff.
3. Procedure for selection or recruitment of any person as a member of staff of the provider with regard to that person's suitability to work with children.
4. Procedure for the provision of information and, where necessary, instruction and training to members of staff of the provider in relation to the identification of the occurrence of harm.

5. Procedure for maintaining a list of the persons (if any) in the relevant service who are mandated persons.
6. Procedure for appointing a relevant person for the purposes of the [Statement].

Having these procedures in place supports services in reducing risks of harm to children and to respond appropriately if an incident occurs.

6.2. CSS Commencement

70% of services with a noncompliant CSS required amendments to include details in relation a date for adoption or review of the CSS.

All relevant services as specified in schedule 1 of the Children First Act, 2015 are required to have an adopted CSS in place within three months of operation. It is also a requirement that a CSS is reviewed at least every two years or as soon as there is a material change to the service being provided. Therefore, all CSSs must include a date of either a planned review or for when it was finalised and deemed appropriate for the service currently being provided.

6.3. Relevant Person Details

63% of services with a noncompliant CSS required amendments to the information provided in relation to the relevant person in the CSS.

A relevant person is appointed for the purpose of being the first point of contact in relation to the Child Safeguarding Statement. Having the name and contact details clearly identified on the CSS assists the relevant service in being assessable to children, parents or members of the public who may have a query or concern related to the Child Safeguarding Statement. When the relevant person is not clearly identified with contact details on the publicly displayed CSS it can make it difficult for an agency, parent, or member of the public to request further information about the CSS.

6.4. Risk Assessment

33% of services with a noncompliant CSS required amendments in relation to the risk assessment.

If potential risks of harm are omitted from a CSS, there can be limited awareness or understanding amongst personnel (staff/volunteers) that a particular risk may occur. The identification of a particular risk also prompts the development and implementation of appropriate safeguarding procedures to mitigate against the risk and to ensure that children availing of the service are safe from harm.

6.5. Safeguarding Principles

10% of services with a noncompliant CSS required amendments to provide more detail on principles to safeguard children from harm in the CSS.

A description of the services commitment to safeguarding principles supports the relevant service in communicating to children, parents, and members of the public that the responsibly to safeguard children while availing of the service is a priority and taken seriously.

6.6. Service Contact Details

10% of services with a noncompliant CSS required amendments to include the name or address of the service provided on the CSS.

6.7. Document Referencing

3% of services with a noncompliant CSS required amendments to the title of the CSS document to include reference to Child Safeguarding Statement.

The CSS document must be clearly referenced and displayed as a Child Safeguarding Statement so that children, parents, and members of the public can access information about the relevant services commitment to safeguarding children and the procedures that the service has in place to mitigate against risks of harm while availing of the service.

7.0 Recommendations

To continue to strengthen the safeguarding of children in International Protection Accommodation Services there are six core recommendations.

For the Child Safeguarding Statement Compliance Unit	
1.	Disseminate findings and recommendations of the CSS sector compliance review with services providing accommodation and related services to children seeking International Protection through a sector briefing and report publication.
2.	Conduct a follow up CSS sector compliance review with the sector in three years to support continued CSS compliance with the requirements of Children First Act, 2015.
3.	CSSCU to progress development of Framework for Risk Assessment to assist service providers in gaining deeper understanding of possible risks of harm.

For International Protection Accommodation Services	
4.	Relevant persons in organisations to disseminate findings of the sector compliance review within services and consider recommendations in review of Child Safeguarding Statements as is required.
5.	Services to consider the frequent areas of CSS noncompliance as outlined in the findings and analysis sections of this report when developing or reviewing their CSS. Particular attention advised in relation to safeguarding procedures, CSS implementation, relevant persons, and risk assessments.

6.	Services to liaise with information, advice, and training support services to strengthen the implementation of safeguarding policies and procedures specified in the Child Safeguarding Statement if required. E.g., DCEDIY IPAS Social Work Department or Tusla's Children First Information and Advice Service.
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8.0 Conclusion

This report outlines the process of engagement with relevant services, the methodology utilised in a CSS sector compliance review, an overview and analysis of findings in relation to CSS compliance and recommendations to enhance Child Safeguarding Statement compliance within the sector. The information contributes to an improved understanding of CSS compliance within the IPAS sector and relevant services providing accommodation and related services to children with seeking International Protection. The recommendations emerging from the implementation review aim to support relevant services in developing and reviewing Child Safeguarding Statements.

9.0 Appendices

Appendix 1: CSS Information & Resources

Appendix 2: Letter formally requesting Child Safeguarding Statement (CSS)

Appendix 3: CSSCU Review Outcome Form

Appendix 1: CSS Information & Resources

Tusla has published advice and guidance and a sample template to assist providers in developing a Child Safeguarding Statement which are available on the Tusla website or through the links below: <https://www.tusla.ie/children-first/organisations/what-is-a-child-safeguarding-statement/how-do-i-develop-a-child-safeguarding-statement/>

- Video: [What is a Child Safeguarding Statement](#)
- [Guidance on Developing a Child Safeguarding Statement](#)
- [Template to develop a CSS](#)
- [CSSCU Review Outcome Form](#)
- Video: [Understanding Risk Assessments in Child Safeguarding Statements](#)
- [Child Safeguarding: A Guide for Policy, Procedure and Practice](#)

Appendix 2: Letter formally requesting Child Safeguarding Statement (CSS)

Estuary House,
Henry Street,
Limerick.
V94 XT5F
csscu@tusla.ie

0000/2022

Re: Child Safeguarding Statement Compliance Unit (CSSCU) Engagement with Providers of Relevant Services to Children Seeking Asylum.

Your CSSCU Reference : «**Csscu_Case_ID**» - Please quote this reference in your communication

Dear Sir/Madam,

In October of this year, we wrote to you to advise of our intention to engage with organisations providing services to Children seeking asylum and our intention to formally request a copy of your organisation's child safeguarding statement.

As you are aware the CSSCU is the dedicated Unit set up in Tusla to ensure that all providers' Child Safeguarding Statements are compliant with the requirements of parts 10 – 13 of the Children First Act 2015. The unit was established in March 2018 to provide both compliance support and enforcement.

Under the Children First Act, a Relevant service is defined as '*Any work or activity which is carried out by a person, a necessary and regular part of which consist mainly of the person having access to or contact with, children.*'

Schedule I of the Children First Act specifies the services that are named as Relevant Services. It sets out that these relevant services are:

1. Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children in—
 - (g) a reception or accommodation centre which provides residential accommodation services to applicants for asylum under contract to the Department of Justice and Equality where children may be accommodated

We have been provided with the name of your service by the Department of Children, Equality, Disability, Integration and Youth as a service providing accommodation for those seeking asylum and where children are accommodated.

We are now formally requesting, under Section 5(b)(ii) of the Children First Act 2015, that you submit a copy of your Child Safeguarding Statement within 14 days of receipt

this letter. Failure to do so may result in a further escalation of this matter and possible enforcement action as per the Children First Act 2015.

Tusla has published advice and guidance and a sample template to assist providers in developing a Child Safeguarding Statement which are available on the Tusla website or through the links below: <https://www.tusla.ie/children-first/organisations/what-is-a-child-safeguarding-statement/how-do-i-develop-a-child-safeguarding-statement/>

- Video: What is a Child Safeguarding Statement <https://youtu.be/sQPXEnHYq4Q>
- Guidance on Developing a Child Safeguarding Statement https://www.tusla.ie/uploads/content/4214TUSLA_Guidance_on_Developing_a_CSS_LR.PDF
- Template to develop a CSS <https://www.tusla.ie/children-first/organisations/what-is-a-child-safeguarding-statement/how-do-i-develop-a-child-safeguarding-statement/>
- CSSCU Review Outcome Form https://www.tusla.ie/uploads/content/CROF_CSSCU_005_web.pdf
- Video: Understanding Risk Assessments in Child Safeguarding Statements <https://www.youtube.com/watch?v=0SkqtPFZQUY>
- Child Safeguarding: A Guide for Policy, Procedure and Practice [https://www.tusla.ie/uploads/content/Tusla - Child Safeguarding - A Guide for Policy, Procedure and Practice.pdf](https://www.tusla.ie/uploads/content/Tusla_-_Child_Safeguarding_-_A_Guide_for_Policy,_Procedure_and_Practice.pdf)

You may submit your Child Safeguarding Statement via the unit email at csscu@tusla.ie or by post to the Child Safeguarding Statement Compliance Unit at the above address.

If you require any further information or clarification, please contact the CSSCU by phone (061461738) or email (csscu@tusla.ie).

We look forward to supporting your organisation in relation to Child Safeguarding Statement compliance.

Yours sincerely,

Maria McGloughlin

Senior Registration & Enforcement Officer
CSSCU

TUSLA
An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Appendix 3: CSSCU Review Outcome Form

Date of Review by CSSCU	Click or tap to enter a date.
Name of CSSCU Staff Member undertaking review	
Reason for Review (Provided Voluntarily / Resubmission as change to CSS/ Requested by CSSCU following UI/ Implementation Review/ Referred by other Internal Dept.)	Choose an item.
Review Number (First / Second etc)	1 st
Case ID	

Organisation Name	
Setting (e.g. Sports Club; Educational Setting)	
Affiliated Organisation	
Funding Body (If available)	
Relevant Person Name	
Overall Purpose and Function	

PART 1: REVIEW OF CHILD SAFEGUARDING STATEMENT FOR COMPLIANCE WITH THE CHILDREN FIRST ACT 2015				
No.	Checklist Review Lines of Investigation	Yes (✓)	No (✓)	Rationale (If "No" only)
1.	Is the CSS titled correctly? (Must be titled Child Safeguarding Statement)	<input type="checkbox"/>	<input type="checkbox"/>	
2.	Does the CSS include the name of the service to which the CSS refers?	<input type="checkbox"/>	<input type="checkbox"/>	
3.	Are there clear Principles and evidence of a commitment to safeguard children from harm (i.e., how they intend to safeguard children)?	<input type="checkbox"/>	<input type="checkbox"/>	
4.	Has the service provider specified the service being provided? (If more clarity needed, choose "No")	<input type="checkbox"/>	<input type="checkbox"/>	

5.	Does the Statement include that a risk assessment has been completed to identify any potential for harm (as defined in the Act) to a child while availing of their services?	<input type="checkbox"/>	<input type="checkbox"/>	
6.	Are the risks identified sufficient, relevant, and realistic, based on the nature of the service? (If there are obvious gaps in risk identification, choose "No")	<input type="checkbox"/>	<input type="checkbox"/>	
7.	Are the procedures in place to manage the risks identified, specified in the statement?	<input type="checkbox"/>	<input type="checkbox"/>	
8.	<p>Are the procedures below (s.11(3), Children First Act 2015) specified as being in place?</p> <ul style="list-style-type: none"> • "[Procedure] for reporting to [Tusla] by the provider or a member of staff of the provider (whether a mandated person or otherwise) in accordance with this Act or the [Children First] guidelines issued by the Minister under <i>section 6</i>" i.e. A reporting procedure. • "[Procedure] in respect of any member of staff who is the subject of any investigation (howsoever described) in respect of any act, omission or circumstance in respect of a child availing of the relevant service" i.e. A procedure for managing allegations of abuse against staff. • Procedure for selection or recruitment of any person as a member of staff of the provider with regard to that person's suitability to work with children. 	<input type="checkbox"/>	<input type="checkbox"/>	

	<ul style="list-style-type: none"> • Procedure for the provision of information and, where necessary, instruction and training to members of staff of the provider in relation to the identification of the occurrence of harm. • Procedure for maintaining a list of the persons (if any) in the relevant service who are mandated persons. • Procedure for appointing a relevant person for the purposes of the [Statement]. 	<input type="checkbox"/>	<input type="checkbox"/>	
9.	Is there either a date for adoption or review of the CSS? (Either is acceptable)	<input type="checkbox"/>	<input type="checkbox"/>	
10.	Is the relevant person clearly identified and their name and contact details provided in the CSS?	<input type="checkbox"/>	<input type="checkbox"/>	
PART 1 TOTAL SCORES (No. of Yes / No results out of a possible 15)	/15	/15		

PART 2: Suggested and recommended amendments that would improve the quality of the CSS				
No.	Checklist for improved quality	Yes (✓)	No (✓)	Rationale (If "No" only)
11.	Does the Child Safeguarding Statement include the definition of harm as set out in the Children First Act 2015?	<input type="checkbox"/>	<input type="checkbox"/>	
12.	Is the name and address of the provider included?	<input type="checkbox"/>	<input type="checkbox"/>	
13.	Does the Child Safeguarding Statement set out a commitment that all children will be equally protected from	<input type="checkbox"/>	<input type="checkbox"/>	

	harm regardless of race, ability, ethnicity, or sexual orientation?			
--	---	--	--	--

TOTAL NUMBER OF YES ANSWERS (Out of a Possible 16)

/15

Score (Out of 11)	Outcome
15/15 (100%)	Compliant
< 15	Non-Compliant

Date of Review	REVIEW OF STATEMENT: COMPLIANCE OUTCOME	Signature

Guidance Notes

This review tool is used by Tusla’s Child Safeguarding Statement Compliance Unit (CSSCU) when reviewing child safeguarding statements (CSS) which have been provided to the CSSCU, either voluntarily or in response to a request from the CSSCU. Providers of relevant services, under the Children First Act 2015, are required to prepare a CSS. Tusla has published [general guidance to assist providers](#) in writing their CSS, as well as a [CSS Sample Template](#). Tusla has also worked with a number of service sectors and government departments to assist them in developing tailored templates for particular contexts.

It may be helpful to providers of relevant services, when either developing or reviewing their CSS, to refer to the CSSCU Review Outcome Form to assist them to assess their compliance with the safeguarding requirements set out in the Children First Act 2015.

Specific Guidance for Reviewers:

- **Affiliate Organisation – this applies when a provider is a member of a larger umbrella body. This could include registering bodies such as HIQA, or membership organisations such as National Youth Council of Ireland, Sport Ireland, a National Governing Body of Sport, etc.**
- **Overall Purpose and Function – should be copied from the CSS section on service provided.**

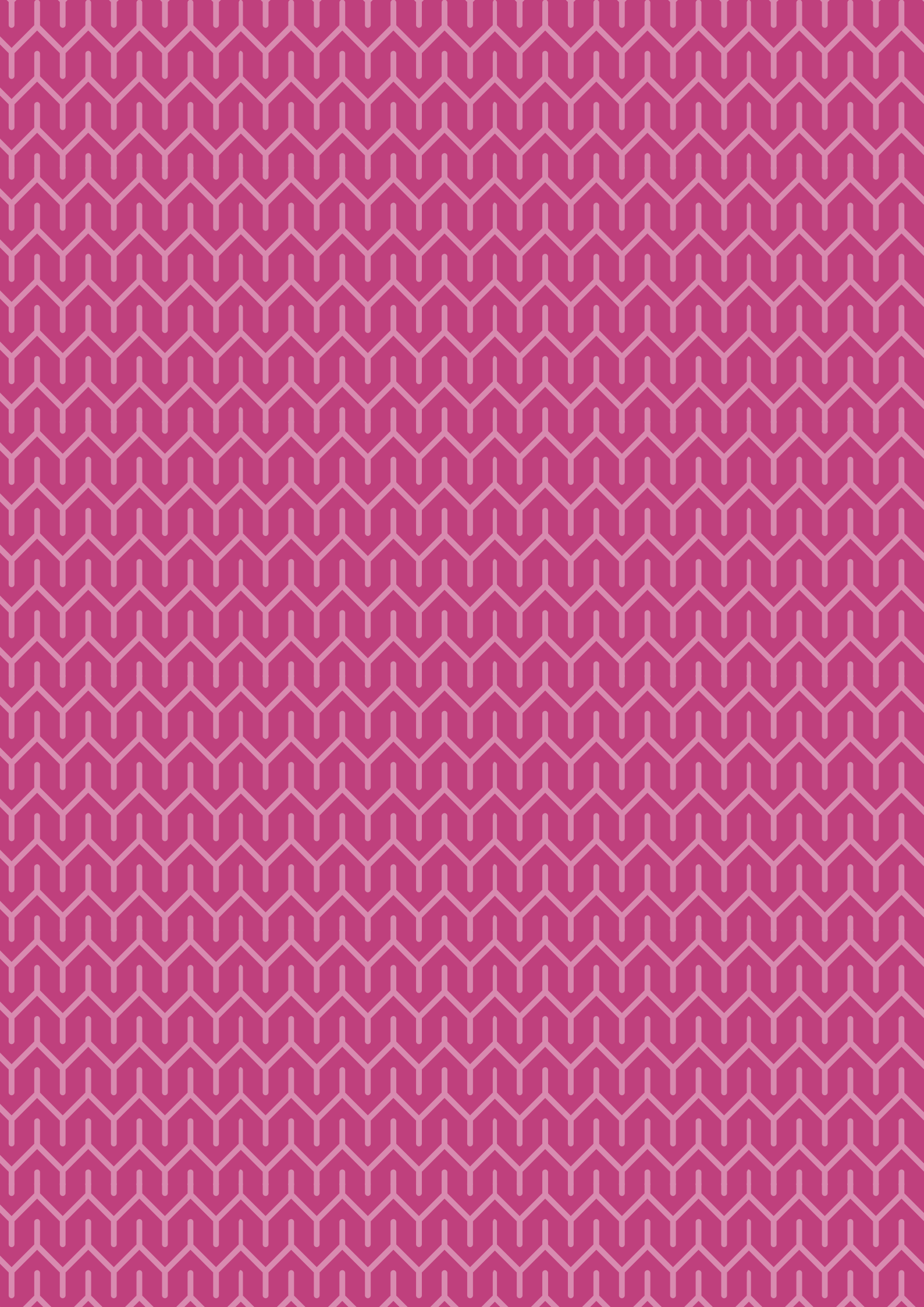
Part 1 Guidance:

- **CSS Title – All CSS must be titled Child Safeguarding Statement.**
- **Principles – The CSS must include principles to keep children safe from harm, such as the right to be consulted, the right to protection, and adherence to inclusion/anti-discriminatory practice.**

- **Service being provided – the CSS must outline the service provided to children by the service provider.**
- **Risk assessment – the risks identified must be specific to the services provided, listed in the previous section. They must relate to the protection of the child/children from harm, as defined in the Children First Act 2015. Services can include an abridged list of the main risks identified and develop a more detailed secondary risk assessment document. Where a secondary risk assessment document is developed, this must be noted on the CSS and provided with the CSS whenever the CSS is requested.**
- **Risks sufficient, relevant and realistic – while a reviewing officer is not expected to know the nuances of every service whose CSS is being reviewed, there are certain general risks which it is reasonable to expect would be in place in most services. These include**
 - **Risk of harm (as defined in the Children First Act 2015) of a child by a member of staff/volunteer from things they have done (e.g. hurt a child) or failed to do (e.g. not report a concern);**
 - **Risk of harm (as defined in the Children First Act 2015) caused by lack of supervision;**
 - **Risk of harm (as defined in the Children First Act 2015) by a visitor to the service (workers, parents, placements, etc.);**
 - **Risk of harm (as defined in the Children First Act 2015) by another child in the service;**
 - **Risk of harm (as defined in the Children First Act 2015) of a child on outings by a member of staff/volunteer/stranger/peer;**
 - **Risk of harm (as defined in the Children First Act 2015) through access to ICT / unauthorised photography (e.g., social media or web access, electronic contact, etc).**

This is not a comprehensive or definitive list. Reviewers are expected to use their discretion and professional judgement when assessing risk assessments for compliance with the requirements of the Act. Service providers are responsible for carrying out a comprehensive assessment of the risk of harm to children while availing of their service.
- **Specified procedures – all six specified procedures must be included in the CSS. It is not a requirement that they are listed separately to the risk assessment. It is not a requirement that the titles are verbatim as they are presented in the Act (e.g., Recruitment and selection procedures or reporting procedure for child protection or welfare concerns would both be acceptable).**
- **Date for review – the CSS must specify either the date it was introduced/ratified or the proposed date for review. Either are acceptable.**
- **Name and address of the provider – this information must be included as the Act places numerous responsibilities associated with the CSS directly on the Provider. For services operating at multiple sites, if they are using a single corporate CSS, address of provider can be head office.**
- **Name and contact details for Designated Person – this information must be included, as well as a clear designation that the person named is the designated person.**
- **It is not a requirement that the CSS is signed by the provider**
- **CSS submitted should be final versions.**

Where the CSSCU reviews a CSS, all requisite components must be present and in line with the guidance to be deemed compliant.





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