

Mapping child protection systems in the EU (27)

Ireland

May 2023

Contractor: Lattanzio

Authors: Lucy Michael, Niloufar Omid

DISCLAIMER:

This document was commissioned under contract as background material for comparative analysis by the European Union Agency for Fundamental Rights (FRA) for the project 'Towards integrated child protection systems'. The information and views contained in the document do not necessarily reflect the views or the official position of the FRA. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion.

Contents

1. Legislative and regulatory framework and policies	3
1.1. Overview of normative and regulatory framework	3
1.2. Legal provisions in constitutional, civil, criminal, and administrative law related to children in need of protection.....	3
1.3. Policy framework.....	22
1.4. Particular groups of children: information on legislative and policy developments (if any) related to their protection	26
1.6. Orientation/fragmentation of national child protection policy and legislation.....	56
1.7. Development in the past years: achievements, gaps, and challenges.....	57
1.8. Promising practices	60
2. Governance, coordination structures, and services	62
2.1. Primary institutions and main service providers responsible for child protection.....	62
2.2. Civil society organisations active in the area of child protection.....	80
2.3. Inter-agency cooperation in the area of child protection	84
2.4. Developments in the past years: achievements, gaps, and challenges	88
2.5. Promising practices	90
3. Capacities (human and financial resources)	91
3.1. Information on budget allocation and funding	91
3.2. Information on human resources, qualification requirements, and training	96
3.3. Developments in the past years: achievements, gaps, and challenges	104
3.4. Promising practices	106
4. Care	107
4.1. Prevention measures and services.....	107
4.2. Identification and reporting procedures.....	109
4.3. Referral procedures(s) and investigation and protection	119
4.4. Placement decisions – care orders.....	128
4.5. Types of care with focus on alternative care	133
4.6. Developments in the past years: achievements, gaps, and challenges	152
4.7. Promising practices	157
5. Accountability, data collection, and monitoring mechanisms	159
5.1. Accountability mechanisms.....	159
5.2. Developments in the past years: achievements, gaps, and challenges	174
5.3. Promising practices	177
6. General education, promotion, and awareness raising	180
6.1. Education on child rights	180
6.2. Promotion and awareness raising	182
6.3. Promising practices.....	185
7. Child participation and community engagement	187
7.1. Complaint procedures	187
7.2. Feedback mechanisms	190
7.3. Promising practices	196

1. Legislative and regulatory framework and policies

1.1. Overview of normative and regulatory framework

Please provide an overview of the normative legal and regulatory framework of the national and sub-national child protection system. Include information on the scope of the child protection system, the specific needs it addresses, the human and financial resources allocated, and any relevant cultural, social, and historical factors. Please indicate the current priority areas in child protection.

Child protection in Ireland is covered by a comprehensive framework of legislation, policy and guidance, and managed operationally by a single agency Tusla the Child and Family Agency. Tusla is overseen by the The Department of Children, Equality, Disability, Integration and Youth, has an earmarked budget annually and accountability is provided for through reports to the Irish Parliament, and the operation of an Ombudsman for Children and a Special Rapporteur on Child Protection. A recent Constitutional amendment gives recognition to children’s rights in law and significant changes have been undertaken to amend law, policy and guidance as a result, including children’s experience of the child law system and participation in policy-making as well as decisions about their own lives. Improved data collection and sharing and inter-agency work are key markers of the new arrangements, as well as highly structured child protection management at local level in partnership with key agencies including public, private and NGO partners. Tusla is responsible also for supervision of preschool services. The care system is largely operated through in-family foster care and less than 10% of children are in residential care. Tusla and the Irish police service are jointly responsible for responding to emergency child welfare and protection situations. Key challenges in child protection include social work staff retention, case management, support for foster families, reliance on private sector and services outside Ireland, and gaps in the areas of disabled and migrant children.

1.2. Legal provisions in constitutional, civil, criminal, and administrative law related to children in need of protection

Question	YES	NO	Comments
1.2.1. Does the constitution contain any provisions on children’s rights and child protection?	✓		Article 42A was added to the Constitution in 2015. It affirms children's natural and imprescriptible rights and the State's duty to uphold these rights. Children have the right for their best interests to be of paramount consideration where the State seeks to intervene to protect their safety and welfare. Article 42A provides as follows:

		<p><i>1 The State recognises and affirms the natural and imprescriptible rights of all children and shall, as far as practicable, by its laws protect and vindicate those rights.</i></p> <p><i>2.1° In exceptional cases, where the parents, regardless of their marital status, fail in their duty towards their children to such extent that the safety or welfare of any of their children is likely to be prejudicially affected, the State as guardian of the common good shall, by proportionate means as provided by law, endeavour to supply the place of the parents, but always with due regard for the natural and imprescriptible rights of the child.</i></p> <p><i>2.2° Provision shall be made by law for the adoption of any child where the parents have failed for such a period of time as may be prescribed by law in their duty towards the child and where the best interests of the child so require.</i></p> <p><i>3 Provision shall be made by law for the voluntary placement for adoption and the adoption of any child.</i></p> <p><i>4.1° Provision shall be made by law that in the resolution of all proceedings —</i></p> <p><i>i brought by the State, as guardian of the common good, for the purpose of preventing the safety and welfare of any child from being prejudicially affected,</i></p> <p><i>or</i></p> <p><i>ii concerning child, the adoption, guardianship or custody of, or access to, any the best interests of the child shall be the paramount consideration.</i></p> <p><i>4.2° Provision shall be made by law for securing, as far as practicable, that in all proceedings referred to in subsection 1° of this section in respect of any child who is capable of forming his or her own views, the views of</i></p>
--	--	--

		<p><i>the child shall be ascertained and given due weight having regard to the age and maturity of the child.</i></p> <p>Some provisions are not constitutional directives but enabling provisions, placing a mandatory obligation on the State to legislate on aspects of adoption (Articles 42A.2.2 and 42A.3), best interests of the child (Article 42A.4.1) and hearing the views of the child (Article 42A.4.2).</p> <p>Article 42A of the Constitution is not self-executing; the inclusion of the phrase “provision shall be made by law” means that its implementation is dependent on legislation passed by the Oireachtas. There have been some efforts to implement this in legislation. Article 42A imposes a mandatory and extensive obligation that is not matched by child and family law legislation.</p> <ul style="list-style-type: none">• In child protection cases, the Child Care Act 1991 was out of line with the constitutional obligation, providing options for mechanisms to use but no requirement to use them, with significant resulting variation in the frequency with which the views of children were ascertained in child care proceedings, and many cases were heard without this constitutional obligation being discharged. The Guardian ad litem system has been reformed by the Child Care (Amendment) Act 2022 and although the GAL is not mandatory it creates a presumption in favour of appointment of a GAL in proceedings before the District Court and provides for mandatory
--	--	---

		<p>appointment in special care cases before the High Court.¹</p> <ul style="list-style-type: none"> • Section 24 of the Child Care Act 1991, amended by the Child Care (Amendment) Act 2022, <u>requires</u> a court, in child care proceedings before it, to the best interests of the child as the paramount consideration. Subsection (c) of this provision requires the court, while determining the best interests of a child, to have regard to the views of the child where he or she is capable of forming, and has chosen to express such views. It also includes a list of factors to be considered, including “the views of the child where he or she is capable of forming, and has chosen to express, such views” <p>This requirement has been strengthened by Section 5 of the Child Care (Amendment) Act 2022 which, once commenced, will require courts to determine the means by which to facilitate the expression by the child of his or her views in the proceedings, and give due <i>weight</i> to such views as the child wishes to express, having regard to the age and maturity of the child. It introduces a new section 24A which states that:</p> <p>“in any proceedings before a court under this Act in relation to the care and protection of a child, including</p>
--	--	---

¹ <https://www.gov.ie/en/policy-information/04fc0e-reform-of-guardian-ad-litem-arrangements-in-child-care-proceedings/>

		<p>proceedings before the High Court under Part IVA in relation to special care, the child is capable of forming his or her own views, the court, in so far as practicable shall—</p> <p>(a) determine the means by which to facilitate the expression by the child of his or her views in the proceedings, and</p> <p>(b) give due weight to such views as the child wishes to express, having regard to the age and maturity of the child.”.²</p> <ul style="list-style-type: none"> • In private family law cases concerning guardianship, custody and access, the Children and Family Relationships Act 2015 partly addressed this matter by obliging courts to take the child’s ascertainable views into account when assessing the child’s best interests and further provides that in obtaining the ascertainable views of a child, the court shall facilitate the free expression by the child of those views and, in particular, shall endeavour to ensure that any views so expressed by the child are not expressed as a result of undue influence. However the Act also contains weaknesses which mean that it is not fully effective.³
--	--	--

² Child Care (Amendment) Act 2022, Section 5 ([irishstatutebook.ie](https://www.irishstatutebook.ie/eli/2022/act/21/section/5/enacted/en/html#sec5)) [z](https://www.irishstatutebook.ie/eli/2022/act/21/section/5/enacted/en/html#sec5)
<https://www.irishstatutebook.ie/eli/2022/act/21/section/5/enacted/en/html#sec5>

³ Opening Statement of Dr Conor O’Mahony, Senior Lecturer, School of Law, University College Cork Oireachtas Committee on Justice and Equality, 20 February 2019.
https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_justice_and_equality/submissions/2019/2019-02-20_opening-statement-dr-conor-o-mahony-senior-lecturer-in-constitutional-and-child-law-school-of-law-university-college-cork_en.pdf

<p>1.2.2. Is there a single legal instrument devoted to child protection and child rights, e.g. a Children’s Act?</p>	<p>✓</p>	<p>The following different legislation in Ireland are complementary and cover various aspects of child welfare and protection.</p> <p>The Child Care Act 1991, together with the Child and Family Agency Act 2013, sets out the statutory framework for the care and protection of children in Ireland. The Child and Family Agency Act 2013 provides for the establishment of the Child and Family Agency, which is responsible for promoting the welfare of children who are not receiving adequate care and protection. The Child Care Act 1991 also sets out the procedures for the assessment and provision of services to children in need of care and protection.</p> <p>The Children First Act 2015 provides a legal basis for elements of the Children First: National Guidance for the Protection and Welfare of Children. The Act provides a number of key child protection measures which include:</p> <ul style="list-style-type: none"> • A requirement on organisations providing services to children to keep children safe and to produce a Child Safeguarding Statement; • A requirement on defined categories of persons (mandated persons) to report child protection concerns over a defined threshold to the Child and Family Agency (Tusla); • A requirement on mandated persons to assist the Child and Family Agency and “to give to the Agency such information and assistance as it may reasonably require” in the assessment of a child protection risk; • The removal of the defence of reasonable chastisement from the Non-Fatal Offences
---	----------	--

		<p>against the Person Act 1997. This means that a person who administers corporal punishment to a child will no longer be able to rely on the defence of reasonable chastisement.</p> <ul style="list-style-type: none"> • Placing the Children First Interdepartmental Group on a statutory footing. <p>The placement of children in Residential Care is governed by the National Standards for Children’s Residential Centres 2018, and underpinned by the Child Care (Placement in Residential Care) Regulation 1995, and the Child Care (Standards in Children’s Residential Centres) 1996.</p> <p>The placement of children in Special Care is governed by the National Standards for Special Care Units 2014, as well as the Health Act 2007 (Care and Welfare of Children in Special Care Units) Regulations 2017, Health Act 2007 (Care and Welfare of Children in Special Care Units) (Amendment) Regulations 2018, and the Health Act 2007 (Registration of Designated Centres) (Special Care Units) Regulations 2017.</p> <p>HIQA carries out announced and unannounced inspections of statutory Children’s Residential Centres and Special Care units. HIQA carry out these inspections against the identified Regulations and Standards. Tusla is the statutory regulator of Private and Voluntary Children’s Residential Centres, and is therefore responsible for the registration and inspection of these centres in accordance with Regulations, standards, and the relevant provisions of the Child Care Act 1991.</p>
--	--	---

		<p>The foregoing sets out the safeguards are in place with regard to all placements of children in residential and special care. Tusla in discharging its statutory responsibilities under the Child Care Acts must have the best interests of the child as its paramount consideration. It actively monitors every placement of every child in care to ensure its appropriateness to the needs of that child, and any concerns or breaches of standards or Regulations are addressed in this context.</p> <p>The Child Care (Placement of Children in Foster Care) Regulations, 1995 and the Child Care (Placement of Children with Relatives) Regulations 1995 sets out that in any matter relating to placing of a child in foster care, or the review of the case of a child in foster care, Tusla shall, having regard to the rights and duties of parents, whether under the Constitution or otherwise, regard the welfare of the child as the first and paramount consideration, and in so far as is practicable, give due consideration, having regard to his or her age and understanding, to the wishes of the child.</p> <p>HIQA is authorised under Section 69 of the Child Care Act 1991 as amended by Section 26 of the Child Care (Amendment) Act 2011 to inspect foster care services provided by the Child and Family Agency and to report on its findings. HIQA monitors foster care services against the National Standards for Foster Care, published in 2003.</p> <p>These standards set out management and monitoring of foster care services. Systems are in place to ensure that resources are matched to the needs of children who require out-of-home placement and provide a</p>
--	--	---

		<p>range of services including residential care and foster care.</p> <p>All children in foster care are registered in compliance with statutory requirements contained within Article 12 of the Child Care (Placement of Children in Foster Care) Regulations 1995 and Article 12 of the Child Care (Placement of Children with Relatives) Regulations 1995.</p> <p>Tusla gathers and analyses information about their foster care services to enable them to monitor the number and type of available foster placements and the level of unmet need. The systems also gather information on foster care reviews, foster care placement breakdowns, children awaiting foster placements in other care arrangements, complaints and allegations.</p> <p>Children First: National Guidance for the Protection and Welfare of Children sets out the steps which should be taken to ensure that children and young people are protected from harm. This also outlines the roles of the main statutory bodies involved in child welfare and protection: Tusla - Child and Family Agency, and An Garda Síochána. The guidance is just one of the resources available to assist with child protection and Tusla have a number of additional child protection and safeguarding information resources.</p> <p>In regards to care orders, children are only removed from their home setting when Tusla has formed the view that, at least for the time being, their health, development or well-being cannot otherwise be ensured. There are a number of ways in which a child may come into the care of Tusla. Section 4 of the Child Care Act allows for a child to be taken into the care of</p>
--	--	---

		<p>Tusla on a voluntary basis for a determined period of time without the need for a care order, subject to the agreement and wishes of the parent. Where agreement is not possible, Tusla may apply to the courts for one of a number of care orders to ensure the safety and well-being of the child concerned.</p> <p>The Child Care Act 1991 provides the legislative basis to remove a child from their family environment, following a successful application for a care order to a Court. The Act specifies the different types of care order, which will determine the type and duration of the subsequent alternative care placement. These include Emergency Care Orders, Interim Care Orders, Care Orders and Special Care Orders. The conditions required for a court to make a Care Order in respect of a child are specified in Part IV of the Act.</p> <p>The Children and Family Relationships Act 2015 deals with issues related to the legal parentage of children, including surrogacy, donor-assisted reproduction, and guardianship. This Act recognizes a range of family forms and provides for the rights and responsibilities of parents and guardians.</p> <p>The Children First Act 2015 (19 November 2015) gives a statutory footing to aspects of the Children First National Guidance which promotes the protection of children from abuse and neglect. It includes mandated reporting of abuse, the publication of Child Safeguarding Statements by organisations working with children, and putting the Children First Interdepartmental Implementation Group on a statutory footing. The Children and Family Relationships Act 2015 amended family law in Ireland to extend parental rights and responsibilities to non-</p>
--	--	---

		<p>traditional families. It simplifies adoption rights for the spouse or civil partner of a biological parent, and for a long-term domestic partner. It sets out clear criteria for the determination of a child's best interests.</p> <p>The Children Act 2001, as amended, provides for the care and protection of children who are at risk of harm. This Act sets out the powers of the court and the Child and Family Agency in relation to the protection and welfare of children. It also provides for the establishment of the Special Care system, which is a system of care for children who are deemed to be in need of special care and protection.</p> <p>The Child Care Act 1991 provides the legislative basis for special care in Ireland. Provisions relating to special care were inserted by the Children Act 2001, and further amended subsequently by a number of Acts including the Child Care (Amendment) Act.</p> <p>The main legislation covering children and the criminal justice system is the Children Act 2001. This Act focuses on preventing criminal behaviour, diversion from the criminal justice system and rehabilitation.</p> <p>Each of these pieces of legislation covers a particular area of child welfare and protection, and they are complementary in nature. They follow the division of competences of national authorities, with the Child</p>
--	--	---

			and Family Agency having a central role in implementing the Child Care Act and the Children Act. ⁴
--	--	--	---

1.2.3. Please provide an inventory of key child protection related legislation, including hyperlinks, date of adoption and the areas covered. Please include civil, criminal, and administrative legislation covering different areas of child protection (please add rows, as needed).

Legislation	Date passed	Child protection areas covered
--------------------	--------------------	---------------------------------------

⁴ For more information on the relevant national authorities and their roles and responsibilities in relation to child welfare and protection, you can visit the website of the Department of Children, Equality, Disability, Integration and Youth: <https://www.gov.ie/en/organisation/department-of-children-equality-disability-integration-and-youth/>

Health Act 1970	24 February 1970	Principal legislation providing for children's health services in Ireland including obligation on the Health Service Executive (HSE) to make available free of charge at clinics, health centres or other places a health examination and treatment service for children aged under 6 and for pupils attending national schools. The legislation does not specify precisely what services are to be provided. In practice, the services include immunisation services, developmental paediatric examinations, visits by public health nurses, child welfare clinics and school health examinations
Child Care Act 1991 (as amended)	10 July 1991	Child Care Act 1991 provides for the care and protection of children and for related matters Function of State to promote welfare of children, protection of children in emergencies, care proceedings, children in need of special care or protection, foster care, children in the care of the State, supervision of pre-school services and children's residential centres https://revisedacts.lawreform.ie/eli/1991/act/17/revised/en/html
Domestic Violence Act 1996 (Revised)	27th February, 1996 Revised (Updated to 30 June 2016)	Includes Safety Order and Barring order, The Barring order requires a violent person to leave the family home. https://www.irishstatutebook.ie/eli/1996/act/1/enacted/en/print
Child Pornography and Trafficking Act 1998	29 June 1998	Criminal law prohibiting trafficking, or use, of children for the purposes of sexual exploitation and the production, dissemination, handling or possession of child pornography

Children Act 2001	8 July 2001	<p>This Act focuses on preventing criminal behaviour, diversion from the criminal justice system and rehabilitation. The use of detention for a child is to be a last resort: the Act requires that all avenues be explored before it is used.</p> <p>Family welfare conferences and amendment to Child Care Act 1991 in relation to care proceedings and children’s residential centre.</p> <p>https://www.irishstatutebook.ie/eli/2001/act/24/enacted/en/html</p>
Child Care (Pre-School Services) (No 2) (Amendment) Regulations 2006	2006, came into effect on September 3, 2007	<p>It sets regulations concerning Child protection. Within the framework of Children First National Guidelines for the Protection and Welfare of Children, clear written guidelines on identifying and reporting child abuse should be developed by the pre-school service.(9.(2)) In line with Article 2.2. of the UN Convention on the Rights of the Child – All child care services and providers should consider the child’s welfare to be of paramount concern. All children should be respected and treated with dignity at all times. Children’s rights should be acknowledged and respected at all times. Children should never be subjected to any degrading or abusive behaviour. It also sets regulations for having a Child Protection policy based on Children First National Guidelines for the Protection and Welfare of Children in operation. (Regulation 9)</p> <p>https://www.hse.ie/eng/services/publications/childr/en/2006-pre-school-child-care-regulations.html</p>

Child Care (Amendment) Act 2007	8 May 2007	Amendments to Child Care Act 1991 in relation to rights of foster carers and supervision of pre-school service https://www.irishstatutebook.ie/eli/2007/act/26/enacted/en/html
Child Care (Amendment) Act 2011	31 July 2011	Amendment to Child Care Act 1991 in relation to children in need of special care or protection, care proceedings and provision of special care
The Constitution of Ireland Article 42A	10 November 2012 (referendum)	The new Article 42A includes a provision that the best interests of the child must be the paramount consideration in any proceedings brought by the State concerning the safety and welfare of the child, or any proceedings concerning adoption, guardianship, custody or access to a child. The new Article 42A also makes provision for the introduction of laws providing that the voice of the child must be heard and given due weight in all proceedings taken by the State for the purpose of protecting the safety and welfare of the child, or concerning the adoption, guardianship or custody of the child, provided that the child is capable of forming his or her views.
Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012	18 July 2012	Creates criminal offences in relation to withholding of information in relation to commission of certain criminal offences (including sexual offences) against children. https://www.irishstatutebook.ie/eli/2012/act/24/enacted/en/html
Child Care (Amendment) Act 2013	13 March 2013	Amendment to Child Care Act 1991 in relation to care proceedings

Children (Amendment) Act 2015	10 th December 2015	The legislation provides for the preparation by the Child and Family Agency of aftercare plans to provide for the giving of assistance by the Agency, subject to the resources available to the Agency, to meet the needs of certain persons who have been in the care of that Agency; to provide for the inspection of premises in which it is proposed to provide early years service. https://www.irishstatutebook.ie/eli/2015/act/45/enacted/en/print.html
Children and Family Relationships Act 2015	Number 9 of 2015	The Act extended the scope of guardianship https://www.irishstatutebook.ie/eli/2015/act/9/enacted/en/html
Children First Act 2015	19 Nov 2015	The Act places a number of statutory obligations on specific groups of professionals and on particular organisations providing services to children. It makes provision for mandatory reporting of child protection concerns by certain key professionals in Ireland for the first time. https://www.irishstatutebook.ie/eli/2015/act/36/enacted/en/html
Adoption (Amendment) Act 2017	19 July 2017	Amendment Act 2017 makes provision for the adoption of children from State care in certain circumstances. The Act is to amend and extend the law in relation to the adoption of children; and, for that purpose, to amend the <u>Adoption Act 2010</u> ; to provide for the repeal of Part 11 of the <u>Children and Family Relationships Act 2015</u> ; and to provide for related matters https://www.irishstatutebook.ie/eli/2017/act/19/enacted/en/html

Child and Family Agency Act 2013	15 December 2013	<p>Child and Family Agency Act 2013 is to provide for the establishment of a body to be known as the Child and Family Agency; to provide for the dissolution of the Family Support Agency and the National Educational Welfare Board; to provide for the transfer of the functions of the National Educational Welfare Board to the Child and Family Agency; to provide for the transfer of certain functions of the Health Service Executive to the Child and Family Agency; to amend the Child Care Act 1991 to provide for registration of early years services and to provide for matters connected therewith.</p> <p>Accordingly, the Child and Family Agency (called Tusla) was established as a statutory organisation, in January 2014 under the Child and Family Agency Act 2013.</p> <p>https://www.irishstatutebook.ie/eli/2013/act/40/enacted/en/html</p>
National Vetting Bureau (Children and Vulnerable Persons) Acts, 2012 - 2016	26 December 2012	<p>The National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 provide a statutory basis for the vetting of persons carrying out relevant work with children or vulnerable persons. The Act also creates offences and penalties for persons who fail to comply with its provisions.</p> <p>https://www.irishstatutebook.ie/eli/2012/act/47/enacted/en/print</p>

Non-Fatal Offences Against the Person Act 1997	19 May 1997	<p>Criminal law concerning non-fatal offences against the person (including children). Offences include assault, assault causing harm and causing serious harm; abduction of a child by a parent; and abduction of a child by another person. Section 24 of the Act abolished the common law rule which provided that teachers are immune from criminal prosecution in respect of corporal punishment. The Children First Act 2015 amended this Act to abolish the common law defence of reasonable chastisement by parents.</p> <p>The two relevant provisions of this Act are:</p> <p>(i) it abolishes the rule of law under which teachers were immune from criminal liability in respect of physical chastisement of pupils;</p> <p>(ii) it describes circumstances in which the use of reasonable force may be justifiable.</p> <p>https://www.irishstatutebook.ie/eli/1997/act/26/enacted/en/html</p>
Criminal Law (Rape) Act 1981	6 May 1981 REVISED Updated to 1 May 2021	<p>Criminal law concerning offences of rape and indecent assault</p> <p>https://www.irishstatutebook.ie/eli/1981/act/10/enacted/en/html</p>
Criminal Law (Rape) (Amendment) Act 1990	18 December 1990	<p>Criminal law concerning offences of rape, sexual assault and aggravated sexual assault</p> <p>https://www.irishstatutebook.ie/eli/1990/act/32/enacted/en/print.html#:~:text=%E2%80%94(1)%20The%20offence%20of,assault%20shall%20be%20a%20felony.</p>

Criminal Justice Act 2006	Number 26 2006	Section 176 of the Criminal Justice Act 2006 introduced the criminal charge of 'reckless endangerment of children.' https://www.irishstatutebook.ie/eli/2006/act/26/enacted/en/html
Criminal Law (Sexual Offences) Act 2006	2 June 2006	Criminal law creating offences of defilement of child under the age of 15 and defilement of a child under the age of 17 https://www.irishstatutebook.ie/eli/2006/act/15/enacted/en/html
Criminal Law (Sexual Offences) (Amendment) Act 2007	7 Mar 2007	The Act is to amend the Criminal Law (Sexual Offences) Act 1993, the Child Trafficking and Pornography Act 1998 and the Criminal Law (Sexual Offences) Act 2006; and to provide for matters connected therewith. https://www.irishstatutebook.ie/eli/2007/act/6/enacted/en/html
Education (Welfare) Act 2000	5 July 2000	Ensures that all children of school going age attend school and if they fail to do so, that they will receive a certain minimum education otherwise. Law providing the right of every child in the State to primary education, rules regarding compulsory attendance at school and minimum school-leaving age of sixteen years. https://www.irishstatutebook.ie/eli/2000/act/22/enacted/en/html

<p>Child Care (Amendment) Act 2022 reform of the guardian ad litem (GAL) system:</p>	<p>19 July 2022</p>	<p>An Act to amend and extend the law in relation to guardians ad litem appointed under the Child Care Act 1991; to amend section 29 of the Child Care Act 1991 to allow officers of the Minister to attend, for specific purposes, proceedings heard otherwise than in public; and for those and other purposes to amend the Child Care Act 1991, the Children Act 2001, the Mental Health Act 2001, the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 and the Children First Act 2015; to repeal certain provisions of the Child Care (Amendment) Act 2011; and to provide for related matters.</p> <p>https://data.oireachtas.ie/ie/oireachtas/act/2022/21/eng/enacted/a2122.pdf</p> <p>The views and opinions of children and young people who are or who have been involved in child care proceedings are crucial to informing the shape of the new service. With the assistance of relevant stakeholders, such as Tusla, the Department carried out consultations with children and young people in 2018. These consultations will inform the design of the new GAL Executive Office.</p> <p>https://www.gov.ie/en/policy-information/04fc0e-reform-of-guardian-ad-litem-arrangements-in-child-care-proceedings/</p>
--	---------------------	--

1.3. Policy framework

Question	YES	NO	Comments
1.3.1. Is there a specific national or sub-national policy framework and/or a national or sub-	X		Better Outcomes Brighter Futures: The National Policy Framework for Children and Young People, 2014-2020 This document sets the government's

<p>national strategy on child rights and/or child protection?</p> <p><u>If yes</u>, does it require an integrated approach to child protection?</p>		<p>key commitments to children and young people up to the age of 24.⁵</p> <p>The next national policy framework is due to be published in 2023 and will cover the period to 2028.</p> <p>Tusla, Child Protection and Welfare Strategy 2017-2022 (Dublin: Tusla, 2017). This document sets out our strategic vision to provide an appropriate, proportionate and timely response to children at risk or in need of support in Ireland. There are six elements, or cogs, to the strategy, all of which are interconnected and will work together to transform how we protect children⁶</p> <p>These policy documents have an integrated approach towards Child Protection.</p> <p>Tusla – Child and Family Agency published its new Corporate Plan 2021 – 2023. The corporate plan sets out the ambition and key priorities agreed between the Board of the Agency and Minister for Children and Youth Affairs.⁷</p>
<p>1.3.2. Are there national or sub-national plans for action or policies targeting specific groups of children or particular areas, e.g. children with disabilities, children in care?</p>	<p>x</p>	<p>Section 3 of the national policy framework for children & young people 2014 – 2020 directs Government policy and priorities on child protection. This emphasises family supports, a continued focus on foster care, and the ongoing review of the Child Care Act 1991. Outcome 3 “Safe and protected from harm” contains the commitments to address child protection and includes reference to vulnerable children “Traveller, Roma, migrant and asylum seeking children; and children with special needs. Groups who may be particularly vulnerable to</p>

⁵ <https://www.gov.ie/pdf/?file=https://assets.gov.ie/23796/961bbf5d975f4c88adc01a6fc5b4a7c4.pdf#page=null>

⁶ https://www.tusla.ie/uploads/content/Tusla_Child_Protection_and_Welfare_Strategy.pdf

⁷ Tusla, Corporate Plan 2021 – 2023, <https://www.tusla.ie/corporateplan21-23/>

		<p>bullying and discrimination include lesbian, gay, bisexual and transgendered (LGBT) young people, those in detention or in care, and children and young people from minorities.”⁸ (p.75). The mid-term review highlighted a need to focus on as priorities: child homelessness, child poverty, mental health and wellbeing, prevention and early intervention. The framework has not been renewed since 2020 and there have been no annual reports on it since 2020.⁹</p> <p>Additionally Tusla have in place 3 Strategic Plans at present, seeking to improve the experiences of children and young people in foster care, residential care and Aftercare. Those Plan being:</p> <ul style="list-style-type: none"> • Strategic Plan for Foster Care Service for Children in Young People 2022 – 2025 • Strategic Plan for Residential Care Services for Children and Young People 2022 – 2025 • Strategic Plan for Aftercare Services for Children and Young People 2023 - 2026
<p>1.3.3. Are there national or sub-national child protection policies regarding children in the digital space and when using online media?</p>	<p>X</p>	<p>The government’s first Action Plan for Online Safety was published in 2018 but not renewed. This established the National Advisory Council for Online Safety. Research on online safety in internet use by children was launched in 2021. The Online Safety and Media Regulation Act 2022 was signed into law in December 2022.</p> <p>Coimisiún na Meán has now been established further to the provisions of the Act.</p>

⁸ Better Outcomes Brighter Futures The national policy framework for children & young people 2014 – 2020, page 75. <https://assets.gov.ie/23796/961bbf5d975f4c88adc01a6fc5b4a7c4.pdf>

⁹ Better Outcomes, Brighter Futures: Annual Reports <https://www.gov.ie/en/collection/847593-better-outcomes-brighter-futures-annual-reports/>

<p>1.3.4. Is there a (regular) child participation policy and/or mechanism and/or body related to child rights and/or other child-related governance at national or sub-national level to ensure children have a (direct) voice in or can indirectly influence policy making, e.g. children’s rights forum, child surveys, child participation platform? <u>If yes, are appropriate child protection and safety measures in place?</u></p>	x	<p>The Department of Children and Youth Affairs (DCYA) National Strategy on Children and Young People’s Participation in Decision-making 2015-2020 was designed to ensure that children and young people have a voice in their individual and collective everyday lives. The DCYA strategy explicitly endorsed the Lundy Model of Participation (2007), which is grounded in Article 12 of the UNCRC. Tusla published the Child and Youth Participation Strategy 2019-2023 to address the structural changes needed to effect this model and introduces the new practice model called Signs of Safety.¹⁰ The National Framework on Children and Young People’s Participation in Decision-making was launched in 2021.¹¹ The Department of Children, Equality, Disability, Integration, and Youth (DCEDIY) set up Hub na nÓg to support implementation, to develop and conduct consultations with children and young people and child participation training, development and coaching for government departments, statutory organisations and other organisations.¹²</p> <p>The National Participation Office (NPO) was established within DCEDIY in 2021 to provide support and guidance to government departments and agencies wishing to consult children and young people on issues of national policy. The NPO is responsible for the maintenance and development of local youth councils, Comhairle na nÓg, which are supported by DCEDIY. The NPO also facilitates national consultations with children and young people by government departments and</p>
--	---	--

¹⁰ https://www.tusla.ie/uploads/content/tusla_child_and_youth_participation_strategy-2019-2023.pdf

¹¹ <https://www.gov.ie/en/press-release/06361-minister-ogorman-launches-the-national-framework-for-children-and-young-peoples-participation-in-decision-making/> ; https://hubnanog.ie/wp-content/uploads/2021/04/5587-Child-Participation-Framework_report_LR_FINAL_Rev.pdf

¹² <https://hubnanog.ie/supporting-the-national-participation-strategy/>

		<p>agencies through Comhairle na nÓg and the National Youth Assembly of Ireland.</p> <p>Comhairle na nÓg local youth councils operate in each of the 31 Local Authority areas to include the voice of children and young people in local policy making. Dail na nÓg is a biennial youth parliament, and the National Executive of Comhairle na nÓg, elected representatives, one from each youth council, work on national policy issues.</p> <p>The Comhairle na nÓg Five Year Development Plan is currently being implemented across all youth councils, at local and national level. The National Youth Assembly of Ireland was established in 2022 to facilitate young people aged 12-24 to consider issues of national policy (including climate issues and those relevant to life in rural communities) and make recommendations on appropriate actions to the relevant government Minister.</p> <p><i>The Children and Young People’s Participation in Decision-Making: Action Plan 2023-2028</i> is currently being developed, and will build on the structures and practice put in place or further developed under the first Participation Strategy.</p> <p>Services relating to the participation of children and young people in policy-making are delivered by Hub na nÓg and the NPO through a Participation Services Contract with youth organisations that ensures child protection and safety measures are in place.</p>
--	--	---

1.4. Particular groups of children: information on legislative and policy developments (if any) related to their protection

Please report on any significant developments in the last five years and comment briefly.

When answering you should consider all relevant civil, criminal, and administrative legislation, including regulations, ordinances, codes, ministerial decisions. On policy developments please include any relevant

action plan, protocol, procedure, or guidance issued by competent authorities. Please always specify how children’s participation in any respective judicial (civil, criminal, and administrative) proceedings are regulated and supported (e.g. procedural safeguards to be in place, ensuring children’s right to be heard).

1.4.1. Children victims of abuse, exploitation, or neglect

In the areas of online and offline sexual abuse, pornography, exploitation and child labour, trafficking; domestic violence and gender-based violence including harmful practices, such as genital mutilation, child/forced marriage, honour-related violence; abuse or discrimination; ICT and cyber bullying; school bullying; neglect and children at risk of abuse and neglect, including street children (begging or selling things)

Policy developments	Legislative developments
<p>The National Action Plan to Combat Human Trafficking 2019-2022 sets out a range of actions aimed at preventing and responding to human trafficking in Ireland. The plan includes measures to identify and support victims of trafficking, to prosecute perpetrators, and to prevent trafficking from occurring in the first place.</p> <p>In 2018, the Irish government published a National Action Plan on Internet Safety for Children and Young People, which aims to promote online safety and protect children from online abuse and exploitation. The plan includes a range of measures to improve education and awareness of online risks, to support victims of online abuse, and to improve law enforcement responses to online abuse and exploitation.</p> <p>In 2017, the Irish government published a National Plan to Combat Child Labour, Forced Labour and Human Trafficking. The plan sets out a range of measures aimed at preventing and responding to child labour and exploitation, including measures</p>	<p>Criminal Law (Sexual Offences) Act 2017: This legislation introduced a range of new offences related to sexual abuse, including the creation and distribution of child pornography, the grooming of children for sexual purposes, and the possession of images of child pornography.</p> <p>In 2018, the Forced Marriage (Civil Protection) Act was passed, which provides civil remedies to protect individuals from forced marriage, including protection orders and arrest warrants. The Act also includes provisions for training and awareness-raising for professionals working in the area of forced marriage.</p> <p>In 2019, the Domestic Violence Act was amended to include provisions for addressing honour-related violence. The amendments include provisions for prohibiting forced marriage, prohibiting the use of coercive control in the context of honour-based violence, and increasing the penalties for offences related to forced marriage and honour-based violence.</p>

to improve education and awareness, to strengthen enforcement of labour laws, and to improve support for victims.

Child Protection and Welfare Strategy for 2017-2022 includes a new national approach to practice, the Signs of Safety, which will ensure that all staff will engage with children and families using one consistent approach.¹³

The Stay Safe programme is a personal safety skills programme for primary schools to reduce vulnerability to child abuse and bullying through the provision of personal safety education for children and training for teachers, school management boards and parents.¹⁴

A National Steering Committee on FGM was established to oversee the implementation of Ireland's National Action Plan to Address FGM 2016-2019.

In 2018, an independent review of the child protection system in Ireland was conducted by Dr. Geoffrey Shannon. The review made a range of recommendations aimed at improving the response to children at risk of abuse and neglect, including the development of a national child protection information management system, the establishment of an independent oversight body for the child protection system, and the

Cabinet approval to publish the Criminal Justice (Engagement of Children in Criminal Activity) Bill 2023. The Bill will, for the first time, create specific offences where an adult compels, coerces, induces or invites a child to engage in criminal activity.¹⁵

In March 2021, the Child and Family Agency (Amendment) Act was signed into law, which amends the Child and Family Agency Act 2013 in order to provide the Minister for Education with appropriate governance and oversight of the education welfare functions performed by the Child and Family Agency (Tusla).

The Child Care (Amendment) Act 2022, which provides for reform of the guardian ad litem (GAL) system, was signed into law on 19 July 2022. GALs inform the court of the child's views and advise the court regarding the child's best interests. This will address significant inadequacies in existing arrangements, by regulating and extending the GAL system, and will provide a statutory basis for a national Guardian ad litem service. Until the new service is opened, and the relevant provisions commenced, the existing s26 of the Child Care Act, 1991 will continue to apply to GAL arrangements for children who are the subject of public law child care proceedings.¹⁶

In relation to legal advice and representation for GALs, the Act now provides in section 35D(2)(a) that

¹³ <https://www.tusla.ie/news/tusla-launches-new-child-protection-and-welfare-strategy/>

¹⁴ <https://www.staysafe.ie/>

¹⁵ <https://www.gov.ie/en/press-release/e473c-minister-harris-secures-cabinet-approval-for-new-bill-criminalising-the-grooming-of-children-into-crime/>

¹⁶ <https://assets.gov.ie/239772/7a41d453-19b8-403d-8022-296322e796f8.pdf>

<p>implementation of a system of guardians ad litem to represent the interests of children in child protection proceedings.</p>	<p>legal advice will always be available to guardians ad litem on request. This strengthens the Bill relative to the 2019 version, which would have left the provision of legal advice at the discretion of the Minister for Children. However, according to the Special Rapporteur on Child Protection, this change has not been matched in respect of the provision of legal representation for GALs, which remains at the discretion of the Minister pursuant to section 35D(2)(b). It remains to be seen how this discretion will be exercised. If exercised restrictively, this proposal risks creating a situation where GALs are less able to effectively represent the child’s views and best interests in complex child care proceedings than they are at present.¹⁷</p>
<p>1.4.2. Children with disabilities Please include children with learning difficulties, autism, and mental health impairments / psycho-social disabilities, severe chronic illnesses that prevent them e.g. from attending onsite school or sports activities</p>	
<p>Policy developments</p>	<p>Legislative developments</p>

¹⁷ C O’Mahony, Annual Report of the Special Rapporteur on Child Protection 2022, at Section 1.2.2, available at <https://www.gov.ie/pdf/?file=https://assets.gov.ie/242675/ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf#page=null>

<p>National Disability Inclusion Strategy (NDIS) 2017–2021</p> <p>It represents a whole of Government approach to disability and is underpinned by the Disability Act 2005. Accordingly, a wide range of government departments have responsibilities under the NDIS. The policy sets out themes of priority areas with key actions and objectives under each theme and a timeframe for delivery. A key theme in this strategy is equality and choice ¹⁸¹⁹</p> <p>A recent OCO report (2021) identified significant barriers facing children with disabilities in Ireland relating to play, including a failure to effectively include children with disabilities in research, lack of legislation and policy for inclusive play, and a lack of up-to-date disaggregated data on play for children with disabilities.</p>	<ul style="list-style-type: none"> ● The Childcare Support Act 2018 ● The ratification of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) by Ireland in 2018 had a specific article on children and disabilities that adds further emphasis to the rights of children. <p>The <u>Disability Act 2005</u> provides for an Assessment of Need (AON) to identify a child's health needs and what health services are needed to meet these needs. The assessment is carried out by the HSE for children or young people with a disability.</p>
<p>1.4.3. Children in the context of migration</p> <p>Specific thematic areas: unaccompanied-separated children from third countries and within the EU; children in undocumented – irregular migrant families; asylum seeking children; refugee children</p>	
<p style="text-align: center;">Policy developments</p>	<p style="text-align: center;">Legislative developments</p>
<p>Policies in place to ensure that their welfare is protected and that they receive appropriate care and support. This includes the appointment of a guardian for each child, the provision of accommodation and healthcare, and the identification of their specific needs. The government also works to ensure that children have access to education, legal representation, and support in making decisions about their future. Since 2016, the Separated Children Seeking</p>	<p>Section 14 of the <u>International Protection Act 2015</u> states that a child under the age of 18, arriving at a port of entry or at the International Protection Office (IPO), and who is not in the custody of an adult, will be referred to the <u>Child and Family Agency (TUSLA)</u>. Accordingly, Information Booklet for Unaccompanied Minors/Separated Children (IPO 3) were developed to guide unaccompanied Minors/Separated Children who are Applicants for International Protection.</p>

¹⁸ <https://www.gov.ie/en/publication/8072c0-national-disability-inclusion-strategy-2017-2021/>

¹⁹ (Department of Justice and Equality, National Disability Inclusion Strategy (NDIS) 2017–2021 (Stationery Office 2017) at 11

International Protection service has been working with the EU relocation programme for refugee children arriving at hotspots in Europe such as Greece, Italy, Malta and Calais.²⁰

National Standards for accommodation offered to people in the international protection process were published by the Department of Justice and Equality in August 2019. A number of the standards focus on the needs of children and would, if implemented fully, potentially bring about positive changes for them while living in Direct Provision accommodation.²¹ These standards reflect many of the issues raised by the children in the Ombudsman's consultation with children in Direct Provision.²² The National Standards became legally enforceable on 1 January 2021

Tusla has no guidelines for assessing the ages of young asylum seekers who arrive alone and say they are children. There are cases of children of colour who show some characteristics that may be shown in older white people are wrongfully categorised as adults by Tusla. They are referred to

On 6 July 2018 Ireland adopted the European Communities (Reception Conditions) Regulations 2018 (the 2018 Regulations) which gave effect to the EU Recast Reception Conditions Directive outlined above. As with the EU Directive, the Irish 2018 Regulations recognise children as a vulnerable group. They provide that when determining where a child should live, the Minister for Justice and Equality must ensure the allocated centre is suitable to meet all of the child's needs and allow them to avail of the benefits to which they are entitled under the Regulations.²⁵

However, the 2018 Regulations do not make any specific reference to rehabilitation services for children or to the recreational needs of asylum seeking children, either within their accommodation centres or in their community. The need for recreational spaces for children, including outdoor facilities, has been raised by the Joint Committee and forms part of the EU Recast Directive. It is further notable that while the provision of such recreational facilities does not form part of the 2018 Regulations, it is included in the National Standard.²⁶

²⁰ Tusla, Separated children seeking international protection, available at <https://www.tusla.ie/services/alternative-care/separated-children/>

²¹ Press Release, Department of Justice and Equality, Ministers Flanagan and Stanton welcome publication of the Spending Review on Direct Provision (15 August 2019). Available at <http://www.justice.ie/en/JELR/Pages/PR19000215>

²² Ombudsman for Children's Office, Direct Division Report, available at <https://www.oco.ie/directdivision/direct-division-report/>

²⁵ S.I. No. 230/2018 - European Communities (Reception Conditions) Regulations 2018, available at <https://www.irishstatutebook.ie/eli/2018/si/230/made/en/print>

²⁶ Ombudsman for Children's Office, Direct Division Report, available at <https://www.oco.ie/directdivision/direct-division-report/>

<p>the International Protection Office, and accommodated with adults.²³</p> <p>In <i>S.Y. (Minor) v. the Minister of Children and Ors.</i> 2023 IEHC 187, the International Protection Applicant was interviewed by social workers on behalf of the International Protection Office (“IPO”). They told the applicant that they believed he was an adult and not a minor, while he was under 18.²⁴</p>	<p>According to the Irish Refugee Council and Immigrant Council and Irish Refugee Council, Ireland failed to meet obligations around migrant children rights. As a result of the lack of consideration given to the needs of migrant children within a legal framework, their interests have been detrimentally impacted in the following ways.²⁷</p> <ul style="list-style-type: none"> ● the lack of civil legal aid for unaccompanied refugee children applying for family reunification with their parents, while these applications are central to their long-term well-being and integration in Ireland. ● The lengthy process results in ongoing separation of families for several years, which is not in the best interests of the children or their families ● the International Protection Act excludes unaccompanied children from family reunification with their minor siblings, where their parents are deceased, and that the law does not make provision for
---	---

²³ Malekmian, S., (12 April 2023) In just hours, with no guidelines, a Tusla social worker decided a young asylum seeker was an adult not a child, Dublin Inquirer, available at <https://www.google.com/url?q=https://dublininquirer.com/2023/04/12/in-just-hours-with-no-guidelines-a-tusla-social-worker-decided-a-young-asylum-seeker-was-an-adult-not-a-child/&sa=D&source=docs&ust=1681919928809847&usg=AOvVaw2Bm8pfBslDqtdhhRs7YxkO>

²⁴ *S.Y. (A Minor) v. The Minister for Children and Ors.* [2023] IEHC 187, available at [https://www.courts.ie/acc/alfresco/599db9da-fb81-48fc-9cfb-cbbdfa313df5/2023 IEHC 187.pdf/pdf#view=fitH](https://www.courts.ie/acc/alfresco/599db9da-fb81-48fc-9cfb-cbbdfa313df5/2023%20IEHC%20187.pdf/pdf#view=fitH), Also See PILA (03 May 2023) High Court rules Irish State failed to comply with legal obligations to meet the basic needs of an Afghan refugee minor arriving in Ireland, available at <https://www.pila.ie/resources/bulletin/2023/05/03/high-court-rules-irish-state-failed-to-comply-with-legal-obligations-to-meet-the-basic-needs-of-an-afghan-refugee-minor-arriving-in-ireland/>

²⁷ The Immigrant Council of Ireland (ICI) and Irish Refugee Council (IRC) (August 2022) NGO Report to the UN Committee on the Rights of the Child The Republic of Ireland’s Implementation of the UNCRC, available at <https://www.immigrantcouncil.ie/sites/default/files/2022-12/ICI%20and%20IRC%20NGO%20Report%20to%20the%20UN%20Committee%20on%20the%20Rights%20of%20the%20Child%20August%202022.pdf>

another adult caregiver in those circumstances

- the crisis in reception accommodation for people seeking international protection may harm children and have a detrimental effect on their well-being. Problems including overcrowding, use of substandard accommodation (including transit centres, tents, hotels), difficulty in accessing supports and education,
- the lack of independent residence permissions for minors,
- barriers to regularising immigration status for minors, family reunification,
- the lack of civil aid and persisting difficulties in the identification and protection of child victims of trafficking.

The number of refugees fleeing the war in Ukraine and arriving in Ireland is now approaching 75,000, according to latest data published by the Central Statistics Office (CSO). According to the CSO, women and men aged 20 and over made up almost half of the total (46 per cent) while exactly one third were aged under 20.²⁸

Since Russia invaded Ukraine on February 24, an estimated 4,000 Ukrainian children have come to Ireland seeking refuge. Most came with their families, and 3,800 are already registered in schools. But one chilling statistic stands out — since the war began, 89 Ukrainian children arrived at Irish airports or ports unaccompanied and

²⁸ Hilliard, M. (24 Feb 2023) CSO says number of Ukrainian refugees in Ireland nearing 75,000, The Irish Times, [https://www.irishtimes.com/ireland/social-affairs/2023/02/24/cso-says-number-of-ukrainian-refugees-in-ireland-nearing-75000/#:~:text=The%20number%20of%20refugees%20fleeing,Central%20Statistics%20Office%20\(CSO\).](https://www.irishtimes.com/ireland/social-affairs/2023/02/24/cso-says-number-of-ukrainian-refugees-in-ireland-nearing-75000/#:~:text=The%20number%20of%20refugees%20fleeing,Central%20Statistics%20Office%20(CSO).)

without any adult supervision. As of Friday, 33 of them are still in state care.²⁹

In 2022, the EU Temporary Protection Directive was activated in response to the Ukraine crisis. The Directive is an emergency provision designed to quickly and humanely respond to the mass displacement of Ukrainian people by Russian aggression. Ireland participated in this measure, which has been given legal effect under Section 60 of the International Protection Act 2015. Under the terms of the Directive, those fleeing the conflict in Ukraine will be eligible for temporary protection, initially for one year and on a renewable basis. The Directive applies to those who arrived into the State from Ukraine since the conflict began on 24 February 2022.³⁰

The Minister for Justice announced that the temporary protection permission that has been granted to those who have arrived in Ireland fleeing the invasion of Ukraine will be extended for a further 12 months to March 2024.³¹ The Irish Government has allocated €20 million in humanitarian aid, as well as providing medical supplies to Ukraine. It has launched a new dedicated Ukraine civil society fund of €2 million

²⁹ Sheehan, M. (April 2022) 'They are seeking access to safe accommodation and education' – the Ukrainian children fleeing war all alone: Ukrainian children fleeing war on their own, Independent, <https://www.independent.ie/irish-news/they-are-seeking-access-to-safe-accommodation-and-education-the-ukrainian-children-fleeing-war-all-alone/41538492.html>

³⁰ Department of Justice, Information on Temporary Protection for People Fleeing the conflict in Ukraine, <https://www.irishimmigration.ie/information-on-temporary-protection-for-people-fleeing-the-conflict-in-ukraine/>

³¹ Department of Justice (16 Feb 2023), Press Release, Minister for Justice announces extension of the Temporary Protection permissions granted to persons fleeing the war in Ukraine. <https://www.gov.ie/en/press-release/602b5-minister-for-justice-announces-extension-of-the-temporary-protection-permissions-granted-to-persons-fleeing-the-war-in-ukraine/>

specifically to support Irish NGOs responding to the crisis. To date 30 March 2022 there have been 15,294 Ukrainian arrivals in Ireland, mostly through Dublin Airport, but also at Shannon and Cork Airports and Rosslare Port. Dedicated reception facilities have been put in place to provide people with temporary protection and access to other services immediately on arrival. The Department of Children, Equality, Disability, Integration and Youth's international protection accommodation service has provided accommodation to people who have sought it on arrival in Ireland, and as the numbers arriving are increasing, arrangements are being ramped-up to provide accommodation in hotels, guest houses and bed and breakfasts, as well as accommodation pledged by the general public, State or privately owned properties, religious properties and local authority community facilities.³²

The Government, An Garda Síochána, the Irish Red Cross and Tusla have been working together to develop a vetting process for donors of shared accommodation. This is where a room or rooms have been offered to Ukrainian refugees in people's homes. As children constitute a significant proportion of the Ukrainian refugees currently arriving in Ireland, child protection has to be a priority. For this reason anyone offering a room or rooms in a shared home will have to be vetted before Ukrainian refugees are matched them.³³

³² Dail Debate (30 March 2022) Government Response to Situation in Ukraine: Statements, <https://www.oireachtas.ie/en/debates/debate/dail/2022-03-30/13/>

³³ Dail Debate (30 March 2022) Government Response to Situation in Ukraine: Statements, <https://www.oireachtas.ie/en/debates/debate/dail/2022-03-30/13/>

	<p>Child benefit is being paid for almost 4,000 children.³⁴</p> <p>schools are opening their doors, as well as initiatives such as the Irish National Teachers Organisation, INTO, taking on the provision of information in Ukrainian and Russian to families and parents to enable a smooth transition into schools in Ireland.³⁵</p>
<p>1.4.4. Children in alternative care</p> <p>Specific thematic areas: residential – institutional care; foster care; adoption (including international adoption)</p>	
<p>Policy developments</p>	<p>Legislative developments</p>

³⁴ Dail Debate (30 March 2022) Government Response to Situation in Ukraine: Statements, <https://www.oireachtas.ie/en/debates/debate/dail/2022-03-30/13/>

³⁵ Dail Debate (30 March 2022) Government Response to Situation in Ukraine: Statements, <https://www.oireachtas.ie/en/debates/debate/dail/2022-03-30/13/>

Houses of the Oireachtas Joint Committee on Children and Youth Affairs Report on the provision of foster care services in Ireland 2017 - made series of recommendations on foster care supports, interagency coordination, and legislative change.

In 2022, Government initiated research on experiences in care to guide policy including a one-off study of care leavers and longitudinal study over ten years of care leavers experiences.³⁶

Tusla Child and Youth Participation Strategy for 2019-2023 to support participation of children, young people and parents in the decision-making³⁷

Since Russia invaded Ukraine on February 24, an estimated 4,000 Ukrainian children have come to Ireland seeking refuge. Most came with their families, and 3,800 are already registered in schools. But one chilling statistic stands out — since the war began, 89 Ukrainian children arrived at Irish airports or ports unaccompanied and without any adult supervision. As of Friday, 33 of them are still in state care.³⁸

Tusla provided a guide to help Ukrainian families navigate cultural differences, laws (e.g. child protection) and ways of parenting, which may be different to their country of origin in their language.³⁹

Tusla received 400 referrals over preliminary concern about children and young people from

The Protected Disclosures Act, which came into force on January 1 2023, means that foster carers can now lodge concerns directly with the Protected Disclosures Commissioner.

<https://www.irishstatutebook.ie/eli/2022/act/27/enacted/en/index.html>

The Adoption (Amendment) Act 2017 follows from the Thirty-First Amendment of the Constitution to provide for the voluntary placement for adoption and adoption of a child of married parents and the dispensing with parental consent to adoption in circumstances where the High Court is satisfied that the parents of a child have failed in their duty towards that child for a continuous period of 36 months or more and where it is considered likely that such failure will continue, and where adoption is considered to be in the best interest of the child

This Act also amends the Adoption Act 2010 to reflect the adoption provisions provided for in the Children and Family Relationships Act 2015 as well as provide for sole step-parent adoption.

<https://www.oireachtas.ie/en/bills/bill/2016/23/>

Birth Information and Tracing Act 2022 provides a right of access for adoptees and others with questions on their origins to birth certificates, birth and early life information.

<https://www.irishstatutebook.ie/eli/2022/act/14/enacted/en/html>

<p>Ukraine arriving into Ireland, although only one case has so far led to the <u>granting of an emergency court order</u> over fears of <u>trafficking</u>. The most up-to-date figures show 397 unaccompanied minors have been referred to Tusla, of whom 183 are from <u>Ukraine</u>. In total, 166 of the 397 unaccompanied minors have been placed in some sort of care setting, 61 of those from Ukraine.⁴⁰</p>	
<p>1.4.5. Children affected by custody disputes, including parental abduction</p>	
<p>Policy developments</p>	<p>Legislative developments</p>

³⁶

<https://www.gov.ie/en/press-release/d7c8d-minister-ogorman-launches-largest-ever-examination-of-the-lives-of-children-in-care-and-adults-who-were-in-care-as-children/>

³⁷ <https://www.tusla.ie/news/tusla-launches-new-child-and-youth-participation-strategy/>

³⁸ Sheehan, M. (April 2022) They are seeking access to safe accommodation and education’ – the Ukrainian children fleeing war all alone: Ukrainian children fleeing war on their own, Independent, <https://www.independent.ie/irish-news/they-are-seeking-access-to-safe-accommodation-and-education-the-ukrainian-children-fleeing-war-all-alone/41538492.html>

³⁹ Tusla, Ukraine Response, <https://www.tusla.ie/ukraine-response/>

⁴⁰ Baker, N. (27 July 2022) Tusla receives 400 referrals about children and young people coming from Ukraine, Irish Examiner, <https://www.irishexaminer.com/news/arid-40927901.html>

<p>Department of Justice undertaking a public consultation on Parental Alienation following concerns by civil society organizations about children being removed, against their wishes, from their preferred parents into the custody of allegedly abusive parents. ⁴¹</p> <p>The Family Justice Strategy 2022-2025⁴² set out new bespoke services for children, better provision of information tailored for children and young people and improved training for those working with children, to enable the system to clearly hear the voice of children, to ensure that they are supported in their own right and that their safety, security and best interests are paramount, following the enshrinement of the voice of the child in child care, adoption, guardianship, custody and access proceedings in the Constitution.</p>	<p>18 January 2016 certain provisions of the <u>Children and Family Relationships Act 2015</u> came into effect amending the <u>Guardianship of Infants Act 1964</u>. The changes allow for certain other people to apply to the court for custody</p> <p>https://www.gov.ie/en/press-release/06977-minister-mcentee-receives-government-approval-to-publish-family-court-bill-and-first-national-family-justice-strategy/</p>
<p>1.4.6. Missing children</p>	
<p>Policy developments</p>	<p>Legislative developments</p>

⁴¹ <https://www.irishtimes.com/ireland/2022/11/02/concern-over-increasing-use-of-parental-alienation-in-custody-disputes-in-family-courts/>

⁴² <https://assets.gov.ie/239772/7a41d453-19b8-403d-8022-296322e796f8.pdf>

<p>Child Rescue Ireland Alert (CRI) (2012) enables An Garda Síochána (police) to seek the assistance of the public where a child has been abducted and there is a reasonable belief that there is an immediate and serious risk to the health or welfare of a child. CRI Alert is an agreement between the police, the media and information broadcasters to alert the public to a child abduction in order to seek their help. Information relating to the Alert is broadcast via several media, including but not limited to: radio, television, internet and electronic road signs. The primary goal of the CRI Alert is the safe and early recovery of the child unharmed.</p> <p>Child Rescue Ireland app launched. A new smartphone app allows users to receive CRI (Child Rescue Ireland) alerts direct to their smartphone.⁴³</p>	<p>No legislation</p>
<p>1.4.7. Children at risk of poverty or social exclusion, or severely materially and socially deprived or living in a household with a very low work intensity (AROPE)</p>	
<p>Policy developments</p>	<p>Legislative developments</p>

⁴³ <https://www.tusla.ie/news/13th-february-2014/>

<p>The Roadmap for Social Inclusion 2020-2025: Ambition, Goals, Commitments is Ireland’s national strategy for poverty reduction and improved social inclusion.⁴⁴</p> <p>Ireland’s National Action Plan on the EU Child Guarantee (June 2022) was developed by the Irish National Coordinator for the EU Child Guarantee, responsibility for which lies with a newly established EU and International Unit in the Department of Children, Equality, Disability, Integration and Youth. The Plan restates the current services, programmes and supports in place across relevant government departments within the scope of the Guarantee. In addition, the plan proposes to leverage the relationship between Local Community Development Committees and Children and Young People’s Services Committees to develop Local Area Child Poverty Plans.⁴⁵</p> <p>Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People, 2014-2020 (updated 2021) sets out the Government’s agenda and its priorities in relation to children and young people up to the age of 24, and represents a whole-of-government effort to improve outcomes for children and young people across the five national outcomes: active and healthy; achieving full potential in all areas of learning and development; safe and protection from harm; economic security and opportunity; and connected, respected and contributing to their world.⁴⁶</p>	<p>None</p>
--	-------------

⁴⁴ <https://assets.gov.ie/46557/bf7011904ede4562b925f98b15c4f1b5.pdf>

⁴⁵ <https://www.gov.ie/en/publication/95dcc-irelands-eu-child-guarantee-national-action-plan/>

⁴⁶ <https://www.gov.ie/pdf/?file=https://assets.gov.ie/213523/1ce0be37-11c1-4aac-9e3a-9f9c49368cf0.pdf#page=null> ; also see: <https://www.gov.ie/ga/foilsuichan/775847-better-outcomes-brighter-futures/>

Better Outcomes, Brighter Futures National Advisory Council for children and young people on Addressing Child Poverty (28 July 2021): Analysis of causes and trends of child poverty and our proposals for a whole of government approach to planning its elimination⁴⁷

The National Area Based Childhood Programme launched 2015,⁴⁸ reviewed in 2020. The Area Based Childhood (ABC) Programme is a national Prevention and Early Intervention (PEI) Programme funded by Department of Children, Disability, Equality and Integration (DCDEI), delivered through the Prevention Partnership and Family Support Programme (PPFS) within Tusla. The programme invests in effective services to improve outcomes for children and families living in areas of disadvantage.⁴⁹

DEIS Plan 2017 – Delivering Equality of Opportunity In Schools: The DEIS Plan 2017 sets out the Department’s vision for education to more fully become a proven pathway to better opportunities for those in communities at risk of disadvantage and social exclusion⁵⁰

1.4.8. Children belonging to minority ethnic groups, e.g. Roma, Sami, etc.

⁴⁷ National Advisory Council for Children and Young People Paper on Addressing Child Poverty 28 July 2021 <https://www.gov.ie/pdf/?file=https://assets.gov.ie/213580/928533d9-413d-4848-951f-80d21c515f65.pdf#page=null>

⁴⁸ Tusla Area Based Childhood Programme - Vision, Mission and Principles, Oct 2020 <https://www.preparingforlife.ie/wp-content/uploads/2021/02/ABC-Vision-Mission-Principles-23-02-2021.pdf>

⁴⁹ Child Poverty, Dáil Éireann Debate, Wednesday - 27 May 2015

Policy developments	Legislative developments
<ul style="list-style-type: none"> ● National Traveller and Roma Inclusion Strategy (NTRIS) 2017-2021 ⁵¹provides a framework for action on Traveller and Roma issues. ● Pilot Programme to target attendance, participation and retention/school completion in specific Traveller and Roma Communities. The pilots are taking place in Galway, Wexford, Dublin and Cork. ⁵² <p>A targeted recruitment drive for Traveller foster parents resulted in a significant increase⁵³</p> <p>The UN Committee on the Rights of the Child in 2023 raised concerns about the experiences of Roma and Traveller children, particularly noting the intersecting experiences with disability and homelessness of Traveller children. ⁵⁴</p>	<p>In March 2017, the Irish state conferred official recognition on Travellers as an ethnic group.⁵⁵</p> <p>However, this recognition does not create any new individual, constitutional or financial rights.⁵⁶</p> <p>Membership of the Traveller Community is recognised however as a ground for discrimination in Ireland equality laws prior to this official recognition as an ethnic group.</p>
1.4.9. Children involved in judicial proceedings as victims or witnesses or parties	
Policy developments	Legislative developments

<https://www.oireachtas.ie/en/debates/question/2015-05-27/5/>

⁵⁰ <https://www.gov.ie/en/policy-information/4018ea-deis-delivering-equality-of-opportunity-in-schools/>

⁵¹ Department of Children, Equality, Disability, Integration and Youth, National Traveller and Roma Inclusion Strategy 2017 – 2021, available at <https://www.gov.ie/en/publication/c83a7d-national-traveller-and-roma-inclusion-strategy-2017-2021/>

⁵² Dail Eireann Debate, Departmental Schemes, 24 March 2022, available at <https://www.oireachtas.ie/en/debates/question/2022-03-24/51/>

⁵³ <https://www.irishexaminer.com/news/arid-40225754.html>

⁵⁴ UN Committee on the Rights of the Child (2023) available at <https://www.ohchr.org/en/news/2023/01/examen-de-lirlande-devant-le-comite-des-droits-de-lenfant-les-experts-font-etat-de>

⁵⁵ Dáil Éireann Debate, Report on the Recognition of Traveller Ethnicity, 1 June 2017, available at <https://www.oireachtas.ie/en/debates/debate/dail/2017-06-01/48/>

⁵⁶ European Social Policy Network (ESPN), Flash Report 2017/32, Ireland grants ethnic minority recognition for Irish Travellers ESPN <https://ec.europa.eu/social/BlobServlet?docId=17845&langId=en>

The second national DSGBV strategy made limited reference to children, with children primarily identified as witnesses. The third national strategy (2022-26) clearly identifies children and young people as both witnesses and victims/survivors. This focus on children and young people as victims and survivors reflects the focus of both the Convention on the Rights of the Child and the Istanbul Convention on the need to protect girls and boys. The implementation plan sets out the following actions: Preparing guidelines on children's rights and DSGBV in court settings, including training on children's rights and child-friendly communication, progressing and implementing the Family Court Bill. New legislation will provide for the introduction of a specific offense of non-fatal strangulation, a specific offense of stalking, and other legislative reforms relevant to tackling DSGBV and improving prosecutions of breaches of any and all DSGBV civil orders provided for in domestic violence and family law legislation.

1.4.10. Children involved in judicial proceedings as suspects or accused persons

Policy developments

Legislative developments

<p>Oberstown Children Detention Campus Strategy 2022-2026⁵⁷</p> <p>The Strategy aims to fulfil Oberstown’s vision of providing young people in detention with the highest standards of rights-based, child-centred care that enables them to maximise their potential, to the benefit of their families and communities and society as a whole.</p> <p>Ireland’s Youth Justice Strategy recognised that the 2001 Act’s provisions should apply to the processing of an offence with reference to the age at the time it was committed, irrespective of the age of the young person when the case comes to court, but there has been no further movement in progressing these amendments of the Children Act 2001.⁵⁸</p>	<p>Criminal Justice (Engagement of Children in Criminal Activity) Bill 2023. ⁵⁹(23 January 2023)</p> <p>This Bill will outlaw the grooming of children into crime by making it an offence for an adult to compel, coerce, direct or deceive a child for the purpose of engaging in criminal activity, or for an adult to induce, invite, aid, abet, counsel or procure a child to engage in criminal activity. The new offence will be a separate, prosecutable offence on top of the provisions in current law where an adult who causes or uses a child to commit a crime can generally be found guilty as the principal offender - meaning they can be punished as though they committed the crime themselves. This will ensure the law will specifically recognise the harm done a child by drawing them into a world of criminality.⁶⁰</p>
<p>1.4.11. Children at risk of harmful practices, including female genital mutilation; child /forced marriages, honour-related violence</p>	
<p>Policy developments</p>	<p>Legislative developments</p>

⁵⁷ Oberstown Children Detention Campus Strategy 2022-2026, available at <https://www.oberstown.com/wp-content/uploads/pda/2022/11/Oberstown-Strategy-2022-2026.pdf>

⁵⁸ Irish Legal News (24 January 2023) Irish child justice system under UN spotlight in Geneva, available at <https://www.google.com/url?q=https://www.irishlegal.com/articles/irish-child-justice-system-under-un-spotlight-in-geneva&sa=D&source=docs&ust=1681919928816542&usg=AOvVaw17kD92z14Y2jdxs4TspEeP>

⁵⁹ Criminal Justice (Engagement of Children in Criminal Activity) Bill 2023, 23 January 2023, available at <https://data.oireachtas.ie/ie/oireachtas/bill/2023/4/eng/initiated/b0423d.pdf>

⁶⁰ Department of Justice, Press Release (18 January 2023), Minister Harris secures Cabinet approval for new Bill criminalising the grooming of children into crime, available at [https://www.gov.ie/en/press-release/e473c-minister-harris-secures-cabinet-approval-for-new-bill-criminalising-the-grooming-of-children-into-crime/#:~:text=Departments-,Minister%20Harris%20secures%20Cabinet%20approval%20for%20new%20Bill,grooming%20of%20children%20into%20crime&text=The%20Minister%20for%20Justice%20Simon,in%20Criminal%20Activity\)%20Bill%202023](https://www.gov.ie/en/press-release/e473c-minister-harris-secures-cabinet-approval-for-new-bill-criminalising-the-grooming-of-children-into-crime/#:~:text=Departments-,Minister%20Harris%20secures%20Cabinet%20approval%20for%20new%20Bill,grooming%20of%20children%20into%20crime&text=The%20Minister%20for%20Justice%20Simon,in%20Criminal%20Activity)%20Bill%202023)

<p>Second National Strategy on Domestic, Sexual and Gender-based Violence 2016 to 2021⁶¹</p> <p>-A commitment to raise awareness of female genital mutilation within An Garda Síochána.</p> <p>The Migrant Integration Strategy (2017-2020)⁶², Action 61</p> <p>-the State’s obligation across Departments to provide intercultural awareness training to staff where it is appropriate to their role. For front-line staff such as medical workers and members of the Garda, this is particularly important as they may be the first point of contact with at-risk women and girls.</p>	<p>The Criminal Justice (Female Genital Mutilation) Act 2012 ⁶³was passed in Ireland. This Act creates a criminal offence of carrying out an act of female genital mutilation, as well as an offence of removing a girl from the State for the purpose of having an act of female genital mutilation carried out on her. These offences are punishable on summary conviction to a maximum fine of €5000 or to imprisonment for a term not exceeding 12 months or to both, and on conviction on indictment to a fine or imprisonment for a term not exceeding 14 years or to both.</p> <p>In Irish law, the offence of forced marriage is contained in the Domestic Violence Act 2018, which was signed into law in May 2018.</p> <p>https://www.irishstatutebook.ie/eli/2018/act/6/enacted/en/html</p> <p>The law outlawed forced marriage and ended loopholes allowing minor children (typically girls) to be married in Ireland. The Department of Justice has confirmed that the proposed legislation will make it an offence to force a person to marry when they do not consent and also criminalise marriage where consent is given under emotional, physical, sexual or financial duress and situations where an adult or a child is removed, or lured, from Ireland to a foreign country with the purpose of forcing them to enter into a marriage⁶⁴</p>
<p>1.4.12. Children whose parents are in prison/custody</p>	

⁶¹ Action Plan, Second National Strategy on Domestic, Sexual and Gender-based Violence 2016 - 2021, available at <https://www.gov.ie/pdf/?file=https://assets.gov.ie/135520/bafad2ff-d225-4798-82e2-ec4936a879c0.pdf#page=null>, Also see Dail Eireann Debate, 10 September 2020, Female Genital Mutilation, available at <https://www.oireachtas.ie/en/debates/question/2020-09-10/10/>

⁶³ The Criminal Justice (Female Genital Mutilation) Act 2012, available at <https://www.irishstatutebook.ie/eli/2012/act/11/enacted/en/html>

Policy developments	Legislative developments
1.4.13. Children who drop out of compulsory education and working children under the legal age for work	
Policy developments	Legislative developments

⁶³ The Criminal Justice (Female Genital Mutilation) Act 2012, available at <https://www.irishstatutebook.ie/eli/2012/act/11/enacted/en/html>

⁶⁴ Darragh Peter Murphy, "The Government is finally going to outlaw forced marriages (but no one knows exactly how many take place in Ireland)," *The Journal* (October 9, 2016) available at <http://www.thejournal.ie/forced-marriages-3011469-Oct2016/>

<p>BETTER OUTCOMES BRIGHTER FUTURES The national policy framework for children & young people 2014 - 2020⁶⁵</p> <p>Review of Out-of-School Education Provision: It focuses on a small number of education centres which operate outside of mainstream education provision and deal with children under 16 who have encountered difficulties staying in education.</p> <p>https://www.gov.ie/en/publication/dcc7c-out-of-school-education-provision/</p> <p>DEIS Plan 2017 – Delivering Equality of Opportunity In Schools.⁶⁶</p> <p>The NEWB was established in 2002 under the Education (Welfare) Act, 2000, legislation that emphasises the promotion of school attendance, participation and retention. In 2012 the National Education Welfare Board developed an intervention practice model in relation to early school leavers known as One Child, One Team, One Plan ⁶⁷</p> <p>Since mid-2009 the National Education Welfare Board had an expanded remit which included responsibility for the Home School Community Liaison scheme (HSCL) and the School Completion Programme (SCP) in addition to the Educational Welfare Service (EWS). A Memorandum of Agreement between the NEWB and the Department of Education and Skills outlined the Board’s obligation to develop “a single, strategic approach reflecting equally the nature of and strengths of each of the services, including the National Educational Welfare Service to</p>	<p>No Progress</p> <p>The Protection of Young Persons (Employment) Act 1996 prohibits the employment of children under 16 years. Employers may, however, take on 14 and 15 year olds, on light work.⁷⁰</p>
---	---

-
- ⁶⁵ BETTER OUTCOMES BRIGHTER FUTURES The national policy framework for children & young people 2014 - 2020, available at <https://www.google.com/url?q=https://assets.gov.ie/23796/961bbf5d975f4c88adc01a6fc5b4a7c4.pdf&sa=D&source=docs&ust=1681919928825650&usg=AOvVaw1B0O-Ena3xCgxBcJ3KuA4r>
- ⁶⁶ DEIS Plan 2017 – Delivering Equality of Opportunity In Schools, available at <https://www.google.com/url?q=https://www.gov.ie/en/policy-information/4018ea-deis-delivering-equality-of-opportunity-in-schools/&sa=D&source=docs&ust=1681919928817470&usg=AOvVaw23mIgfFZ8RZhHqXECm-1JA>
- ⁶⁷ National Education Welfare Board developed an intervention practice model in relation to early school leavers known as **One Child, One Team, One Plan** (NEWB (2012)) available at https://www.google.com/url?q=https://www.tusla.ie/uploads/content/Addressing_NEWB_Review_of_Int_Practice.pdf&sa=D&source=docs&ust=1681919928816974&usg=AOvVaw013uvz6lVKf340ITDPdhID
- ⁷⁰ Workplace Relations Commission, Employing Children and Young Persons, available at https://www.google.com/url?q=https://www.workplacerelations.ie/en/what_you_should_know/employer-obligations/employment_of_children_and_young_persons/employing-children-and-young-persons-faq.html&sa=D&source=docs&ust=1681919928821656&usg=AOvVaw211knzjUgQ6huNC7bUHcdJ

address school attendance, participation and retention.”

The Board was mandated to assume “responsibility for the management, development and direction of the Home School Community Liaison Programme and the School Completion Programme in line with Department policy.” One Child, One Team, One Plan is the practice model which was developed for use by all NEWB staff as a result. This policy is designed to facilitate the integrated working of NEWB services with schools and families in relation to children who require support around school attendance, participation and/or retention. There are nine principal components to the model, including placing the child at the heart of all action taken, using a continuum of support/intervention, the provision of support and interventions to meet the assessed need and the use of an outcomes framework to assess the success or otherwise of the support or interventions provided.

The latest available EU figures showed that in 2021, 10% of all 18-24 year olds in the EU-27 member states were classified as early school leavers. The Irish equivalent rate was 3% in the same period. This ranked the country joint 2nd lowest with Greece and Slovenia among EU member states.⁶⁸ However, certain groups, including Irish Travellers, still have faced high shares of early leavers. This calls for further efforts to close existing educational gaps.⁶⁹

1.4.14. Please insert any other group of children that is not listed above, such as children with drug or alcohol addictions (*add rows as needed*)

Policy developments

Legislative developments

⁶⁸ Central Statistics Office (CSO) (November 2022), Educational Attainment Thematic Report 2022, <https://www.cso.ie/en/releasesandpublications/ep/p-eda/educationalattainmentthematicreport2022/irelandtheeuandeducationalattainment/>

⁶⁹ OECD (June 2020) Educational Policy Outlook Ireland, <https://www.oecd.org/education/policy-outlook/country-profile-Ireland-2020.pdf>

For those children who experienced sexual abuse;

Barnahus/OneHouse expanded from a single pilot in Galway to include locations in Dublin and Cork; and the launch of the new national strategy on domestic, sexual and gender-based violence.⁷¹

The Onehouse, Barnahus Galway project was launched in 2019 to bring together health, medical, therapeutic and policing services for children and adolescents in a child centred way where sexual abuse is suspected. It will provide a safe space where children can access teams of Gardaí, social workers and other professionals working together under one roof. Ultimately, the project aims to develop better pathways and minimise the trauma on children and young people.

<https://www.tusla.ie/news/launch-of-barnahus-onehouse-galway-pilot-project/>

Barnahus West has, at one specially designed and equipped location, a child friendly interview suite, a child friendly forensic medical examination room and secure evidence storage, and is co-located with adult SATU services. The facility also has meeting rooms and family rooms specifically designed to feel safe and non-threatening to children. Key professionals in child protection, health care and An Gardaí Síochána meet regularly to review cases of child sexual abuse and plan the steps that need to be taken.

Nonetheless, significant challenges continue to arise in relation to the treatment of victims during the prosecution of child sexual abuse cases, as documented in the One in Four Only a Witness report.⁷²

The revised ex gratia scheme was published and re-opened in July 2021 for the provision of compensation to survivors of sexual abuse in schools, pursuant to the decision of the European Court of Human Rights In O’Keeffe v Ireland in 2014

-Child Trafficking

Since early 2022, Tusla has partnered with MECPATHS to raise awareness and provide frontline staff across their services with training on child trafficking in Ireland.

<https://mecpaths.com/>

Tusla and Barnardos provided a booklet for parents of teenagers who are affected by a parent’s drug or alcohol use.https://www.tusla.ie/uploads/content/Teenagers_coping_parents_Drug_abuse_d4.pdf

1.5. Contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards

⁷¹ C O’Mahony, Annual Report of the Special Rapporteur on Child Protection 2022, available at <https://www.gov.ie/pdf/?file=https://assets.gov.ie/242675/ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf#page=null>

⁷² C O’Mahony, Annual Report of the Special Rapporteur on Child Protection 2022, at Section 2.8, available at <https://www.gov.ie/pdf/?file=https://assets.gov.ie/242675/ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf>

Are there any contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards that have been pointed out by international bodies, national human rights institutions, ombudspersons, or civil society organisations? Please also refer to any contradictions within national and sub-national legislation.

The Child Care Act 1991 has been long criticised for creating cases prone to delays and proceedings that are not in the best interests of the child. The Act's provisions for the care and protection of children have been criticised as being too vague and that creating a lack of accountability for the actions of social workers and other professionals involved in the care of children. The Child Care Act 1991 does not explicitly recognize the rights of children as set out in the United Nations Convention on the Rights of the Child (UNCRC), noted by the UN Committee on the Rights of the Child in its 2019 inspection of Ireland.

For several years the Irish government has committed to reviewing the Act, and undertook a lengthy consultation process.⁷³ The Government has now approved the drafting of the Child Care (Amendment) Bill 2023 to include: introduction of a duty to cooperate between relevant bodies, such as Tusla, government departments, the Health Service Executive (HSE) and An Garda Síochána (AGS); strengthening the voice of the child both in court proceedings and in decisions taken outside the court setting by introducing a principle that children should be able to participate in the decision-making process; amendments to Section 3 of the Child Care and to Children First Act 2015 related to assessments of reports of harm; amendments to existing rules for Supervision Orders, Interim Care Orders, Care Orders, Emergency Care Orders and Voluntary Care Agreements, and amendments to allow Tusla Early Years Inspectorate to immediately close unregistered early learning and childcare services.⁷⁴

The Irish Human Rights and Equality Commission has called for full implementation of the Convention in legislative reform and that it is accompanied by appropriate investment to ensure individual needs assessments, care planning, placement reviews and record keeping for all children in care; the increased and timely allocation of social workers; the availability of appropriate placements for structurally vulnerable children; and the provision of adequate aftercare support and services for children leaving care.⁷⁵

Ireland's (then) Special Rapporteur on Child Protection expressed concerns about areas where recommendations made in his previous reports have not been accepted, with, in his view, serious

⁷³ <https://www.gov.ie/en/publication/97d109-review-of-the-child-care-act-1991/#consultation-process>

⁷⁴ <https://www.gov.ie/en/press-release/d9872-landmark-review-of-the-child-care-act-1991-receives-approval-to-be-drafted/>

⁷⁵ IHREC (2022) Ireland and the rights of the child. <https://www.ihrec.ie/app/uploads/2022/09/Ireland-and-the-Rights-of-the-Child-Final.pdf>

implications for Ireland's compliance with international human rights law. In particular, the proposed Health (Assisted Human Reproduction) Bill (which, in his view, is contrary to children's rights in a wide range of ways), and the (then) Online Safety and Media Regulation Bill (which, in his view, fails to meet CRC and Council of Europe standards due to its failure to provide for an individual complaint mechanism allowing for the removal of harmful content online)⁷⁶ – the latter has been updated since this criticism⁷⁷.

1.6. Orientation/fragmentation of national child protection policy and legislation

Based on the above information please assess and explain if the national child protection policy and legislation is fragmented and if the child protection system is oriented towards prevention and/or intervention.

The key legislation governing child protection in Ireland is the Child Care Act 1991 (as amended), which sets out the statutory framework for the protection and welfare of children. The Child and Family Agency Act 2013 provides for the establishment of Tusla, the Child and Family Agency, as the primary agency responsible for child protection in Ireland. The Children First Act 2015 introduces an important range of protective measures, including the Children First: National Guidance for the Protection and Welfare of Children, safeguarding requirements on organisations providing services to children, mandatory reporting by certain professionals, and the removal of the defence of reasonable chastisement. There are also several national policy documents that provide guidance on child protection in Ireland, including Children First: National Guidance for the Protection and Welfare of Children (2017), the National Child Protection and Welfare Practice Handbook (2017), and the National Standards for the Protection and Welfare of Children (2018). These provide a coherent framework for child welfare and protection.

There are a range of preventative measures in place in Ireland, including universal services like healthcare and education, as well as targeted services aimed at supporting families who may be at risk of experiencing problems. Where a child is at immediate risk of harm, or where there are concerns about their welfare, there are a range of interventions, including assessments by Tusla, the Child and Family Agency, and the provision of support services to families to help address any underlying problems. Ireland is among countries with lowest rates of referral to Child Protection services; among countries with the lowest rates of referrals reaching assessment stage; the lowest among UK and Ireland jurisdictions in terms of registration as a proportion of child population; among countries with lowest rate of entry to care and children in care; similar to other countries in the use of fostering (regular and kin-based) as dominant form

⁷⁶ C O'Mahony, Annual Report of the Special Rapporteur on Child Protection 2022, available at <https://www.gov.ie/pdf/?file=https://assets.gov.ie/242675/ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf#page=null>

⁷⁷ Online Safety and Media Regulation Act 2022, <https://www.oireachtas.ie/en/bills/bill/2022/6/>

of care provision; similar to most countries in that having return to parents (in some form or other) as the main destination post care.⁷⁸

1.7. Development in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection legislation and policies in the past 8 years, incl. achievements and (persisting) gaps and challenges.

Tusla's PFFS initiative and the adoption of the Signs of Safety model, based on a strengths-based approach to practice, are two indicators of a strong motivation and intentional reorientation and redirection of child protection and welfare policy in line with the principles of prevention, family support and early intervention. This conceptual leap does not presently always seem coherent in that there remains gaps between what has traditionally been seen as the 'child protection' and the 'family support' aspect of the service. That Tusla's Child Protection and Welfare Strategy 2017-2022 barely mentions family support and makes no reference to the relationship between family support and the 'step down' model of Meitheal is indicative of contradictions and probably differences of standpoint regarding how to reconcile demand for intervention at all levels of need and their prioritization. Both the message that 'child protection is everyone's business' and the message that 'all intervention requires a family support practice orientation' are acknowledged, but not necessarily aligned as yet.⁷⁹

The Government has failed for too long to come to grips with Ireland's housing crisis which has multiple negative effects from a child protection standpoint, including on development, education, safety and wellbeing.⁸⁰ The 2020 Annual Report of the Special Rapporteur on Child Protection documented the concerning child protection implications of the increasing rate of child homelessness during 2019.⁸¹ In May 2021, The number of children experiencing homelessness had reduced to 2,148, a 44% decrease from the figure in October 2019, and was its lowest number since April 2016. However, in December 2021 child

⁷⁸ Furey, Eamonn and Canavan, John (2019) A review on the availability and comparability of statistics on child protection and welfare, including children in care, collated by Tusla: Child and Family Agency with statistics published in other jurisdictions. Galway: UNESCO Child and Family Research Centre, National University of Ireland Galway. https://www.drugsandalcohol.ie/33335/1/Statistics_on_child_protection_2019.pdf

⁷⁹ Burns, K. and McGregor, C. (2019) 'Child Protection and Welfare Systems in Ireland: Continuities and Discontinuities of the Present', in Merkel-Holguin, L., Fluke, J. and Krugman, R. (eds). National Systems of Child Protection. Child Maltreatment, vol 8. Springer, Cham. doi: 10.1007/978-3-319-93348-1_7, page 16. available at

<https://cora.ucc.ie/bitstream/handle/10468/13403/CORA%20copy.pdf?sequence=1&isAllowed=y>

⁸⁰ C O'Mahony, Annual Report of the Special Rapporteur on Child Protection 2020 at sections 1.2.1, available at <https://assets.gov.ie/108822/caa4c294-0d99-4d35-8560-c7555588e1ac.pdf>.

⁸¹ C O'Mahony, Annual Report of the Special Rapporteur on Child Protection 2020 at sections 1.2.1, available at <https://assets.gov.ie/108822/caa4c294-0d99-4d35-8560-c7555588e1ac.pdf>.

homelessness has instead worsened over the past 12 months.⁸² Accordingly, there has been a negative trend since July 2021, with a 42% increase between that date⁸³ and May 2022. When a continuation of the previous year's reduction was still very much needed, the trend appears to have completely reversed. The SR warned that if the current rate of increase continues, the historic high of over 3,800 children accessing emergency accommodation in 2019 will be exceeded in early 2023.⁸⁴

For the second year in a row no child victims of trafficking were identified in 2021, and recently Ireland's low rate of identification of child victims has been criticised by the Human Rights Committee.⁸⁵ Over the period 2013-2020, 34 minor victims of trafficking were identified in the State (9% of all victims). This proportion is significantly lower than the EU average (22%).⁸⁶ Past examples of suspected child trafficking situations in Ireland include: domestic servitude; labour exploitation in high-risk sectors (for example, car-washing); forced criminality, and sexual exploitation through prostitution.⁸⁷

The National Advisory Council for Children and Young People supported the Better Outcomes policy framework until 2020. The Council advised the Government on issues related to children's rights and well-being and ensures that children's perspectives are taken into account in policy development. The Council's mandate ended in 2020 and has not been renewed yet owing to delays in introducing the successor framework.

*In S.Y. (A Minor) v. The Minister for Children and Ors. [2023] IEHC 187*⁸⁸, the Irish High Court held that the State failed to provide material reception conditions such as shelter, food and hygiene facilities. The boy was under 18 years old when he came to Ireland but he had no documentation and was refused accommodation. The Court held that the Minister was in breach of his obligations under the Regulations and the Charter of Fundamental Rights of the EU. The High Court granted declarations that the Minister's failure to provide the applicant with material reception conditions was unlawful and in breach of his EU Charter Rights.⁸⁹

⁸² Department of Housing, Local Government and Heritage, Monthly Homelessness Report: December 2021 at p 6, available at <https://assets.gov.ie/214263/79a5b633-01d9-4421-9ba6-aade97436264.pdf>

⁸³ The number of children accessing emergency accommodation in July 2021 was 2,129: see Department of Housing, Local Government and Heritage, Monthly Homelessness Report: July 2021 at p 6, available at <https://assets.gov.ie/195431/f6bcb30b-0667-46d6-a032-b35befac57cb.pdf>

⁸⁴ C O'Mahony, Annual Report of the Special Rapporteur on Child Protection 2022 at section 2.2.2 Child Poverty and Homelessness, at p 43. Available at [ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf](https://www.gov.ie/en/system/uploads/attachment_data/file/ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf) (www.gov.ie).

⁸⁵ Human Rights Committee, Concluding Observations on the fifth periodic report of Ireland (2022), paras 31-32.

⁸⁶ European Commission (2020) Data Collection on Trafficking in Human Beings in the EU. Luxembourg: Publications Office of the European Union, p. 6.

⁸⁷ Irish Human Rights and Equality Commission (August 2022) Ireland and the Rights of the Child Submission to the Committee on the Rights of the Child on Ireland's combined fifth and sixth periodic reports available at <https://www.ihrec.ie/app/uploads/2022/09/Ireland-and-the-Rights-of-the-Child-Final.pdf>

⁸⁸ *S.Y. (A Minor) v. The Minister for Children and Ors. [2023] IEHC 187*, available at

https://www.courts.ie/acc/alfresco/599db9da-fb81-48fc-9cfb-cbbdfa313df5/2023_IEHC_187.pdf/pdf#view=fitH

⁸⁹ PILA (03 May 2023) High Court rules Irish State failed to comply with legal obligations to meet the basic needs of an Afghan refugee minor arriving in Ireland, available at <https://www.pila.ie/resources/bulletin/2023/05/03/high->

In summary: (Policy context and overview of the process to date)

-In Better Outcomes Brighter Futures-The National Policy Framework for Children and Young People 2014-2020, the government of the day committed to 'review and reform as necessary, the Child Care Act 1991'.

-July 2021: Following a consultation process the Department presented policy proposals and received Government approval for the drafting of a General Scheme for an Amendment Bill to the Child Care Act, 1991

-January 2023: Government approval to amend Part VIIA, which covers regulation of early years services, in this Draft General Scheme on 27 January 2023

-April 2023: priority drafting of the Child Care (Amendment) Bill approved by Government⁹⁰

The General Scheme comprises 46 heads providing for the revision and update of the provisions of the Child Care Act, 1991.⁹¹

I appreciate space is limited – but provides an overview of the significant areas of change:

Some of the most significant areas of change are as follows:

- Introduction of a guiding principles section to the Act, with the best interests of the child as the overriding principle.
- Introduction of a duty to cooperate between relevant bodies, such as Tusla, Government Departments, the Health Service Executive (HSE) and An Garda Síochána (AGS). This cooperation will

court-rules-irish-state-failed-to-comply-with-legal-obligations-to-meet-the-basic-needs-of-an-afghan-refugee-minor-arriving-in-ireland/

⁹⁰ Department of Children, Equality, Disability, Integration and Youth,(20 April 2023, Landmark review of the Child Care Act 1991 receives approval to be drafted, Press Release, <https://www.gov.ie/en/press-release/d9872-landmark-review-of-the-child-care-act-1991-receives-approval-to-be-drafted/>

⁹¹ Department of Children, Equality, Disability, Integration and Youth,(19 April 2023) Heads and General Scheme of the Child Care (Amendment) Bill 2023, <https://www.gov.ie/en/publication/d5ddf-heads-and-general-scheme-of-the-child-care-amendment-bill-2023/>

include the sharing of information between relevant bodies and Tusla, and with each other, in accordance with the law and as necessary and proportionate.

- The voice of the child is to be strengthened both in court proceedings and in decisions taken outside the court setting by introducing a principle that children should be able to participate in the decision-making process.
- Amendments to Section 3 of the Child Care and to Children First Act 2015 related to assessments of reports of harm.
- Amendments to existing rules for Supervision Orders, Interim Care Orders, Care Orders, Emergency Care Orders and Voluntary Care Agreements.
- Amendments to Part VIIA to allow Tusla Early Years Inspectorate to immediately close unregistered early learning and childcare services, to temporarily suspend registered services where there are concerns about significant risk to children, to share information on enforcement action with parents, to place some additional enforcement measures on a legislative footing, and to introduce a “Fit Person” regulation..⁹²

1.8. Promising practices

Please list and briefly describe any promising practice in child protection legislation and policies that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

The creation of Tusla in 2014 represented a fundamental shift in the provision of family support, child protection, educational welfare and alternative care services. The new Child Protection and Welfare Strategy 2017-2022 is a hugely important step in this journey.⁹³ A public consultation on the new Policy Framework for Children and Young People 2023-2028 was undertaken and a report on the findings published in October 2022.⁹⁴

The Signs of Safety model is an internationally recognised approach to child protection which is currently being implemented in Ireland as a new national standardised approach to practice. All child protection social workers in Ireland during 2017/2018 were trained. It is the recognised model incorporated into the

⁹² Department of Children, Equality, Disability, Integration and Youth, (24 April 2023) Review of the Child Care Act 1991 <https://www.gov.ie/en/publication/97d109-review-of-the-child-care-act-1991/#child-care-amendment-bill-2023>

⁹³ Tusla, Child and Family Agency (2017). Child Protection and Welfare Strategy 2017-2022. Retrieved http://www.tusla.ie/uploads/content/Tusla_Child_Protection_and_Welfare_Strategy.pdf

⁹⁴ Policy Framework for Children and Young People 2023-2028 Report on the Responses to the Public Consultation <https://assets.gov.ie/236714/07a6b97f-3efc-483d-914a-80e2b401d3b4.pdf>

Tusla Child Protection and Welfare Strategy 2017-2022 that was launched in May 2017. Called 'Creating Effective Safety', the strategy reiterates the principles contained within Children First 2017, the primary one being that 'the safety and welfare of children is everyone's responsibility'.⁹⁵

Hub na nÓg Hub na nÓg is a national centre of excellence and coordination on giving children and young people a voice in decision-making. It supports Government Departments, State agencies and non-government organisations to give children and young people a voice in decision-making with a particular focus on those that are seldom heard. <https://hubnanog.ie/what-is-hub-na-nog/>

⁹⁵ Burns, K. and McGregor, C. (2019) 'Child Protection and Welfare Systems in Ireland: Continuities and Discontinuities of the Present', in Merkel-Holguin, L., Fluke, J. and Krugman, R. (eds). National Systems of Child Protection. Child Maltreatment, vol 8. Springer, Cham. doi: 10.1007/978-3-319-93348-1_7, page 10. available at <https://cora.ucc.ie/bitstream/handle/10468/13403/CORA%20copy.pdf?sequence=1&isAllowed=y>

2. Governance, coordination structures, and services

2.1. Primary institutions and main service providers responsible for child protection

Question	Yes	No	Comments
<p>2.1.1. Is there any lead institution/body (e.g. child protection agency, ministry, etc.) primarily responsible for child protection at the national level?</p> <p><u>If yes</u>, please provide the name in the comments box.</p>	X		<p>The Child and Family Agency (Tusla) is the leading body primarily responsible for child protection in Ireland. Tusla was established by the Child and Family Agency Act 2013 (available at www.irishstatutebook.ie/2013/en/act/pub/0040/index.html accessed on 15 Feb 2023). The Child and Family Agency (Tusla) is an <i>independent legal public service body</i>, with responsibility on a national level for child protection policies and actions across 26 of Ireland's counties. It is accountable to the Department of Children and Youth Affairs.</p> <p>Tusla's Board is accountable to the Minister for Children, Equality, Disability, Integration and Youth for the performance of the Agency's functions and its own functions as the governing authority of the Agency. Tusla's annual financial statements are independently audited by the Office of the Comptroller and Auditor General (C&AG). Every three years, the Minister sets the Performance Framework for the Agency's three-year Corporate Plan, as well as the Annual Performance Statement which direct the Annual Business Planning cycle for the same period.</p>

		<p>The Department has a specific Child Policy and Tusla Governance Division which is responsible for policy, legislative developments, operational standards and performance relating to child welfare and protection, alternative care and children's rights. It has responsibility for Departmental governance oversight and development of Tusla, The Child and Family Agency. The Division also has responsibility for parenting support, prevention and early intervention initiatives, interagency working and leading on cross-cutting innovations to support outcomes for children, young people, families and communities. In addition, the Division leads on international matters relating to the department and in the implementation of Ireland's response to the EU Child Guarantee to address child poverty.</p>
<p>2.1.2. Are there different structures sharing the primary responsibility (e. g. departments in the same or different ministries, different agencies etc.)? If <u>yes</u>, please provide the name under the comments box and please also mention which body has the lead in coordinating child protection policies and actions.</p>	X	<p>In Ireland there is no different body sharing primary responsibility for Child Protection. The functions of the Child and Family Agency are carried out nationally across each of the twenty six counties in Ireland: Carlow, Cavan, Clare, Cork, Donegal, Dublin, Galway, Kerry, Kildare, Kilkenny, Laois, Leitrim, Limerick, Longford, Louth, Mayo, Meath, Monaghan, Offaly, Roscommon, Sligo, Tipperary, Waterford, Westmeath, Wexford and Wicklow. This means that the Child and Family Agency, which is the national body responsible for child protection, has offices in each of the twenty six counties of Ireland which carry out the work of the Agency.</p>
<p>2.1.3. Are there child focal points or similar in different ministries or agencies?</p>	X	<p>Part 4 of the Children First Act, 2015 provided for the establishment of the Children First Interdepartmental Implementation Group, a forum for members to raise child</p>

<p>If <u>yes</u>, in which ministry are they located, what are they called, and what role/functions do they have? How do they coordinate?</p>		<p>welfare and protection issues of general concern, or with a cross-departmental or cross-sectoral dimension across the various sectors. Its membership is composed of nominated persons from each Government Department, plus a representative from Tusla – Child and Family Agency, An Garda Síochána and the Health Service Executive.⁹⁶</p> <p>The functions of the Implementation Group are to- 1. Promote compliance by Government Departments with their obligations under the Act 2. Monitor implementation by Government Departments of guidelines 3. Provide support to Government Departments regarding the preparation and publication of sectoral implementation plans 4. Promote a consistent approach by Government Departments to the preparation and publication of sectoral implementation plans 5. Report to the Minister, when requested, on the implementation of the Children First Act, 2015 and of the guidelines issued by the Minister 6. Provide information or advice, or make proposals, to the Minister on any of the above matters. The Implementation Group must also submit an annual report on the performance of its functions and activities to the Minister for Children Equality, Disability, Integration and Youth.</p> <p>Focal points in government ministerial departments include:</p>
---	--	---

⁹⁶ Full list of individual representatives in each published annual report <https://www.gov.ie/en/policy-information/5360ac-children-first-interdepartmental-implementation-group-cfidig/>

			<ul style="list-style-type: none"> • Child Protection and Parental Complaints Section, Parents and Learners Unit, Department of Education • Children Detention Schools Unit in the Department of Children, Equality, Disability, Integration and Youth
--	--	--	--

Please provide in the table below a list of the national/regional/local bodies or authorities having certain responsibilities related to child protection, e.g. child ombuds institution.

Please note: For the regional and the local levels please indicate only the type of body, do not list all different bodies at regional/local level in the country.

Name of the body	Level (national/regional/local).	Area of responsibility and roles in child protection <i>(for example coordination, legislation, policy making, training, monitoring, financing, implementing)</i>	Comments <i>(for example in case of ombuds institution, compliance with the Paris Principles)</i>
Department of Children, Equality, Disability, Integration and Youth.	National	The department was created in 2011 with the current title adopted in 2020. Legislation and policy-making is the department's key function. The Department of Children, Equality, Disability, Integration and Youth is the government department with	

		<p>responsibility for child protection in Ireland. The Department of Children, Equality, Disability, Integration and Youth's mission is to enhance the lives of children, young people, adults, families and communities, recognising diversity and promoting equality of opportunity.</p>	
<p>Child and Family Agency (Tusla)</p>	<p>National</p>	<p>The Child and Family Agency is responsible for supporting and promoting the development, welfare and protection of children. Also taking responsibility in cases that families are unable to provide the care that a child needs. Ensuring the child's welfare and that they receive an education. Social workers who work for the Child and Family Agency have responsibility for all children interacting with the child protection system including unaccompanied children and victims of child trafficking.</p>	

Ombudsman for Children	National	The Ombudsman for Children was established by the Ombudsman for Children Act 2002 (available at www.irishstatutebook.ie/2002/en/act/pub/0022/index.html accessed on 15 Feb 2023). It assumes responsibility for monitoring and investigating complaints, and publishing submissions relevant to policy-making.	A report published in November 2022 sets out a number of recommendations concerning the capacity of the Ombudsman’s Office. ⁹⁷ Due to its statutory functions, it is not uncommon for child protection concerns to be brought to the attention of the OCO. The OCO may examine or investigate a complaint regarding the acts or omissions of Tusla in the area of child protection. The difficulty is that the OCO has no statutory role in respect of child protection and is not a recognised “appropriate person” per section 1 of the Protection of Persons Reporting Child Abuse Act 1998.
Adoption Authority of Ireland	National	The Adoption Authority of Ireland was established by the Adoption Act 2010 (available at www.irishstatutebook.ie/2010/en/act/pub/0021 accessed on 15 Feb 2023). The AAI are responsible for adoption orders,	Adoption service providers accredited by the AAI have written policies and procedures on Children First guidelines and these policies are noted to be current at review and accreditation times. The AAI has no specific other responsibility for child protection. Child protection issues emerging in

⁹⁷ Review of the Ombudsman for Children Act 2002 A report by RDJ commissioned by the Ombudsman for Children’s Office November 2022.
<https://www.oco.ie/app/uploads/2022/12/Review-of-the-Ombudsman-for-Children-Act-2002.pdf>

		<p>registering/supervising of accredited bodies (adoption agencies), granting of declarations of eligibility and suitability to adopt and recognition of intercountry adoptions.</p>	<p>the course of the AAI's routine work are routed through the Children First Designated Liaison Person to the appropriate Tusla personnel.</p>
Health Service Executive	National	<p>The Health Service Executive was established by the Health Act 2004 (available at www.irishstatutebook.ie/2004/en/act/pub/0042/index.html accessed on Feb 15 2023).</p> <p>This State body is responsible for the delivery of children's health services, including examinations and treatment services for children. The services are free to all children up to their first year in Secondary School in Ireland and are enshrined in law. These services include immunisation services, developmental paediatric examinations, visits by public health nurses, child welfare clinics and school health examinations.</p>	<p>The HSE Children First National Office is responsible for policy on child protection and provides resources and partnerships. There are HSE Children First Training and Development Officers based across the country. They have key links within the Community Healthcare Organisations and Hospital Groups, to support the consistent implementation and compliance with Children First across the HSE. The Training and Development Officers have a background in child protection practice and are a useful resource to assist with the implementation of Children First, via the delivery of training, briefings and other practical advice for staff and services throughout the HSE and its funded agencies.</p>

<p>Health Information Quality Authority</p>	<p>National</p>	<p>HIQA is authorised by the Minister for Children, Equality, Disability, Integration and Youth under Section 8(1)(c) of the Health Act 2007 to monitor the quality of services provided by the Child and Family Agency (Tusla) to protect children and promote their welfare.</p> <p>This is a Government-funded agency which monitors the safety and quality of the healthcare and social care systems.</p> <p>HIQA monitors Tusla’s performance against the National Standards for the Protection and Welfare of Children and advises the Minister and Tusla.</p>	<p>HIQA has a specific role in relation to the regulation and inspection of designated centres for children, which are residential services for children and young people who are in care, detention or education. There were 177 centres in 2022. HIQA is responsible for monitoring and inspecting these centres to ensure that they meet the required standards, including those related to child protection. As part of their inspections, HIQA assesses whether the centre is providing a safe and secure environment for children and young people, whether there are adequate safeguarding policies and procedures in place, and whether staff are trained in child protection and aware of their responsibilities in relation to reporting concerns. HIQA also has the power to investigate concerns about the safety and welfare of children in designated centres and to take enforcement action where necessary. This includes the power to issue improvement notices,</p>
---	-----------------	--	---

			impose sanctions or even revoke a centre's registration if standards are not being met.
Garda Síochána	National	<p>The Garda Síochána are the police service for Ireland.</p> <p>Alongside Tusla, An Garda Síochána is the second main statutory body responsible for child protection and welfare. There is a Joint Working Protocol for An Garda Síochána/ Tusla – Child and Family Agency Liaison. A Liaison Management Team oversees the interagency liaison between An Garda Síochána and Tusla, ensuring the liaison is maintained and that each reported child protection and welfare concern receives an appropriate response.</p> <p>An Garda Síochána is conferred with certain powers pursuant to the Child Care Act 1991 to promote the protection and welfare of children, including the removal of children to safety without warrant (Section 12 of the Child Care Act 1991). Section 14 of the</p>	<p>The Garda National Vetting Bureau carries out all vetting for persons working with children.</p> <p>The Garda National Protective Services Bureau (GNPSB) is a specialist unit of the Garda Síochána in Ireland that handles human trafficking, child protection, domestic violence and sexual violence and general support to victims in distress.</p>

		<p>Children First Act 2015 makes all members of An Garda Síochána mandated persons.</p> <p>The Children First Act 2015 requires mandated persons to report child protection concerns at or above a defined threshold to Tusla. The threshold for reporting in respect of neglect, emotional abuse, physical abuse and sexual abuse is set out by Tusla on their website. ⁹⁸</p>	
Special Rapporteur on Child Protection	National	<p>The role of the Special Rapporteur on Child Protection was established following the Supreme Court Decision in May 2006 in CC v Ireland. The term of office for the Rapporteur is three years and he/she is required to prepare, annually, a report setting out the results of the previous year's work.</p> <p>The Special Rapporteur is accountable to the Oireachtas and is entitled to consult with Departments of Government and the Ombudsman for Children about any</p>	<p>The terms of reference for the Special Rapporteur are as follows:</p> <ol style="list-style-type: none"> 1. The Rapporteur shall, in relation to the protection of children and on the request of the Minister for Children, Equality, Disability, Integration and Youth: <ol style="list-style-type: none"> a. Review and report on specific national and international legal developments for the protection of children; b. Examine the scope and application of specific existing or proposed legislative provisions and to

⁹⁸ Tusla, What is the threshold for making a mandated report? , <https://www.tusla.ie/children-first/mandated-persons/what-are-the-thresholds-for-making-a-mandated-report>

		<p>legislative initiatives designed to enhance child protection.</p>	<p>make comments/recommendations as appropriate; and</p> <p>c. Report on specific developments in legislation or litigation in relevant jurisdictions.</p> <p>2. Report on relevant litigation in national courts and assess impact, if any, such litigation will have on child protection.</p> <p>3. Prepare, annually, a report setting out the results of the previous year's work in relation to 1) and 2) above.</p> <p>4. Provide, if requested by the Minister, discrete proposals for reform prior to the submission of the annual report.</p> <p>5. The annual report of the Rapporteur will be submitted to the Government for approval to publish and will be laid before the Oireachtas and published.</p> <p>Dr Geoffrey Shannon held the post from 2006 to 2019. He was succeeded in 2019 by Professor</p>
--	--	--	--

			<p>Conor O’Mahony, who was appointed for a three-year term from 2019-2022. Dr O’Mahony announced in 2022 he would not seek a second term as special rapporteur because ‘Government departments are “not willing” to discuss significant issues on child welfare with the special rapporteur on child protection, are ignoring his correspondence and are delaying the publication of his reports, with “negative” consequences’.⁹⁹ Professor O’Mahony’s final annual report as Special Rapporteur on Child Protection was published in December 2022.¹⁰⁰ A new rapporteur was announced on 1 Feb 2023.</p>
Department of Education	National	The Department of Education is responsible for developing and implementing child protection procedures for schools based on the Children First: National Guidance for the Protection and Welfare of Children 2017. The	

⁹⁹ <https://www.irishtimes.com/ireland/social-affairs/2022/12/15/ignored-stonewalled-and-delayed-departing-child-protection-chief-issues-damning-report/>

¹⁰⁰ O’Mahony, C (2022), Annual Report of the Special Rapporteur on Child Protection 2022, available at <https://www.gov.ie/en/collection/51fc67-special-rapporteur-on-child-protection-reports/>

		<p>Child Protection Procedures for Primary and Post Primary Schools were published in December 2017, and, by March 2018, all schools in Ireland were comprehended by their statutory requirements. The aim of such procedures is to give direction to school management and staff regarding the identification of and response to child protection concerns and the continued support of the child. It is the responsibility of the Department of Education and Skills to inspect and evaluate the implementation of these procedures for education staff.</p>	
--	--	--	--

2.1.4 Please indicate if there were in the past five years any important changes concerning the child protection mandate/roles/responsibilities and outline what caused or influenced these changes (for example, a transfer of responsibility for child protection from one ministry to another ministry or a body or merging of responsibilities, etc. Please indicate notably if an integrated approach has been sought and/or achieved.

Department of Children, Equality, Disability, Integration and Youth established in 2020 to bring greater coherence to policy-making for children. While it was part of the Department of Health it also included units from the two other departments, such as the Irish Youth Justice Service. (https://www.citizensinformation.ie/en/justice/children_and_young_offenders/children_and_the_criminal_justice_system_in_ireland.html)

The National Advisory Council for Children and Young People supported the Better Outcomes policy framework until 2020. The Council advised the Government on issues related to children's rights and well-being and ensures that children's perspectives are taken into account in policy development. The Council's mandate ended in 2020 and has not been renewed yet owing to delays in introducing the successor framework.

2.1.5. Please indicate, in the table below, the major service providers at national level in the area of child protection. Include family support services /measures (i.e. counselling, financial assistance) that are part of the overall social protection/welfare system for children in risk.

Service providers	Type of services	Target groups	Funding
<i>(include the name and the type of institution i.e. public authority, NGOs, religious institutions, private)</i>	<i>(Include counselling, care institutions, day care centres, financial assistance, legal advice, rehabilitation services for victims, education awareness –training activities, etc.)</i>	<i>(For example, children with disability, children in risk of or living in poverty, immigrant children, children deprived form parental care, child victims of abuse or exploitation. When relevant, please indicate if third country nationals and irregular immigrants are entitled to such services)</i>	<i>(national budget, EU funded, other)</i>

Child and Family Agency (Tusla)	Child protection and welfare services, Education welfare services, psychological services, alternative care, community support, early years services.	The Child and Family Agency's services include a range of universal and targeted services. The Child and Family Agency is now the dedicated State agency responsible for improving wellbeing and outcomes for all children.	National Budget
Department of Social Protection – Community Welfare Officers	Financial support to families and children. The Department of Social Protection is a government department, it does not have a legislative basis but its functions are set out in the Social Welfare Consolidation Act 2005 available at www.irishstatutebook.ie/2005/en/act/pub/0026/index.html accessed on 15 Feb 2023.	Families at risk of or living in poverty	National Budget
Legal Aid Board	The Legal Aid Board is responsible for the provision of civil legal aid and advice to those unable to pay for such services from their own	Parents of children involved in child care proceedings, unaccompanied child asylum seekers and victims of child trafficking.	National Budget

	<p>resources. This includes child care proceedings, support for unaccompanied children seeking asylum, and victims of child trafficking.</p> <p>The Legal Aid Board was established by the Civil Legal Act 1995 available at www.irishstatutebook.ie/1995/en/act/pub/0032/index.html accessed on 15 Feb 2023.</p>		
Childhood Services Ireland	<p>Childcare and early years services. The CSI Council was established in February 2021 and consists of Early Years providers from all service types within the sector. The Ibec trade association represents childcare providers across the country.</p>	Infants and early years children	

Barnardos (NGO)	Counselling, day care centres, education awareness/training services	Parents and children from families with child protection concerns including refugees, trafficking victims, and children at risk or in poverty.	Other, receives some state funding among other sources as a Charity Organisation
National Youth Council of Ireland (NGO)	<p>Education, awareness, and training services</p> <p>The Child Protection Programme is dedicated to supporting the youth work sector to meet their responsibilities in relation to child safeguarding and protection. The Programme supports the sector through the provision of training, resource materials, support and guidance, and advocacy on behalf of the youth work sector.</p>	Youth work organisations across Ireland	<p>Other, receives some state funding among other sources as a Charity Organisation</p> <p>The Child Protection Programme is funded by the Department of Children, Equality, Disability, Integration and Youth.</p>

2.1.6. Please indicate if any child participation or feedback mechanisms are part of child protection services.

The Ombudsman for Children’s Office (OCO) statutory functions encompass the traditional role of an Ombudsman, with the specific mandate to investigate complaints, independently and impartially made by or on behalf of children in relation to the administrative actions (or inactions) of public bodies which may have

adversely affected a child or children. (*Government of Ireland (2002) Ombudsman for Children Act 2002. Available at: <http://www.irishstatutebook.ie/2002/en/act/pub/0022/index.html>*)

Tusla has a formal complaints procedure. All complaints received by Tusla are recorded to the National Incident Management System (NIMS) and receive a reference number to assist complainants and Tusla to track the progress of complaints. (*Tusla (2023) Complaints & Feedback, available at: <https://portal.tusla.ie/feedback>*)

Ireland signed and ratified the UNCRC's Third Optional Protocol on a Communications Procedure in 2014, which further strengthens the voice of the child by allowing individual children to submit complaints regarding violations of their rights under the Convention. (*United Nations (2011) Third Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure. Geneva: Office of the High Commissioner for Human Rights. Available at: http://treaties.un.org/doc/source/signature/2012/CTC_4-11d.pdf [The Protocol entered into force in April 2014]*)

Irish Government departments and agencies that provide services for children and young people developed child and youth-friendly feedback and complaints mechanisms, with the assistance of the DCYA Children and Young People's Participation Hub as part of the National Strategy on Children and Young People's Participation in Decision Making (2015-2020). (*Available at: <https://assets.gov.ie/24462/48a6f98a921446ad85829585389e57de.pdf> accessed 15 Feb 2023*)

2.2. Civil society organisations active in the area of child protection. Please consider also including information on the role of religious institutions and groups active in the area of child protection.

Question	YES	NO	Comments
<p>2.2.1. Is there a registry of civil society organisations operating in the child protection area?</p> <p>If <u>yes</u>, briefly provide information on the legislative-regulatory framework and the responsible authority.</p>		X	<p>There is no public registry of civil society organisations operating in the child protection area.</p> <p>The Charities Regulatory Authority (CRA) is the official regulator of charities in Ireland and maintains a public register of charities in Ireland. https://www.charitiesregulator.ie/en/information-for-the-public/search-the-register-of-charities</p> <p>Other types of civil society organizations that may be registered with the Companies Registration Office (CRO) https://www.cro.ie/en-ie/</p> <p>However, not all civil society organizations in Ireland are registered with either the CRA or the CRO. Some organizations may choose not to register, or may be structured in a way that does not require registration.</p>
<p>2.2.2. Is there a legal obligation for the accrediting; licensing; registering; inspecting the activity of any type of civil society organisations, e. g. NGOs, charities, church organisations, etc. in the area of child protection?</p> <p>If <u>yes</u>, which is the responsible authority? How frequent are reviews and inspections?</p>			<p>There is no legal obligation for accrediting, licensing or registering the activities of civil society organisations in the area of child protection.</p> <p>There are general obligations under the Children First Act 2015 for Non-Government Organisations, charities, etc, but no specific procedure or record of those involved with Child Protection.</p> <p>Organisations that have statutory responsibilities under the Children First Act 2015 are those that provide a relevant service to children and young people. Schedule 1 of the Children First Act 2015,</p>

		<p>outlines the types of organisations and services to which the legislation applies. They should consult the full list of organisations which are classified as relevant services under the Act to establish if the organisation is a relevant service.¹⁰¹</p> <p>Statutory obligations on employers in relation to Garda vetting requirements for people working with children and vulnerable adults are set out in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016.</p>
<p>2.2.3. Are there cooperation agreements/partnerships between government and the civil society at national or local level?</p> <p><u>If yes</u>, What is the prevalence of this practice?</p> <p>Please provide <u>indicative examples</u> and information regarding the main areas covered, type of services targeted, and financial aspects of such partnerships (i.e. if done in view of accessing EU funds).</p>	X	<p>The main form of coordination at local level is through Children and Young People's Services Committees which are responsible for securing better outcomes for children and young people in their area through more effective integration of existing services and interventions. CYPSC have no responsibility, oversight, co-ordination or governance role with regard to child protection matters.</p> <p>The core purpose of Children and Young People's Services Committees (CYPSC) is to ensure effective inter-agency co-ordination and collaboration to achieve the best outcomes for all children and young people in its area. This is achieved through effective planning, co-ordination and oversight of policy implementation and service provision</p>

¹⁰¹

<https://www.tusla.ie/children-first/organisations/in-my-service-a-relevant-service-under-the-act/>

This list can be found through this link:

<https://www.tusla.ie/children-first/children-first-2017/relevant-services/>

		<p>locally. There are no delegated child protection functions.</p> <p>The membership of Children and Young People's Services Committees (CYPSC) consists of senior managers from all the major statutory, community and voluntary providers of services to children, young people and families in the CYPSC area. CYPSC membership includes representatives from the following organisations:</p> <ul style="list-style-type: none"> ● Tusla Child and Family Agency ● Local Authority (City and / or County Council) ● Health Service Executive (HSE) ● Education and Training Board (ETB) ● Young Person (18 - 24 years) ● Probation Service ● An Garda Síochána ● Irish Primary School Principals' Network (IPPN) ● City or County Childcare Committee (CCC) ● Department of Social Protection (DSP) ● National Educational ● Psychological Service (NEPS) ● Third level institution ● National Association of Principals and Deputy Principals (NAPD) ● Social Inclusion partners e.g. Local Development Companies ● Community and voluntary organisations <p>The CYPSC Chairperson is drawn from Tusla the Child and Family Agency. Children and Young People's Services Committees develop and oversee the implementation of a three-year</p>
--	--	---

		<p>Children and Young People’s Plan (CYPP) for the county / cypsc area. CYPSC sub-groups, aligned to the five National Outcomes for children and young people and the priority areas for action that the CYPSC has identified locally, extends participation in the CYPSC beyond the main committee to practitioners, front-line staff and people from the voluntary and community sectors involved in direct service provision that have a specific interest and expertise in a particular sub-group action area/theme.¹⁰² The structure is informed by international best practice on interagency working and follows a 2011 Department of Children and Youth Affairs review,¹⁰³ A review of international evidence on interagency working, to inform the development of Children’s Services Committees in Ireland.</p> <p>The Child Protection Programme which trains and provides supports for youth workers across Ireland is based in the National Youth Council of Ireland and is funded by the Department of Children, Equality, Disability, Integration and Youth.</p> <p>The ABC programme, which takes a preventative approach in disadvantaged areas, is managed by Tusla, funded by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY)¹⁰⁴ and overseen mostly by local consortia led by community and voluntary sector organisations.</p>
--	--	---

¹⁰² <https://www.cypsc.ie/about-us/operation-and-membership.454.html>

¹⁰³ Department of Children and Youth Affairs, A review of international evidence on interagency working, to inform the development of Children’s Services Committees in Ireland, 2011, <https://www.cypsc.ie/fileupload/Documents/Resources/Review%20of%20International%20Evidence%20on%20Interagency%20Working,%20to%20inform%20the%20development%20of%20CSCs%20in%20Ireland.pdf>

¹⁰⁴ <https://www.tusla.ie/services/family-community-support/prevention-partnership-and-family-support/i-am-a-funded-partner-practitioner/abc/>

2.3. Inter-agency cooperation in the area of child protection

Question	YES	NO	Comments
<p>2.3.1. Is there <u>coordination between national, regional, or local authorities</u> in developing and implementing policies and legislation in the area of child protection?</p> <p><u>If yes</u>, how is this done? Please comment on the strengths and weaknesses.</p> <p><u>For example</u>, is this cooperation – coordination regulated by the legislative framework? Does cooperation take place ad hoc, e.g. addressing specific issues and on specific thematic areas of interest or is it a key feature of the system?</p>	X		<p>The CYPSC Committee structure as laid out above is the main form of interagency working.</p> <p>National Strategy on Children and Young People's Participation in Decision-Making 2015-2020 developed to support the implementation of 'Better Outcomes, Brighter Futures', this strategy focuses on how children and young people can influence decisions that affect their day-to-day lives. The review of strategy in 2019, sets out a new action plan to achieve the objectives of the strategy and allocates responsibility to named bodies, including the Government Departments, local authorities, Tusla, HSE, HIQA, and the Mental Health Commission.</p> <p>-Electronic National Child Care Information System (NCCIS), to improve the reliability of information on which to report on, monitor and guide service provision on a local, regional and national basis.¹⁰⁵</p> <p>HIQA: there have been sustainable improvements in governance structures at hospital level leading to a more integrated approach at local, regional and national healthcare levels¹⁰⁶</p> <p>-In 2019, effective inter-agency collaboration was noted by the National Review Panel in its reviews</p>

¹⁰⁵ https://www.hiqa.ie/sites/default/files/2021-01/Final_-_Evidence-review-to-inform-the-development-of-Overarching-Children.pdf

¹⁰⁶ The Health Information and Quality Authority (HIQA) is an independent statutory authority. Evidence review to inform the development of Overarching National Standards for the Care and Support of Children Using Health and Social Care Services(December 2021)
https://www.hiqa.ie/sites/default/files/2021-01/Final_-_Evidence-review-to-inform-the-development-of-Overarching-Children.pdf

		<p>of the cases of Niamh¹⁰⁷ and Oscar,¹⁰⁸ as well as by HIQA in its Annual overview report on the inspection and regulation of children’s services.¹⁰⁹</p> <p>The report of the Expert Assurance Group acknowledged momentum in interagency engagements to develop more effective working. However, it also noted that the majority of actions, although on track for implementation, are yet to be completed, and considered the need for joint specialist training between Tusla and An Garda Síochána to be of the utmost urgency.¹¹⁰</p>
<p>2.3.2. Is there inter-agency <u>cooperation between the relevant actors</u> having responsibility in the area of child protection (including civil society organisations)?</p> <p><u>If yes, please mention how this is done</u> (for examples are there standing inter-agency committees or meetings, are digital tools used?). Which actor has a leading role?</p>	<p>X</p>	<p>The Children and Young People’s Services Committees (CYPSC) county-level committees bring together the main statutory, community and voluntary providers of services to children and young people. The Committees are chaired by Tusla, however the Committees’ function is not one of child protection as defined by law. Their role is to enhance interagency co-operation and to realise the national outcomes set out in Better Outcomes, Brighter Futures: the national policy framework for children and young people 2014 - 2020. CYPSC: Shared Vision, Next Steps provides</p>

¹⁰⁷ National Review Panel, Review undertaken in respect of a death experienced by a young person who had contact with Tusla: Niamh (June 2019), available at https://www.tusla.ie/uploads/content/Niamh_Executive_Summary_final.pdf.

¹⁰⁸ . National Review Panel, Review undertaken in respect of the death of Oscar, an infant whose family had contact with Tusla services (June 2019), available at https://www.tusla.ie/uploads/content/Oscar_Executive_Summary_final.pdf.

¹⁰⁹ Health Information and Quality Authority, Annual overview report on the inspection and regulation of children’s services – 2019, at 38. available at https://www.hiqa.ie/sites/default/files/2020-06/2019-Childrens-Overview-report_0.pdf.

¹¹⁰ Final Report of the Expert Assurance Group to the Minister for Children and Youth Affairs (September 2019), at 28. available at <https://assets.gov.ie/48194/18906f6d5e294c12a8ba9f62b729181b.pdf>. Also see C O’Mahony, Annual Report of the Special Rapporteur on Child Protection 2020 at section 1.8.2, available at <https://assets.gov.ie/108822/caa4c294-0d99-4d35-8560-c7555588e1ac.pdf>.

		<p>the road map for the further development of the CYPSC initiative over the period 2019 - 24.</p> <p>The CYPSC undertakes ongoing monitoring and review of progress on its objectives over the course of the Children and Young People's Plan.</p>
--	--	---

2.3.3. What are the main challenges regarding effective cooperation and coordination? *(For example, lack of clarity regarding responsibilities and roles of actors, overlaps of responsibilities, and communication between organisations is not adequately structured and resourced)?*

The 2020 Annual Report of the Special Rapporteur highlighted inter-agency collaboration as a persistent weak spot in the Irish child protection system, as highlighted in reports of multiple national and international bodies during 2019.¹¹¹ Currently, there is no clear legal framework that both obliges and facilitates effective inter-agency collaboration. The Heads and General Scheme of the Child Care (Amendment) Bill 2023 includes proposals to create such a legal framework; however, it will be some time before these proposals find their way into law, and so interim measures to improve inter-agency collaboration are crucial, such as the Joint Protocol agreed in September 2020 between Tusla and the HSE.

Halton et al (2018) in research commissioned by Túsła made a series of recommendations in respect of cooperation and coordination: Engagement between child protection and welfare, educational welfare, and legal professionals is multidisciplinary. A more collaborative, interdisciplinary approach to training is advised to better promote effective relationships across and between agencies, professionals and individuals. Recognition must be given to the discrete pieces of legislation mandating the respective remits of social workers and educational welfare personnel. Training must be tailored to attend to the nuanced differences between the responsibilities and legal mandate of various personnel. Specialist training for the judiciary: This report corroborates the argument in existing Irish and international research for increased specialism amongst members of the judiciary who preside over child welfare and educational welfare proceedings. Each of the cohorts whose perspectives were showcased in this report spoke to the considerable variation that exists across court districts and between the practices of individual judges, and these variations pose significant resource challenges for Tusla and all personnel involved in child welfare proceedings. Interdisciplinary communication: The maintenance of good communication systems to support more positive, functioning relationships within Tusla is recommended. Clear channels of

¹¹¹ C O'Mahony, Annual Report of the Special Rapporteur on Child Protection 2021 at section 1.2.4, available at [https:// assets.gov.ie/214234/9e893871-ecb7-4a28-879a-d0a83d5bc7e2.pdf](https://assets.gov.ie/214234/9e893871-ecb7-4a28-879a-d0a83d5bc7e2.pdf)

communication between Educational Welfare Services and child protection and welfare teams towards making co-ordinated presentations in legal proceeding were advocated.¹¹²

Question	YES	NO	Comments
<p>2.3.4. Are child protection authorities engaging in <u>transnational cooperation</u> in the area of child protection, for example with regards to missing children, parental abduction, or migrant children?</p>	X		<p>The Ombudsman for Children works with international bodies and networks to share information about the issues affecting children and to make sure that children’s rights are respected in Ireland and in other countries.¹¹³</p> <p>Ombudsman for Children is a member of the European Network of Ombudspersons for Children (ENOC), and works with Ombudspersons for Children (sometimes known as Commissioners for Children) in other countries. This work can include organising meetings and events on important issues affecting children, and sharing information to support the development of policy and legislation across Europe that respects and protects children’s rights.¹¹⁴</p>

If yes, please briefly comment and include information on transnational agreements-protocols of cooperation as well as on the interaction between child protection authorities and other actors involved in transnational cooperation processes, for example law enforcement and judicial authorities, migration authorities, social services, Central Authorities under Brussels IIbis Regulation/Hague Convention, consular or diplomatic authorities. Are there any challenges relating to transnational cooperation? Are the challenges different for cross-border cases among EU countries or with third countries?

Please provide information on main relevant agreements – cooperation schemes in two of the following areas: missing children, parental abduction, inter-country adoption, migrant children (family tracing-family reunification –return-relocation).

Ireland signed the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, in 2000, but has not yet ratified it—the only country in Europe that has failed to do so. A Government press release in January 2019 stated that “Ireland now meets all legal requirements of an

¹¹² Halton, C., Harold, G., Murphy, A. & Walsh, E. (2018) A Social and Economic Analysis of the use of Legal Services (SEALS) in the Child and Family Agency (Tusla), https://www.tusla.ie/uploads/content/SEALS_Report_Full.pdf

¹¹³ <https://www.oco.ie/childrens-rights/policy-and-research/international-cooperation/>

¹¹⁴ <https://www.oco.ie/childrens-rights/policy-and-research/international-cooperation/>

international protocol to end the sale of children and should quickly move to ratification.”¹¹⁵ It was later determined that further work was necessary to determine if any legislative measures were needed. The Special Rapporteur on Child Protection concluded in 2022 that there had been no progress and there appeared to be neither a clear timeline for its ratification nor a clear outline of the legislative measures to facilitate ratification.¹¹⁶

The Child Abduction and Enforcement of Custody Orders Act 1991 incorporated both the Hague and Luxembourg Conventions on International Child Abduction into Irish law. The revised Brussels Ibis Regulation also applies. Child abduction cases in Ireland are heard in the High Court and legal aid is available to applicants in these cases. The Irish courts adopt a consistent approach and endeavour to return the child speedily to the country of habitual residence. Refusal to return is considered where a grave risk defence is mounted. The courts do not generally hear direct evidence from children in these proceedings, although child specialists and/or guardian ad litem may give evidence in certain circumstances. There is no panel of child specialists available to the court in these cases. The Central Authority for Child Abduction in the Department of Justice supports left-behind parents with access to information and legal aid.

2.4. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection governance, coordination structures, and services in the past 8 years, incl. achievements and (persisting) gaps and challenges

Since 2007, Children and Young People’s Services Committees (CYPSC) have been established across Ireland on a phased basis, each at a different stage of development and operation. There are now 27 CYPSC areas across the country. At local level, coordination continues to be a significant challenge. A HIQA report of a child protection and welfare inspection in the Dublin South-West, Kildare and West-Wicklow service area, focusing on leadership, governance and management as well as safe and effective services noted many improvements were highlighted across the board since the last HIQA report in this

¹¹⁵ See https://merrionstreet.ie/en/news-room/releases/ireland_joining_international_stand_against_sale_of_children_child_pornography%C2%A0and_child_prostitution.html.

¹¹⁶ C O’Mahony, Annual Report of the Special Rapporteur on Child Protection 2022, at Section 1.6, at p 33, available at [ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf](https://www.gov.ie/en/system/uploads/attachment_data/file/40554/ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf) (www.gov.ie)

service area in 2020.¹¹⁷ However, several deficits were identified as needing to be addressed, such as the disparity between the service provided. The HIQA report also reflected that the quality issues with the preliminary enquiry resulted in poor identification of risk to children and inadequate safeguarding.¹¹⁸

On the other hand, HIQA inspections of child protection and welfare services in the Mid-West, were overwhelmingly positive and showed “effective leadership, governance and management arrangements” in place and that there was effective risk management and effective systems in place to drive quality improvement.¹¹⁹ However the HIQA February 2022 inspection in Cork found that leadership, governance, management and oversight had all improved significantly,¹²⁰ and that additional resources had had a positive impact on reducing the backlog of child-in-care reviews.¹²¹

Responses to the public consultation on the Policy Framework for Children and Young People 2023-2028 highlighted the need for better integration between different services was highlighted such as: better coordination between mental health and educational services; information sharing and coordination across all health care providers and an integrated service delivery framework/planning to ensure transition within and between services.¹²²

The 2021 Annual Report of the Special Rapporteur on Child Protection raised concerns about the cancellation by Gardaí of emergency 999 calls related to domestic abuse as a failure to discharge the State’s obligations under the ECHR.¹²³

¹¹⁷ HIQA, Risk-based Child Protection and Welfare Report: Dublin South-West, Kildare, West-Wicklow (27-30 September 2021), available at <https://www.hiqa.ie/system/files?file=inspectionreports/4419-cpw-DSWKWW-27-September-2021.pdf>.

¹¹⁸ HIQA, Risk-based Child Protection and Welfare Report: Dublin South-West, Kildare, West-Wicklow (27-30 September 2021), at 29, available at <https://www.hiqa.ie/system/files?file=inspectionreports/4419-cpw-DSWKWW-27-September-2021.pdf> As cited in C O’Mahony, Annual Report of the Special Rapporteur on Child Protection 2022, at Section 2.2.3, p.46. available at [ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf \(www.gov.ie\)](https://www.gov.ie/en/publications-and-statements/publication/ae5ade7f-2c30-45b2-942c-1a2fc87847b8)

¹¹⁹ HIQA, Report of an inspection of a Child Protection and Welfare Service: Midwest (7-9 September 2021), available at <https://www.hiqa.ie/system/files?file=inspectionreports/4401-CPW-MW-07-September-2021.pdf>. At 8 and 15, As cited in C O’Mahony, Annual Report of the Special Rapporteur on Child Protection 2022, at Section 2.2.3, available at [ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf \(www.gov.ie\)](https://www.gov.ie/en/publications-and-statements/publication/ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf)

¹²⁰ HIQA, Risk-based Child Protection and Welfare and Foster Care Inspection Report: Cork (February 2022) at p 11, available at https://www.hiqa.ie/system/files?file=inspectionreports/4384_CPW%20and%20FC_Cork_17%20February%202022.pdf.

¹²¹ HIQA, Risk-based Child Protection and Welfare and Foster Care Inspection Report: Cork (February 2022) at p 13, available at https://www.hiqa.ie/system/files?file=inspectionreports/4384_CPW%20and%20FC_Cork_17%20February%202022.pdf. As cited in C O’Mahony, Annual Report of the Special Rapporteur on Child Protection 2022, at Section 2.4.1, available at [ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf \(www.gov.ie\)](https://www.gov.ie/en/publications-and-statements/publication/ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf)

¹²² Policy Framework for Children and Young People 2023-2028 Report on the Responses to the Public Consultation <https://assets.gov.ie/236714/07a6b97f-3efc-483d-914a-80e2b401d3b4.pdf>

¹²³ C O’Mahony, Annual Report of the Special Rapporteur on Child Protection 2021 at section 1.3.7 and 4.2.1, available at <https://assets.gov.ie/214234/9e893871-ecb7-4a28-879a-d0a83d5bc7e2.pdf>

2.5. Promising practices

Please list and briefly describe any promising practice in governance, coordination structures, and services that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

Meitheal is a national practice model for multi-agency early intervention that enables the needs and strengths of children and their families to be properly identified and understood. A lead practitioner will identify a child's and their family's needs and strengths and then bring together a 'team around the child'.

The Prevention, Partnership and Family Support (PPFS): Child and Youth Participation Programme of Work by Tusla has been implemented to promote CYP's participation in decisionmaking in Tusla. It forms part of a wider body of work being implemented under Prevention, Partnership and Family Support Programme within Tusla since 2015.

The Special Rapporteur on Child Protection reported in 2022 that An Garda Síochána have made "significant progress" in recent years in the provision of dedicated interview suites and specialist trained Gardaí to undertake interviews with child victims.¹²⁴

¹²⁴ C O'Mahony, Annual Report of the Special Rapporteur on Child Protection 2022, at Section 2.2.8, available at [ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf](https://www.gov.ie/publications-and-statements/publication/ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf) (www.gov.ie)

3. Capacities (human and financial resources)

3.1. Information on budget allocation and funding

Question	YES	NO	Comments
3.1.1. Is budget allocation on child protection incorporated into legislative and policy instruments?		x	<p>There is no specific budget allocation incorporated into legislative and policy instruments in Ireland.</p> <p>The Minister for Finance presents an annual budget in respect of all aspects of government spending to Dáil Éireann (parliament) each year.</p>
3.1.2. Is the budget allocated to child protection (alternatively on children's rights or on social welfare) clearly specified in the annual national budget? Please refer to the specific budget item allocated to this in 2022?		x	<p>There is no specific budget allocation for child protection or children's rights evident in the national budget in Ireland. The Minister for Finance presents an annual budget in respect of all aspects of government spending to Dáil Éireann (parliament) each year. The annual budget is based on estimates provided by each government Department as to their anticipated spending needs for the following year but the decision as to the budget allocation ultimately rests with the Minister for Finance. The budget estimate for Tusla, the Child and Family Agency is included in the budget estimate prepared by the Department of Children, Equality, Disability, Integration and Youth, which is the government department responsible for Tusla, the Child and Family Agency. There is no specific budget allocation for child protection or children's rights evident in the national budget in Ireland.</p> <p>In terms of resources allocated to the child protection system in Ireland, the budget of the</p>

Child and Family Agency for 2023 is €935 million. This is an effective overall increase of €37 million or 4.1% over the 2022 allocation (€898 million).

3.1.3. What percentage of the total state budget was allocated to child protection in the last five years? If data is not available, please provide information on the budget allocated to social protection/social welfare in general.

<i>Year</i>	<i>Total state budget</i>	<i>Tusla</i>	<i>%</i>
2018	€60.9 billion	€754 million	1.23%
2019	€66.5 billion	€786m	1.123%
2018	€60.9 billion	€754 million	1.23%
2020	€70 billion	€878m	1.5%
2021	€87.8 billion	€817m	0.93%
2022	€87.6 billion	€899m	1.03%

Question	YES	NO	Comments
3.1.4. Is the existing budget and funding of child protection services/institutions		x	The Expert Assurance Group (EAG), expressed concerns about the progress in the management

<p>considered sufficient <u>and</u> sustainable (as compared to only project based for a limited period of time)?</p> <p><i>(Please consider available studies, reports at national level conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as the concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>		<p>of investigations of complaints of abuse, due to the lack of funding for bursaries or for the development of a national placement framework to increase the supply and the capacity of third level institutions to expand the number of social work places. It is likely that new business support roles for front line child protection social workers will also be impacted by funding shortages.¹²⁵</p>
<p>3.1.5. Do EU funds play a substantial role in the funding of the national child protection system and/or related policies?</p> <p>Please provide information on the child protection areas and related services incl. providers that use EU funds (including what type of funds for which period of time).</p>	<p>x</p>	<p>The European Union/Council of Europe Joint Project “Support the implementation of the Barnahus project in Ireland” aims to strengthen Ireland’s response to child sexual abuse - co-financed by the EU Structural Reform Support Programme and the Council of Europe. The EU funding for this project is €667k. The balance of funding included in this total is funding awarded under the Dormant Accounts Fund, which is utilised to support national implementation of the model. (€1.38m) - 12 August 2022 to 11 February 2025.¹²⁶</p> <p>The cross-border Multiple Adverse Childhood Experiences (MACE) Project is EU funded, via the Department of Health in Ireland and Northern Ireland and under the INTERREG</p>

¹²⁵ Final Report of the Expert Assurance Group to the Minister for Children and Youth Affairs (September 2019), at p 7. available at <https://assets.gov.ie/48194/18906f6d5e294c12a8ba9f62b729181b.pdf>.

¹²⁶ <https://www.coe.int/en/web/children/barnahus-ireland>

			programme (€5,010,241.11) – July 2017 – June 2023.
<p>3.1.6. Is corporate social responsibility developed at national level in relation to child protection services?</p> <p><u>If yes</u>, please provide information on major child protection national programmes and actions that are primarily funded by the private sector or by public-private schemes/ synergies.</p>		x	<p>No information available</p> <p>There is no specific corporate social responsibility framework developed at the national level in Ireland in relation to child protection services.¹²⁷</p>
<p>3.1.7. Has the involvement of the private sector in child protection recently significantly increased? Are there projects or programmes receiving governmental funding which outsource protection services for children? Please include civil society organisations and private companies contracted by government/local authorities to provide services.</p> <p><u>If yes</u>, please explain the changes and the reasons hereof. Please provide information on the legal provisions regulating this and on the main services / groups of children that are</p>		x	<p>Protection services are provided by Tusla and An Garda Síochána. Harm identification is not outsourced to the private sector. For example, Tusla works with foster care placement providers to support the foster care provision, but undertakes all placement inspections and approvals directly.¹²⁸</p> <p>Some services, such as residential care, and some community-based services for children and families are delivered by NGOs, with funding provided by Tusla. These services include family support, counselling, and advocacy.</p> <p>Tusla’s Commissioning Strategy 2019-23 sets out the principles on which services are commissioned from external providers.¹²⁹</p>

¹²⁷ Correspondence from Tusla.

¹²⁸ https://www.tusla.ie/uploads/content/ACIMS_Information_Booklet_05.05.21.pdf

¹²⁹ https://www.tusla.ie/uploads/content/TUSLA_CommissioningStrategy_report_FINAL.pdf

<p>covered. Provide information based on indicative examples.</p>		<p>The main NGOs contracted for services include the following – there has been no significant increase in outsourcing to these organisations :</p> <p>Barnardos, a charity that works with vulnerable children and families. They provide a range of services, including family support, counselling, and advocacy.</p> <p>Epic Ireland is an NGO that provides advocacy and support services to young people in care or who have experience of the care system.</p> <p>CARI is a specialist NGO that provides therapy and support to children and families affected by child sexual abuse.</p> <p>There has however been a significant increase in the use of private residential centres.¹³⁰ The budget for private residential services doubled between 2015 and 2020. The Tusla strategy commits to reducing use of private centres and highlights the risk of reliance on the sector as well as the impact of business disruptions on children. The Strategic Plan for Residential Care Services for Children and Young People 2022-2025 published by the Office of the Director of Services and Integration commits to incrementally reverse disproportionate dependency on private residential care to achieve 50:50 private:public provision by 2025.¹³¹</p> <p>A response from Tusla to our query: “Child Protection and Welfare services are not</p>
---	--	---

¹³⁰ <https://www.irishtimes.com/news/social-affairs/tusla-payments-to-private-care-providers-surge-1.4772397>

¹³¹

https://www.tusla.ie/uploads/content/STRATEGIC_PLAN_FOR_RESIDENTIAL_CARE_SERVICES_FOR_CHILDREN_AND_YOUNG_PEOPLE_2022-25.pdf

		<p>outsourced. Core child protection work of assessment, seeking care orders and caring for children in care is all carried out by state public services. What is outsourced is the provision of placements. There has been consistent reliance on private residential and fostering agencies in the provision of care placements for children in care. However the DCEDIY and Tusla are on a path to reduce this reliance with private services. There is an aim to rebalance the provision of especially residential placements with an increasing proportion in public provision as per our strategy. The majority of fostering placements are in public provision and we want to maintain this balance also as per our strategy.”</p> <p>A range of charitable organisations including the Irish Society for the Prevention of Cruelty to Children (ISPCC) and Foróige receive grants from Tusla. These are not contracts for child protection services.</p>
--	--	--

3.2. Information on human resources, qualification requirements, and training

Question	YES	NO	Comments
<p>3.2.1. Are the allocated human resources in the area of child protection at all levels sufficient? (services, institutions etc.)?</p> <p><i>(Please consider available studies, reports at national levels conducted by</i></p>		X	<p>There are significant workload issues recognised.</p> <p>HIQA inspectors found that six out of the seven service areas inspected in 2020 had waitlists in</p>

<p><i>public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>			<p>place as a direct result of staffing issues.¹³² The impact of these waiting lists is that the risk “to children was not always well managed, in particular for children about whom multiple referrals of concern had been made to child protection and welfare services.¹³³ ongoing staff shortages were impeding progress in the improvement of services in areas such as the timeliness of the screening of referrals, the management of waiting lists and the availability of supervision for staff.¹³⁴</p>
<p>3.2.2 Are the allocated human resources competent in the area of child protection and appropriately trained?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>		<p>X</p>	<p>In terms of safe recruitment practices “to protect children and promote their welfare”, HIQA (2022) found that two service areas were non-compliant in this regard, while four were partially compliant, one was substantially compliant and four were compliant. There were gaps in some employee’s files, with no CVs or proof of Garda vetting or police vetting for employees from other jurisdictions. HIQA also considered whether staff “have the required skills and experience to manage and deliver effective services to children” and found that seven service areas were compliant, three were substantially compliant and two were partially compliant.¹³⁵</p>

¹³² HIQA, Report of an inspection of a Child Protection and Welfare Service: Midwest (7-9 September 2021), available at <https://www.hiqa.ie/system/files?file=inspectionreports/4401-CPW-MW-07-September-2021.pdf> at 37

¹³³ HIQA, Overview Report Monitoring and Regulation of Children’s Services in 2020 (July 2021) at p 43, available at <https://www.hiqa.ie/sites/default/files/2021-07/Childrens-Overview-Report-2020.pdf>.

¹³⁴ HIQA, Overview Report: Monitoring and Regulation of Children’s Services (June 2022) at pp 51-52, available at https://www.hiqa.ie/sites/default/files/2022-06/Children’s-Overview-Report-2021_0.pdf.

¹³⁵ HIQA, Overview Report: Monitoring and Regulation of Children’s Services (June 2022) at p 39, available at https://www.hiqa.ie/sites/default/files/2022-06/Children’s-Overview-Report-2021_0.pdf.

		<p>On the other hand, concerning <i>safe recruitment practices</i> “to protect children and promote their welfare”, HIQA (2022) found that some positive initiatives were also in place, such as “individual counselling for staff” and a “culture of support”.¹³⁶</p>
<p>3.2.2. Is there a <u>compulsory certification or licencing</u> process for social workers and other professionals who work for child protection?</p> <p><u>If yes</u>, briefly describe the process.</p>	<p>X</p>	<p>Yes, in Ireland "Health and Social Care Professionals Council" (CORU) is the regulatory body responsible for the mandatory registration and certification process for social workers who work in child protection. It is to protect the public by promoting high standards of professional conduct, education, training and competence through statutory registration of health and social care professionals. CORU was set up under the Health and Social Care Professionals Act 2005 (as amended). It is made up of the Health and Social Care Professionals Council and the Registration Boards, one for each profession named in our Act.¹³⁷</p> <p>Social workers who want to work in Ireland must be registered with CORU and hold a recognized qualification in social work.</p> <p>CORU is responsible for :</p> <ul style="list-style-type: none"> ● Providing health and social care professionals with a Code of Professional Conduct and Ethics

¹³⁶ HIQA, Overview Report: Monitoring and Regulation of Children’s Services (June 2022) at p 43, available at https://www.hiqa.ie/sites/default/files/2022-06/Children’s-Overview-Report-2021_0.pdf. As cited in C O’Mahony, Annual Report of the Special Rapporteur on Child Protection 2022, at Section 2.2.3, available at [ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf](https://www.gov.ie/media/departmental_publications/2022/06/ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf) (www.gov.ie)

¹³⁷ CORU is Ireland's multi-profession health regulator, available at <https://www.coru.ie/about-us/what-is-coru/>

		<ul style="list-style-type: none"> ● Requiring educational bodies to deliver qualifications that prepare professionals to provide safe and appropriate care. ● Requiring registered professionals to undertake continuing professional development so that they keep their knowledge and skills up to date. ● Publishing a register of names of those professionals who meet the specified standards on www.coru.ie. Taking action after a complaint is made by investigating and, if necessary, conducting a fitness to practise hearing.¹³⁸
<p>3.2.3. Are there any <u>selection criteria</u> (for example qualification requirements) and <u>vetting procedures</u> for volunteers working with children in various areas?</p> <p><u>If yes</u>, please describe briefly.</p>		<p>All organisations where workers or volunteers have regular contact with families or children, directly or indirectly have the responsibility to ensure that the vetting and selection process were properly done.¹³⁹</p> <p>Vetting for Volunteer roles is coordinated by Volunteer Organisations who are registered with The GNVB as a “Relevant Organisation”.¹⁴⁰</p> <p>Anyone who works or volunteers with children and vulnerable adults must go through Garda vetting. This is a process to check whether you have a criminal record, or if there is any specified reason why you might pose a threat to vulnerable people. Garda vetting is conducted</p>

¹³⁸ CORU, <https://www.coru.ie/about-us/what-is-coru/coru-information-leaflet-september-2021.pdf>

¹³⁹ Tusla (2019) Child Safeguarding: A Guide for Policy, Procedure and Practice 2nd Edition, available at https://www.tusla.ie/uploads/content/Tusla_-_Child_Safeguarding_-_A_Guide_for_Policy,_Procedure_and_Practice.pdf

¹⁴⁰ Garda National Vetting Bureau (GNVB), How to be Vetted for a “Volunteer” Role, available at <https://www.garda.ie/en/about-us/organised-serious-crime/garda-national-vetting-bureau-gnvb-/how-to-be-vetted-for-a-volunteer-role.html>

		by the Garda Síochána National Vetting Bureau, who will send a vetting disclosure to the organisation. ¹⁴¹
<p>3.2.4. Is there <u>regular training</u> on issues related to the identification, referral, and intervention for children delivered to specialists involved in this area?</p> <p><u>If yes</u>, please include information on the training of law enforcement officials (judges, persecutors, police), health and education personnel (doctors, nurses, teachers, school counsellors).</p> <p>Please provide information on the mandatory nature of training, its frequency, funding, if it relates to specific needs of children, etc.</p>	X	<p>CORU requires social workers to participate in continuing professional development (CPD) on an ongoing basis to maintain their registration and qualification. Tusla provides a range of training for its staff and professionals in this field.¹⁴²</p> <p>CPD is an ongoing process and a range of learning activities should be undertaken on a regular basis. It is expected that at minimum social workers and social and health care workers can demonstrate achieving 30 CPD credits in every 12-month period.¹⁴³</p> <p>Based on the analysis of data collected via the SEALS survey and interviews and focus groups and the econometric analysis, the provision of opportunities for continuous professional development and education at all levels is advised, i.e. induction, graduate entry, and in-service development.¹⁴⁴</p>

¹⁴¹ Citizen Information, Garda Vetting, https://www.citizensinformation.ie/en/employment/employment_rights_and_conditions/data_protection_at_work/garda_clearance_for_employees.html

¹⁴² CORU (2019) Guidance on Continuing Professional Development Social Workers Registration Board, available at <https://coru.ie/files-education/cpd/swrb-guidance-on-continuing-professional-development.pdf>

¹⁴³ CORU (n.d) Guidance on Continuing Professional Development Social Workers Registration Board, <https://coru.ie/files-education/cpd/swrb-guidance-on-continuing-professional-development.pdf>; CORU (n.d.) Guidance on Continuing Professional Development Social Care Workers Registration Board, <https://coru.ie/files-education/cpd/scwrp-guidance-on-continuing-professional-development.pdf>

¹⁴⁴ A Social and Economic Analysis of the use of Legal Services (SEALS) in the Child and Family Agency (Tusla), https://www.tusla.ie/uploads/content/SEALS_Final_Exec_Summary.pdf

		<p>While there are CPD trainings for legal practitioners and legal service providers, Research shows that they receive variable levels of continuing professional development. For example some judges from particular counties received less or no advance training,¹⁴⁵</p>
<p>3.2.5. Are child rights and child protection topics included in the curriculum of studies for professionals other than social workers and psychologists involved in child protection systems? (Please include information regarding law enforcement officials, judges, prosecutors, lawyers, health, and education personnel)</p> <p><u>If yes</u>, please describe briefly.</p>	<p>X</p>	<p>All organisations should satisfy themselves that the content of any training accessed or delivered is consistent with Children First: National Guidance for the Protection and Welfare of Children and the Children First Act 2015. Tusla’s Best Practice Principles for Organisations in Developing Children First Training Programmes (available from the Tusla website)¹⁴⁶ may be of assistance to organisations reviewing or developing training programmes. Tusla also provides a universal Children First eLearning programme, called An Introduction to Children First. It covers recognising and reporting child abuse, the role of mandated persons, including mandated assisting, and the responsibilities of organisations working with children to safeguard children using their services. The e-learning programme provides a certificate on successful completion and can be accessed through the Tusla website)¹⁴⁷. An eLearning module for mandated persons , providing information on</p>

¹⁴⁵ O’Mahony, C., Burns, K., Parkes, A., & Shore, C. (2016). Child care proceedings in non-specialist courts: the experience in Ireland. *International Journal of Law, Policy and the Family*, 30(2), 131-157.

¹⁴⁶ Tusla, First Child, Publications and Forms, available at <https://www.tusla.ie/children-first/organisations/advice-information-and-training-for-staff-and-volunteers-of-organisations/>

¹⁴⁷ Tusla (2019) Child Safeguarding: A Guide for Policy, Procedure and Practice 2nd Edition, available at <https://www.tusla.ie/children-first/children-first-e-learning-programme/>

		<p>their role and responsibilities, is also available on the Tusla website.¹⁴⁸</p> <p>Effective child protection depends on the skills, knowledge and values of personnel working with children and families, as well as cooperation between agencies (interagency) and within agencies (intra-agency). Relevant training and education is an important means of achieving this. The Department of Education’s Child Protection Procedures for Primary and Post-Primary Schools 2017 set out requirements that boards of management ensure that all school personnel and board of management members have the necessary familiarity with these procedures to enable them to fulfil their responsibilities therein. It is envisaged that this will be achieved by the school developing a culture of awareness and knowledge of these procedures amongst all school personnel and, where appropriate, ensuring that available training is undertaken.¹⁴⁹</p> <p>For example, child protection is mandatory for all who work with children.</p> <p>Child’s rights are optional for teachers and are part of the SPHE curriculum.¹⁵⁰ There is a mandatory and statutory programme for Primary Schools called “Stay Safe”¹⁵¹ that is the</p>
--	--	---

¹⁴⁸ <https://www.tusla.ie/children-first/mandated-persons/mandated-person-role-and-responsibilities-elearning-module/>

¹⁴⁹ Department of Education and Skills, Child Protection Procedures for Primary and Post-Primary Schools 2017, available at <https://assets.gov.ie/45063/2d4b5b3d781e4ec1ab4f3e5d198717d9.pdf>

¹⁵⁰ National Council for Curriculum and Assessment (NCCA), curriculum Online, available at <https://www.curriculumonline.ie/Primary/Curriculum-Areas/Social,-Personal-and-Health-Education/>

¹⁵¹ Stay Safe, What is Stay Safe?, available at <https://www.staysafe.ie/>

		<p>prevention measure schools must teach (as part of SPHE curriculum).</p> <p>HSE Children First Training and Development Officers deliver a range of Child Safeguarding training and briefings to HSE Staff.¹⁵²</p> <p>Special facilities for the holding of specialist interviews have been developed, together with training for Social Workers and Gardaí conducting such interviews.¹⁵³</p> <p>The Law Society of Ireland provides training and professional development courses for lawyers and solicitors, including in the area of child protection law. These courses cover topics such as child welfare and protection law, the Children Act 2001, and child protection litigation.¹⁵⁴</p> <p>The Child Care Law Reporting Project is a research initiative that aims to improve the understanding of child protection law and practice in Ireland. It provides information for legal professionals, including judges, solicitors, and barristers.¹⁵⁵</p> <p>There are training on child protection for Gardai.¹⁵⁶</p>
<p>3.2.6. Are there <u>joint training activities</u> involving professionals and</p>		<p>The Tusla National Manager for Garda Liaison and the Detective Superintendent, Garda National Protective Services Bureau (Child</p>

¹⁵² HSE, Children First Training, available at

<https://www.hse.ie/eng/services/list/2/primarycare/childrenfirst/training/>

¹⁵³ TUSLA, Joint Working Protocol for An Garda Síochána/ Tusla – Child and Family Agency Liaison, available at https://www.tusla.ie/uploads/content/CF_Joint_Protocol.pdf

¹⁵⁴ The Law Society of Ireland, <https://www.lawsociety.ie/gazette/top-stories/2019/07-july/learn-how-a-lawyer-should-take-instructions-from-children>

¹⁵⁵ The Child Care Law Reporting Project, <https://www.childlawproject.ie/>

¹⁵⁶ Dail Debate (27 May 2021), Child and Family Agency, <https://www.oireachtas.ie/en/debates/question/2021-05-27/26/>

<p>personnel from various disciplines in place?</p> <p>Please provide some examples.</p>		<p>Protection) are required to liaise regularly on matters of joint policy, joint practice and joint training. Matters of national concern will be referred to the National Child Safeguarding Strategic Liaison Committee (NCSSLC).¹⁵⁷</p> <p>Social workers and Gardaí undergo joint specialist training in interviewing children where there are concerns regarding a sexual assault and, where possible, carry out joint interviews.¹⁵⁸</p>
<p>3.2.7. Outline briefly the <u>main challenges and/ or gaps relating to human resources, qualification requirements and training</u> underlined the relevant authorities and/ or child protection civil society organisations.</p>		<p>Lack of funding in the higher education to reproduce social workers in the field of Child protection¹⁵⁹</p> <p>There are no guidelines for assessing the ages of young asylum seekers who arrive alone and say they are children.¹⁶⁰ Social workers are not familiar with differences in growth signs between children from different racial backgrounds.</p>

3.3. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection capacities in the past 8 years, incl. achievements and (persisting) gaps and challenges

¹⁵⁷ TUSLA, Joint Working Protocol for An Garda Síochána/ Tusla – Child and Family Agency Liaison, available at https://www.tusla.ie/uploads/content/CF_Joint_Protocol.pdf

¹⁵⁸ Dail Debate (27 May 2021), Child and Family Agency, <https://www.oireachtas.ie/en/debates/question/2021-05-27/26/>

¹⁵⁹ Department of Children, Equality, Disability, Integration and Youth, Final Report of the Expert Assurance Group - Circulated by the Department of Children and Youth Affairs, available at <https://www.gov.ie/en/publication/3eeb15-final-report-of-the-expert-assurance-group-to-the-minister-for-child/>

¹⁶⁰ Malekmian, S. (1 March 2023) Still No Guidelines for Assessing the Age of Young Asylum Seekers When There's a Dispute, available at <https://dublininquirer.com/2023/03/01/still-no-guidelines-for-assessing-the-age-of-young-asylum-seekers-when-there-s-a-dispute/>

Recent figures on open child protection and welfare cases,¹⁶¹ child therapeutic services,¹⁶² and the current provision of refuge accommodation¹⁶³ indicate that resource shortages have not been adequately addressed. A holistic approach with streamlined access to appropriate services is essential.

¹⁶⁴ The lack of continuity and professionalism has been noted in the courts.¹⁶⁵

The Child Care Law Reporting Project (CCLRP) reflected the need for a dedicated family court which includes a family drug and alcohol programme and an independent service to provide expert assessment and evidence, including better facilities, access to adequate mental health services for children and young people, better inter-agency cooperation and greater legal safeguards for some groups of children, such as those who had to be transferred to another jurisdiction for treatment while in State care.”

The Child Care Law Reporting Project (CCLRP) also identified an urgent need to review the capacity of the State to respond to the mental health needs of children in its care or at risk of entering care, although the Child and Adolescent Mental Health Service (CAMHS) is under the aegis of the Health Service Executive (HSE) and the Department of Health.¹⁶⁶

¹⁶¹ At the end of 2021, there were 4,807 cases not allocated to a social worker, including 436 high priority cases. See HIQA, Overview Report: Monitoring and Regulation of Children’s Services in 2021 (2022), p. 44; IHREC, Submission to the UN Committee on the Rights of the Child on the list of issues prior to reporting for the fourth periodic examination of Ireland, (July 2020), p. 16.

¹⁶² In May 2022, CARI reported that 254 child victims and survivors of sexual abuse were waiting for support services, the highest number in the charity’s 33-year history. Without emergency government support, it will take an estimated 5 years to clear the waiting list. See Michelle McGlynn, Child sex abuse charity’s waiting list for support services doubles (31 May 2021)

¹⁶³ Domestic refuge accommodation is not available in nine counties in Ireland and over a quarter of Irish women live more than 30 minutes’ drive from refuge accommodation, impacting the ability of child victims and survivors of domestic violence to access refuge. See Laura Foley, Gender-based violence in Ireland (Geary Institute for Public Policy, 2022), p. 5. As of 2022, Ireland had less than a third of the number of domestic violence refuge spaces it is required to have under European standards. See Joint Committee on Gender Equality Debate, Recommendations of the Citizens’ Assembly on Gender Equality: Discussion (Resumed), 27 April 2022, pp. 6-8. The Citizens’ Assembly on Gender Equality has recommended that the Government should ensure sufficient publicly funded provision of beds, shelters and accommodation for victims/survivors of domestic, sexual and gender-based violence across the country and their dependents in line with the Istanbul Convention (June 2021) p. 82

¹⁶⁴ Irish Human Rights and Equality Commission IHREC (August 2022) INTERNATIONAL REPORTING Ireland and the Rights of the Child Submission to the Committee on the Rights of the Child on Ireland’s combined fifth and sixth periodic reports, available at <https://www.ihrec.ie/app/uploads/2022/09/Ireland-and-the-Rights-of-the-Child-Final.pdf>

¹⁶⁵ Child Law Project, Judge criticises lack of continuity and professionalism following changeover of child’s social worker (n.d), Case Reports 2022 Volume 2, Case No. 41, available at <https://www.childlawproject.ie/publications/>

¹⁶⁶ Irish Legal News (24 November 2021) CCLRP: Specialised family courts must be established as soon as possible, available at <https://www.irishlegal.com/articles/cclrp-specialised-family-courts-must-be-established-as-soon-as-possible>

The General Scheme of the Family Courts Bill, which is under the remit of the Department of Justice, and was published in December 2022 and has completed the First Stage Seanad Eireann.

The figures released in 2022 show that 29 children have died in State care since 2011, including eight by suicide and two by drug overdose. Another 193 children who were not in State care but were known to child protection services died in the same period, including 13 so far this year, and 20 last year.¹⁶⁷

Over the past decade 38 of these children, who were not in foster or residential placements, but who had come in contact with Tusla, died by suicide, 10 of them were murdered, and eight children died from drug overdoses. Calls for a significant increase in social-worker numbers have been made to deal with what has been described as a "massive human crisis that is not getting the attention that it deserves". The figures show that in the first three months of 2022 alone, 1,830 referrals from a range of people including gardaí, teachers, doctors, and other family members were made in relation to physical abuse; 1,284 referrals were made over sexual abuse concerns; and a further 1,070 cases were reported over neglect.¹⁶⁸

3.4. Promising practices

Please list and briefly describe any promising practice in child protection capacities that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

The Barnahus, Onehouse Galway pilot project is being extended to Dublin and Cork.¹⁶⁹ An appraisal of the pilot project recommended further legal and regulatory harmonisation of the collaborating agencies.¹⁷⁰

¹⁶⁷ LOUGHLIN, E. (22 September 2022), Nine reports of child sex abuse made to Tusla by children themselves in three months, Irish Examiner, available at <https://www.irishexaminer.com/news/arid-40967441.html>

¹⁶⁸ LOUGHLIN, E. (22 September 2022), Nine reports of child sex abuse made to Tusla by children themselves in three months, Irish Examiner, available at <https://www.irishexaminer.com/news/arid-40967441.html>

¹⁶⁹ Barnahus will cater for children up to 18 years, with close engagement with the HSE's Sexual Assault Treatment Unit services for older teenagers. See, Department of Children, Equality, Disability, Integration and Youth, Draft Combined Fifth and Sixth State Report of Ireland to the UN Committee on the Rights of the Child (2021), pp. 40-41. As of May 2022, approximately €1.38m was available to support the implementation of the Barnahus model of service delivery in Ireland. See Roderic O'Gorman TD, Minister for Children, Equality, Disability, Integration and Youth, Written Answers 4 May 2021

¹⁷⁰ See Department of Children, Equality, Disability, Integration and Youth, Draft Combined Fifth and Sixth State Report of Ireland to the UN Committee on the Rights of the Child (2021), pp. 40-41.

4. Care

4.1. Prevention measures and services

4.1.1. Please provide information on the interaction between the child protection system and the social welfare and social protection system in place. Is there an inherent coordination of measures and interventions? Are responsible authorities and service providers the same or different?

Ca. 250

The Department of Social Protection's main responsibility is to administer social welfare payments and services to support individuals and families in need. This includes a range of payments and services that can support families with children, such as child benefit, the back-to-school clothing and footwear allowance, and the family income supplement. A significant challenge has been to connect government departments working on welfare, housing and the environment, justice, and health to address wider social issues affecting individual service users.¹⁷¹

Although the Department of Social Protection is a member of the the Children First Interdepartmental Implementation Group along with all other Government Departments, Tusla and the Garda Síochána, there is no function for the Group in coordination or cooperation between the child protection system and the social welfare system.

Social protection policies are aligned with *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People, 2014-2020*, which prioritises investment in the Prevention and Early Intervention Programmes and other initiatives.¹⁷² Family support services are the main vehicle through which social protection supports are brought to bear in child welfare and protection cases. Services in Ireland have largely been organized and divided between child protection (intake, assessment and intervention, children in care, fostering) and family support services although there has been greater integration in recent years such as through the Prevention, Partnership and Family Support programme.¹⁷³

4.1.2. Is there evidence that families are supported in their role of primary caregivers? Is the primary position of families in child caregiving and protection recognised and supported through

¹⁷¹ McGregor, Caroline, and Carmel Devaney. 2020. "A Framework to Inform Protective Support and Supportive Protection in Child Protection and Welfare Practice and Supervision" *Social Sciences* 9, no. 4: 43. <https://doi.org/10.3390/socsci9040043>

¹⁷² <https://www.gov.ie/en/publication/775847-better-outcomes-brighter-futures/>

¹⁷³ Prevention, Partnership and Family Support programme, Tusla <https://www.tusla.ie/services/family-community-support/prevention-partnership-and-family-support/>

universal and targeted services and through every stage of the intervention, particularly through prevention? Which type of support (incl. financial, medical, psycho/social advice, legal advice, care staff, care equipment, guidance and training etc.) is available to families in need.

Supporting parents and those in a parenting role is an integral part of how Tusla delivers services. The High-Level Policy Statement on Supporting Parents and Families (2015) formulated a system of parenting and family support.¹⁷⁴ This is reinforced by Supporting Parents; A National Model of Parenting Support Services, launched in April 2022. Tusla provides a range of services that offer advice and support to families¹⁷⁵ including family support workers, social workers, youth workers, family resource centres, support groups and counselling services. These types of services help families work through difficult issues, ensure children have a stable environment to live in, and provide support for parents who are finding it hard to cope. There are 81 local Child and Family Support Network Coordinator and there are 121 Tusla-funded Family Resource Centres across the country.¹⁷⁶ A new programme of Parenting, Prevention and Family Support (PPFS) was launched to complement the existing services of the TUSLA. The second strand of the PPFS programme relates to the extended development of the Parenting Support services of Tusla. The establishment of an online Parenting 24/7 service has been one of the significant developments.¹⁷⁷ The Meitheal process also allows parents to self-refer into support services.

The Parenting Support Strategy 2022-2027¹⁷⁸ (and its predecessor) emphasised the mainstreaming of parenting supports through a continuum process from universal support to targeted and specialist services according to level of need. It focuses on building on families' strengths by using their own family connections, their communities, as well as the professional supports and services offered by Tusla. Tusla commits in the strategy to work with other supportive services, voluntary partners and agencies in the community to ensure children and families receive an integrated response (Tusla Corporate Plan 2021–2023, p.6); and to take a whole-family approach to meeting the different needs of families, particularly those families experiencing distress and social exclusion.

¹⁷⁴

<https://www.gov.ie/pdf/?file=https://assets.gov.ie/37254/771e0d95117b4b9096e902a2697a338d.pdf#page=nu>

!

¹⁷⁵ <https://www.tusla.ie/familysupport/>

¹⁷⁶ Tusla website, 18 March 2023, <https://www.tusla.ie/familysupport/>

¹⁷⁷ Burns, K. and McGregor, C. (2019) 'Child Protection and Welfare Systems in Ireland: Continuities and Discontinuities of the Present', in Merkel-Holguin, L., Fluke, J. and Krugman, R. (eds). National Systems of Child Protection. Child Maltreatment, vol 8. Springer, Cham. doi: 10.1007/978-3-319-93348-1_7

page 9.

<https://cora.ucc.ie/bitstream/handle/10468/13403/CORA%20copy.pdf?sequence=1&isAllowed=y>

¹⁷⁸ https://www.tusla.ie/uploads/content/Tusla_Parenting_Support_Strategy_2022-2027_Web.pdf

4.1.3. When a child in need of care is identified, who coordinates support to the family and the child to ensure protection and prevent abuse and/ or placement of the child and how?

It is the statutory duty of the Child and Family Agency to identify children who are not receiving adequate care and protection (Child Care Act 1991) through social workers who work with the family in question. Where support is being provided to a family where there are child welfare concerns, this is coordinated and monitored by Tusla with an allocated key worker. If the child’s protection cannot be adequately safeguarded within the family, a social worker may bring an application to court seeking a care order. It is in the first instance the responsibility of Tusla to arrange an appropriate placement for the child, subject to the supervisory jurisdiction of the court.

*Shore and Powell (2020) have commented that while early intervention is central to the ethos of the Child Care Act 1991, however in practice this does not occur.*¹⁷⁹

4.1.4 What are the crisis emergency responses in place?

Tusla has a 24-hour service called the Child Protection and Welfare Emergency Services, which can respond to emergency situations where there is an immediate and serious risk to a child's health or welfare. Tusla established the EOHS (Emergency Out of Hours Service) in 2015¹⁸⁰ which also facilitates coordination with An Garda Síochána.

Tusla can apply to the District Court for an emergency care order (for 8 days) for a child who is still at home or for one who has been removed by the gardaí if there is an immediate and serious risk to the health or welfare of the child requiring them to be placed, or to remain in, the care of Tusla.

The Domestic, Sexual & Gender Based Violence Services programme (DSGBV) within Tusla provides national co-ordination, funding and support to almost 60 specialist services including refuges and safe home services providing safe emergency accommodation, community-based domestic violence services, and rape crisis/sexual violence services.¹⁸¹

4.2. Identification and reporting procedures

Question	Yes	No	Comments
4.2.1. Is there an identification/ reporting obligation	X		The purpose of the Children First Act 2015 and the Children First: National Guidance for the Protection and Welfare of Children is to raise

¹⁷⁹ C Shore and F Powell, “The social construction of child abuse in Ireland: public discourse, policy challenges and practice failures” in K Biesel, J Masson, N Parton and T Poso (eds), *Errors and Mistakes in Child Protection: International Discourses, Approaches and Strategies* (Bristol University Press, 2020) at p 64

¹⁸⁰ https://www.tusla.ie/uploads/content/EOI_EOHS_Briefing_Information.pdf

¹⁸¹ <https://www.tusla.ie/services/domestic-sexual-gender-based-violence/>

<p>foreseen in the legislation?</p> <p>If <u>yes</u>, please provide the relevant provisions and indicate authorities and/or individuals that have identification/reporting obligations.</p>		<p>awareness of child abuse and neglect, provide for mandatory reporting by key professionals and improve child safeguarding arrangements in organisations providing services to children. National Guidance places a responsibility on all people to protect children and, where appropriate, to report child protection or welfare concerns to Tusla.¹⁸²</p> <p>The Children First Act 2015 defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances. Under the Act, mandated persons are people who have ongoing contact with children and families and who, because of their qualifications, training and experience are in a key position to protect children from harm. A mandated person is required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed to Tusla. Mandated persons have two main legal obligations: first, to report harm to children, above a defined threshold, to Tusla. Second to assist Tusla, if requested, in assessing a concern which has been the subject of a mandated report.¹⁸³</p> <p>Tusla has detailed information on the legal obligations of a mandated person and the threshold for making a mandated report.</p> <p>The reporting requirements under the Children First Act 2015 apply only to information that a mandated person received or became aware of</p>
--	--	---

¹⁸² [https://www.tusla.ie/uploads/content/4214-TUSLA Guide to Reporters Guide A4 v3.pdf](https://www.tusla.ie/uploads/content/4214-TUSLA_Guide_to_Reporters_Guide_A4_v3.pdf)

¹⁸³ <https://www.tusla.ie/children-first/mandated-persons/what-are-the-legal-obligations-of-a-mandated-person/>

since the Act came into force. However, if there is reasonable concern about past abuse, where the information came to attention before the Act and there is possible continuing risk to children, the mandated person should report it to Tusla under the Children First Guidance 2017.

Section 2 of the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 creates a general obligation on any person who becomes aware of the commission of an offence listed in Schedule 1 of the Act against a child, or who has information which may be of material assistance in securing the apprehension, prosecution or conviction of such an offence, to disclose that information to An Garda Síochána (police). Failure to do so without reasonable excuse is a criminal offence punishable on summary conviction by a maximum fine of €5,000 or 12 months imprisonment or both; or on conviction on indictment, to an unlimited fine or maximum period of imprisonment of ten years. However, certain defences are prescribed by section 4 of the 2012 Act, including a defence which is available to persons working in prescribed organisations where he or she is treating the child in respect of injury or harm arising from the specified offence and has formed the view that the information relating to the offence should not be disclosed, on the basis of reasonable grounds that protection of the child's health and well-being justifies non-disclosure. See www.irishstatutebook.ie/2012/en/act/pub/0024/

		<p>There is no legislative provision or non-statutory guideline in Ireland which protects the anonymity of persons reporting a case of child abuse. While it is possible to report a concern without giving a name, it may make it difficult for Tusla to assess the concern. Tusla declares that all information provided by a person who suspected child abuse will be dealt with in a professional manner and the name of the reporter is not revealed without their permission, however it cannot guarantee confidentiality.¹⁸⁴</p> <p>Any person who reports a case of child abuse is protected from civil liability by the Protection for Persons Reporting Child Abuse Act 1998¹⁸⁵ provided that they acted reasonably and in good faith in making the report. However, this is a protection from liability for damages only, and does not address or protect the anonymity of the person.</p>
--	--	---

4.2.2. Please describe available national and/or sub-national reporting procedures for cases of abuse, exploitation, violence, harassment, discrimination, or neglect against children in all available reporting mechanisms, including, helplines and hotlines. Include the legislative and regulatory framework, actors involved (e.g. police, child protection centres, victims support organisations), and timeframe.

Please provide details such as if there a common or different procedures or helplines/hotlines for specific issues. What is the profession of the staff receiving the reporting? Is the staff competent and trained for the purpose?

Any person, including mandated persons, can make a report to Tusla in person, by telephone or in writing to the local Child Protection and Welfare Duty Social Work Service in the area where the child lives. Contact details for Tusla Child Protection and Welfare Duty Social Work Services can be found

¹⁸⁴ <https://www.tusla.ie/children-first/individuals-working-with-children-and-young-people/how-do-i-report-a-concern-about-a-child/>

¹⁸⁵ <http://www.irishstatutebook.ie/1998/en/act/pub/0049/print.html>

on the Tusla website. Verbal reports should be followed up by completing the Child Protection and Welfare Report Form (CPWRF).

Tusla also have a Web Portal (<https://portal.tusla.ie/>) available for the submission of CWPRFs. professionals making reports.¹⁸⁶ Verbal reports should be followed up by completing the Child Protection and Welfare Report Form. Mandated persons must make mandated reports on the Child Protection and Welfare Report Form. A mandated person cannot report a concern anonymously, under the Children First Act 2015. In emergencies, the Garda Síochána can also receive child protection concerns and all members of the Garda Síochána are mandated persons obliged to report these to Tusla.

The [Child Protection Procedures for Primary and Post-Primary Schools 2017](#) gives direction to school management and staff regarding the identification of and response to child protection concerns and the process for continued support of the child. Each school must have a Designated Liaison Person (DLP) in place for dealing with child protection concerns. The name of the DLP should be displayed in a prominent position near the main entrance to the school. The school DLP has responsibility for ensuring that the standard reporting procedure is followed, so that suspected child protection concerns are referred promptly to the designated person in TUSLA or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána.¹⁸⁷

Children can make a report via any of the above mechanisms, through a Designated Liaison Person or through children-specific mechanisms.

Cases of a concern about a child such as abuse, violence, etc, can be reported to the TUSLA or police or an ombudsperson¹⁸⁸. They have specific procedures for child abuse related situations. There is no time frame of reporting procedures.¹⁸⁹

Question	Yes	No	Comments
4.2.3. Do children have the right to report independently? If <u>yes</u> , please provide information on the availability of	x		Under Children First, organizations that work with children and young people are required to have procedures in place for the reporting, assessing and managing of child protection concerns. This

¹⁸⁶ https://www.tusla.ie/uploads/content/4214-TUSLA_Guide_to_Reporters_Guide_A4_v3.pdf

¹⁸⁷ <https://www.gov.ie/en/policy-information/9e0b6-child-protection-in-schools/>

<p><u>age-appropriate and child-friendly</u> reporting procedures (to whom and how children can report child rights' violations and abuse). Is the anonymity and confidentiality of the child in the reporting protected? Please comment briefly.</p>		<p>includes procedures for receiving reports of child protection concerns from children themselves.</p> <p>There is no age limit for reporting concerns, so children can report. There is a child-friendly website that helps children to contact Tusla and report. https://changingfutures.ie/contact</p> <p>Children can also report to Tusla using the standard Child Protection and Welfare Report Form available on the Tusla website. The form is designed to be child-friendly and easy to understand. It is available in both English and Irish, and it allows children to report abuse anonymously if they wish. The form also includes an option for children to provide their contact details if they would like Tusla to follow up with them.</p> <p>Tusla also has a dedicated phone line for children and young people who need support or advice. The number is staffed by trained professionals who can provide support and guidance to children who are experiencing abuse or have concerns about abuse. It operates weekdays 9am-5pm.</p> <p>The Childline 24-Hour Support Line available to children who have experienced abuse or have concerns about abuse is one of the services provided by the ISPCC and is available for all young people, aged 18 years and younger. These services can provide information on how children can report abuse and what to do if they are not comfortable reporting directly to the Child and Family Agency (Tusla).</p> <p>Lockdown measures disrupted many referral and reporting mechanisms, however, child helplines</p>
---	--	---

		<p>were one of the least affected of the child protective services, and remain operational even in situations where services based on physical interactions are restrained.¹⁹⁰</p> <p>Social work services do not provide out-of-hours reporting mechanisms and reports have to be made to the Garda Síochána or to the Tusla Web Portal if not to the organisation listed above.</p> <p>When a child or young person reports abuse or neglect, Tusla is required to protect their identity and confidentiality as far as possible. Tusla must inform the child or young person of their right to privacy and confidentiality, and must ensure that information about the report is only disclosed on a need-to-know basis. Under the Children First Act 2015, all professionals who work with children have a duty to report concerns to Tusla but should take all reasonable steps to ensure the child's anonymity and confidentiality. Tusla may need to disclose the child's identity, for example where the child is at immediate risk of harm or where there is a need to investigate and address the concerns raised. In such cases, Tusla must inform the child or young person of the need to disclose their identity and must take measures to ensure their safety and well-being.</p> <p>Are there any problems with the procedures?</p> <p>According to the Expert Assurance Group (EAG), the existing provisions of the Child Care Act 1991 do not adequately equip Tusla to conduct</p>
--	--	--

¹⁹⁰ C O'Mahony, Annual Report of the Special Rapporteur on Child Protection 2021, available at <https://www.gov.ie/en/publication/2d30f-annual-report-of-the-special-rapporteur-on-child-protection-2021/>

		<p>investigations with a view to making findings on the balance of probabilities while also observing fair procedures, and recommended that the Department continue its exploration of a mechanism of an enhanced role for the National Vetting Bureau which appears to have a clear statutory basis and fair procedures for receiving and communicating information of this kind.¹⁹¹</p> <p>There are “slowdowns at various points in the investigation and prosecution process that affect case outcomes, such as at the point when police record reported incidents of abuse and interview witnesses; in the time between investigation and referral for prosecution; when cases are awaiting the availability of a judge; and when procedural challenges arise.¹⁹²</p> <p>Delays in investigations and court proceedings may mean victims are obliged to testify well after the incident, leading to inconsistencies and difficulties in obtaining corroborating evidence. It may also result in the accused challenging the constitutionality of certain evidence presented.¹⁹³</p>
<p>4.2.4. Are children informed of their right to report and how they can do it? If yes, by whom and how?</p>	<p>X</p>	<p>Child protection education is a mandatory component of the primary school curriculum in Ireland. The Stay Safe programme, which is taught in primary schools, aims to teach children personal</p>

¹⁹¹ Final Report of the Expert Assurance Group to the Minister for Children and Youth Affairs (September 2019), available at

<https://assets.gov.ie/48194/18906f6d5e294c12a8ba9f62b729181b.pdf>

¹⁹² Visit to Ireland: Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, UN Doc No A/HRC/40/51/Add.2, 15 November 2019 at [60], available at <https://undocs.org/A/HRC/40/51/Add.2>.

¹⁹³ Visit to Ireland: Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, UN Doc No A/HRC/40/51/Add.2, 15 November 2019 at [24], available at <https://undocs.org/A/HRC/40/51/Add.2>.

		<p>safety skills, including how to recognise and avoid potential dangers and how to seek help if they feel unsafe. Its overall objective is to prevent child abuse, bullying and other forms of victimisation.</p> <p>In addition to the Stay Safe programme, the National Council for Curriculum and Assessment (NCCA) has developed guidance for teachers on how to integrate child protection education across the primary school curriculum. ¹⁹⁴</p> <p>Under the Children First Act 2015, certain professionals, including teachers, doctors, and social workers, are required to inform children of their right to be safe and protected from abuse, and how they can report any concerns they may have.</p> <p>Organizations that work with children, such as schools, youth groups, and sports clubs, are required under the Children First Act 2015 to have a Child Safeguarding Statement in place. The statement should outline the organization's commitment to safeguarding children, and it should provide information on how anyone, including children, can report any concerns they may have about abuse or neglect. Children should be informed of their right to report abuse in a way that is appropriate for their age and level of understanding.</p> <p>The Ombudsman for Children also promotes information about how children can report to Tusla or other bodies. The Ombudsman does not accept child protection reports.</p>
--	--	--

¹⁹⁴ PDST, <https://pdst.ie/staysafe>

		<p>Tusla has a child-friendly website for 6 – 18 year olds, ChangingFutures.ie to help young people to better understand the work that Tusla does and this includes how to make reports, with information provided for three age groups.¹⁹⁵ The website has been designed by young people with lived experience of the care system.¹⁹⁶</p>
--	--	---

4.2.5. What are the main challenges and/or gaps relating to identification and reporting procedures underlined by relevant authorities and/or child protection civil society organisations?

A series of HIQA inspections have found unexplained delays in potentially at-risk children being assessed once referred to Tusla and receiving a service as well as failure to make timely notifications to the Garda Síochána. The Special Rapporteur report for 2021 noted delays in child protection referrals in some regions and poor management of waitlisted cases.¹⁹⁷

High caseloads and demand on services outstripping the available resources were cited as contributory factors to these difficulties, in particular because of staff retention issues. Staff vacancies in Social Work departments countrywide have led to delays in dealing with reports of suspected child abuse. Staff vacancies lead to increased problems for children and families at risk and placed inappropriate pressure and responsibilities on other agencies supporting families to fulfil protective roles.

A direct out-of-hours service is not yet available to children and families, allowing children to have access to a social worker outside of office hours, and without the necessity of recourse to the Gardai. The Tusla Emergency Out of Hours Service briefing information was established to co-operate with and support the Garda Síochána and other mandated persons and is not available to the public.¹⁹⁸

¹⁹⁵ TUSLA, Changing Futures, <https://changingfutures.ie/index.php/contact>

¹⁹⁷ HIQA, Report of an inspection of a Child Protection and Welfare Service. Cavan Monaghan. 2019. <https://www.hiqa.ie/system/files?file=inspectionreports/4404-CPW%20Cavan%20Monaghan-14%20November%202019.pdf> ; Annual Report of the Special Rapporteur on Child Protection 2021, <https://www.gov.ie/pdf/?file=https://assets.gov.ie/214234/9e893871-ecb7-4a28-879a-d0a83d5bc7e2.pdf#page=null>

¹⁹⁸ https://www.tusla.ie/uploads/content/EOI_EOHS_Briefing_Information.pdf

The European Committee of Social Rights (ECSR) in its 2019 conclusions noted the lack of data available on “the scope and different forms of sexual abuse and exploitation of children”. The Committee noted the failure to implement “safeguarding policies and procedures in practice” as well as a “culture of silence around issues of childhood sexual abuse and exploitation in Ireland”.¹⁹⁹

4.3. Referral procedures(s) and investigation and protection

4.3.1. Please describe the referral mechanisms in place following reporting and identification procedures.

In the answer please include the legislative and regulatory framework, interagency protocols and guidelines, the actors involved and their role and responsibilities, as well as the applicable timeline. Please also specify the procedure, if different, for other groups of children (e.g. with disabilities, migrant, victim of a particular form of violence etc.)

The Child Care Act 1991, the Children First Act 2015 and the Children First: National Guidance for the Protection and Welfare of Children set out the legislative and regulatory framework for referral mechanisms in child protection.

Interagency protocols and guidelines include Children First Interagency Protocols, HSE/Tusla Service Level Agreements, National Quality Standards for the Provision of Children's Services, and Joint Working Guidelines for Child Protection Committees.

Once a referral is made to Tusla, it is received within the organisation by the Duty Intake Team. All referrals made to Tusla are to be screened on the same day they are received, irrespective of the source. Post-referral steps are set out in the Child Protection and Welfare Practice Handbook²⁰⁰. Once a Duty Social Worker receives the referral: screening; • preliminary enquiry. The Duty Social Worker will screen the referral to see if it meets the relevant threshold for acceptance and complete an Intake Record. The case will then either proceed to an initial assessment or no further action will be taken and the case will be closed. At any stage of the process, including after closure, the social worker can seek the assistance of outside agencies for support/intervention (e.g. ISPC, Barnardos, community projects). After the initial assessment, the case may be classified as: suspected child abuse, requiring a Child Protection response incorporating as appropriate the involvement of An

¹⁹⁹ 2019, cited in the Report of the Special Rapporteur. <https://assets.gov.ie/108822/caa4c294-0d99-4d35-8560-c755588e1ac.pdf>

²⁰⁰ https://www.tusla.ie/uploads/content/CF_WelfarePracticehandbook.pdf

Garda Síochána, or a Welfare case, requiring a Family Support response. • closed, with no further action required.

Where a referral to Tusla does not reach a threshold for a child protection assessment the referral can be referred to Prevention, Partnership and Family Support (PPFS). The best way to improve outcomes for children is to intervene at an early stage to resolve problems and prevent harm. PPFS is a comprehensive programme of early intervention and preventative work which has been undertaken by Tusla. The programme takes three main approaches:

- Supporting the participation of children and young people in decisions that affect them.
- Supporting parents in developing their parenting skills.
- Implementing an area-based approach to identifying and addressing needs earlier and in a coordinated manner

The “Child Abuse Substantiation Procedure” (CASP) is a revision of the 2014 Policy “Policy and Procedures for Responding to Allegations of Abuse and Neglect”. It was implemented in 2022 to assist social workers in carrying out substantiation assessments.²⁰¹

The same procedure is followed for all groups of children.

Question	Yes	No	Comments
4.3.2. Are there applicable standards in the form of legal provisions, guidelines, protocols, interagency agreements or regulatory frameworks regarding investigation and assessment procedures following reporting and identification procedures?	X		<p>The Child Abuse Substantiation Procedure (CASP) is designed to provide a framework for social workers in assessing allegations of child abuse made against an individual which raise concerns that an identified or yet-to-be-identified child or children may be at potential risk of harm. The procedure sets out the principles that CASP social workers are expected to follow, to ensure fair procedures are given to persons subject of abuse allegations (PSAAs) when the CASP social worker undertakes a substantiation assessment of allegations of child abuse.</p> <p>2- The Health Information and Quality Authority (HIQA) has published an overview report of the</p>

²⁰¹ <https://www.tusla.ie/CASP/>

			thematic inspection of the Child and Family Agency's (Tusla's) child protection and welfare services between 2019 to 2021. ²⁰²
4.3.3. Is the assessment carried out by a multidisciplinary team of professionals?	X		Responsibility for commencing and conducting the assessment rests with the social work team, but they may (and in many instances should) seek input from other professionals who have worked with the family, for e.g. public health nurse, area medical officer, child care worker, police or any other professionals to whom the family is known.
4.3.4. Please provide information on who is responsible to investigate and assess the situation of the child and the family and how this is done. Please provide information and describe the role and responsibilities of judicial authorities in the reporting and referral procedure.			

²⁰² <https://www.hiqa.ie/reports-and-publications/key-reports-investigations/overview-report-thematic-inspections-child>

When a report of child abuse or neglect is made to Tusla, a social worker is assigned to investigate the report and assess the situation of the child and the family. The social worker may undertake a range of activities in order to gather information and make an assessment, including:

- Conducting interviews with the child and the family members, including the alleged perpetrator(s) of the abuse or neglect.
- Gathering information from other sources, such as healthcare professionals, teachers, and other relevant professionals.
- Conducting home visits to assess the living conditions and environment of the child.
- Reviewing relevant records and documentation, such as medical records, school reports, and previous child protection history.
- Conducting a risk assessment to determine the level of risk to the child and the appropriate response.

Based on the assessment, Tusla may take a range of actions to ensure the safety and welfare of the child, including:

- Providing support services to the child and the family to address any identified needs or concerns.
- Recommending or arranging for medical or psychological assessments or treatment.
- Taking steps to protect the child from further harm, such as removing the child from the home or seeking a court order to require the parents or guardians to take certain actions.
- Making a referral to An Garda Síochána (the Irish police) where there is evidence of a criminal offence.

Garda Síochána Ombudsman Commission Annual Report for 2021 included a case study on a case in which a Garda member was found in breach of discipline for failure to properly investigate allegations of childhood sexual abuse and failure to communicate with the victim on the progress of the investigation. The Garda member concerned was found to be in breach of the Garda Discipline Regulations for two counts of neglect of duty, and was sanctioned accordingly.²⁰³ While the SR welcomes disciplinary action taken in this individual case, however, in the absence of further information about any other actions taken in this case, it is recommended that An Garda Síochána take steps to engage with the victim(s) in this case to mitigate any adverse impact arising from the delay; and to implement any measures that might be deemed appropriate to prevent re-occurrences of similar incidents in future.²⁰⁴

Question	Yes	No	Comments
----------	-----	----	----------

<p>4.3.5. Are the roles and responsibilities of the various actors and professionals involved in these procedures (including civil society organisations) clearly stated in the legislative and regulatory framework?</p>	<p>X</p>	<p>The key pieces of legislation relating to child welfare and protection, including the Child Care Act 1991, the Child and Family Agency Act 2013 and the Children First Act 2015, set out the roles and responsibilities of the various actors involved.</p> <p>The Children First Act 2015 states the responsibilities of various actors that are involved in the child protection procedure, including professionals in different sectors, voluntary professional bodies, or organisations offering services to children.²⁰⁵</p> <p>Children First: National Guidelines for the Protection and Welfare of Children clarifies the responsibilities of organisations that dealing with children and young people.²⁰⁶</p>
<p>4.3.6. Are there any inter-agency cooperation protocols and agreements in place to strengthen cooperation between actors with responsibility in the referral procedure and enhance the efficiency of their actions?</p>	<p>X</p>	<p>A protocol (Tusla and An Garda Síochána Children First – Joint Working Protocol for Liaison between both Agencies) is in place between the two agencies that details how they cooperate and interact in dealing with child welfare and protection concerns.²⁰⁷</p> <p>Joint Protocol for Inter-agency Collaboration Between the Health Service Executive (HSE) and Tusla – Child and Family Agency (2020) to Promote the Best Interests of Children and Families. It is to describe how the HSE and Tusla will work together</p>

²⁰³ Garda Síochána Ombudsman Commission, 2021 Annual Report – GSOC in Transition (May 2021) at p 48, available at <https://www.gardaombudsman.ie/news-room/archive/gsoc-publishes-its-2021-annual-report-gsoc-intransition/?download=file&file=4162>.

²⁰⁴ C O’Mahony, Annual Report of the Special Rapporteur on Child Protection 2022, at Section 2.2.4, available at https://www.gov.ie/en/uploads/attachment_data/file/123456/ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf (www.gov.ie)

²⁰⁷ Joint Working Protocol for An Garda Síochána/ Tusla – Child and Family Agency Liaison https://www.tusla.ie/uploads/content/CF_Joint_Protocol.pdf, https://www.tusla.ie/uploads/content/HSE_Tusla_Joint_Working_Protocol_v_1.0_March_2017_Signed.pdf

		<p>to provide a person centred pathway to meet the needs of children with a complex disability and their families.</p> <p>In this regard, the case of X v HSE [2021] IEHC 803 is noteworthy as it shows the mistreatment of an adolescent child (Miss X) with a disability by the HSE, and its failure, despite being aware of and recognising her serious needs for over a year, to provide her with appropriate residential accommodation and care.²⁰⁸ In this case the Court found that the HSE had repeatedly breached its duty to perform its functions/exercise its powers lawfully and in a reasonable manner and at points even 'crossed the line into irrationality'.</p> <p>Additionally, in some cases, the judges noted “ongoing tension” between the CFA and the HSE and that the communication between the CFA and the HSE “had to improve.” There is a risk that a child as a young adult will fall between the gaps that exist because of the mental health regime and the definitions contained in it, and the disability regime and the definitions contained in it, and the respective statutory functions of the CFA and HSE. If there is substance in what both sides say this is yet another case where there is a need for some legislative reform.”²⁰⁹</p>
--	--	--

²⁰⁸ MS Y AND MISS X (SUING THROUGH HER MOTHER AND NEXT FRIEND, MS Y) and HSE and TUSLA, [2021] IEHC 803, Available at https://www.courts.ie/viewer/pdf/037fb403-9476-4c18-9dad-46c3e53222a1/2021_IEHC_803.pdf/pdf#view=fitH

²⁰⁹ Child law Project, Overview of Special Care List: Judge stresses need for legislative reform in a number of areas, Case Reports 2022 Volume 2, available at <https://www.childlawproject.ie/publications/overview-of-special-care-list-judge-stresses-need-for-legislative-reform-in-a-number-of-areas/>

<p>4.3.7. Is it likely that procedures will differ, depending on the migration – residential status of the child concerned? <i>Please also consider potential divergences depending on main actors involved.</i></p>	<p>X</p>	<p>There is no legal basis for application of different procedures depending on the migration/residence status of the child concerned.</p> <p>However, Tusla has a dedicated social work team for Separated Children Seeking International Protection (SCSIP). Over the past 20 years the SCSIP Team has developed expertise through Ireland’s participation in International Refugee Protection Programmes and by caring for separated children seeking international protection who arrive unannounced at Irish ports, including airports.</p> <p>SCSIP who arrive at ports of entry to Ireland are referred to Tusla for a child protection needs assessment. In the first instance, Tusla makes every attempt to contact relatives of the child and to reunite the child with family members or friends. If children cannot be reunified with family or friends, they are received into the care of Tusla.²¹⁰</p>
<p>4.3.8. Are affected children heard as part of the procedures?</p> <p><u>If yes</u>, are the hearings child-sensitive and designed age-appropriately and in child-friendly language? Do children receive information and support</p>	<p>X</p>	<p>Children First: National Guidance for the Protection and Welfare of Children explicitly articulates that children have a right to be heard, listened to and taken seriously. Taking account of their age and understanding, they should be consulted and involved in all matters and decisions that may affect their lives.²¹¹</p> <p>In 1992 Ireland ratified the United Nations Convention on the Rights of the Child. In 2012</p>

²¹⁰ Child Protection, Dáil Éireann Debate, Thursday - 24 March 2022
<https://www.oireachtas.ie/en/debates/question/2022-03-24/25/>; Tusla, Separated Children Seeking International Protection, <https://www.tusla.ie/services/alternative-care/separated-children/>

²¹¹ Children First: National Guidance for the Protection and Welfare of Children.
https://www.tusla.ie/uploads/content/Children_First_National_Guidance_2017.pdf

<p>by competent and trained professionals?</p>		<p>Ireland voted to strengthen the rights of the child within its own Constitution. According to these Constitutional rights, the State shall ensure that young people’s views are heard and their best interests considered in Court proceedings. In 2015, Tusla’s ‘Toward the Development of a Participation Strategy for Children and Young People: National Guidance and Local Implementation’ identified the development of a national Children’s Charter as a priority action.²¹²</p> <p>The TUSLA child-friendly website ChangingFutures.ie helps children to navigate the process.²¹³</p> <p>However, as there is no TUSLA guidelines to assess a child’s age in some circumstances,²¹⁴ the support cannot be properly provided.</p> <p>There were nine sex abuse self-referrals, as well as a further eight physical abuse self-referrals by children reporting in the first three months of 2022.²¹⁵</p> <p>There is no minimum age regarding children’s right to be heard and to have due weight given to their views on matters affecting them (given due weight in accordance with the child’s age and maturity)²¹⁶</p>
--	--	---

²¹² Tusla’s National Children’s and Young People’s Charters, https://www.tusla.ie/uploads/content/4176_Tusla_StaffGuidance_LR.PDF

²¹³ USLA, Changing Future, <https://changingfutures.ie/>

²¹⁴ Malekmian, S. (1 March 2023) Still No Guidelines for Assessing the Age of Young Asylum Seekers When There’s a Dispute, available at <https://dublininquirer.com/2023/03/01/still-no-guidelines-for-assessing-the-age-of-young-asylum-seekers-when-there-s-a-dispute/>

²¹⁵ LOUGHLIN, E. (22 September 2022), Nine reports of child sex abuse made to Tusla by children themselves in three months, Irish Examiner, available at <https://www.irishexaminer.com/news/arid-40967441.html>

²¹⁶ Parkes, A., Shore, C., O’Mahony, C., & Burns, K. (2015). The right of the child to be heard: Professional experiences of child care proceedings in the Irish district court. *Child & Fam. LQ*, 27, 423.

<p>4.3.9. Are there mental health support services available for affected children?</p> <p><u>If yes</u>, how are services working together? How is it ensured that the child is informed and can make use of these services?</p>	<p>X</p>	<p>Yes, Tusla provides a handbook for the use of front-line social workers, their line managers and other professionals on a number of circumstances that may make children more vulnerable to harm, including mental health of affected children.²¹⁷</p> <p>Tusla and HSE have a joint HSE/Tusla strategy through which health and social service staff will be trained to identify children whose physical and mental health may be at risk, and to respond to their needs quickly and appropriately.²¹⁸</p>
---	----------	--

4.3.10. What are the main challenges and gaps in the referral and investigation highlighted by relevant authorities, child protection, and civil society organisations? Briefly describe.

The shortfall in the graduate pool: One obstacle for the investigations of complaints of abuse is the absence of funding for bursaries or for the development of a national placement framework to increase the supply and the capacity of third level institutions to expand the number of social work places.²¹⁹

TUSLA does not have a guideline to assess a child’s age when there is a dispute about their age in some special circumstances. ²²⁰ This issue can deprive some children of support.

The High Court determines that a child protection referral is protected by qualified privilege. In the case of RP & Another –v- BK [2018] IEHC 139 , the High Court has held that a Landlord who made a child protection referral to Tusla and the HSE arising from child protection concerns she had about her tenants, did so in good faith and could successfully rely on the defence of qualified privilege in defamation proceedings issued by the parents of the child. This was despite the fact the landlord had been in a dispute with the tenants. The High Court ruled that the Landlord could rely on the

²¹⁷ Child Protection and Welfare Practice Handbook 2 (2018)

https://www.tusla.ie/uploads/content/Tusla_Child_Protection_Handbook2.pdf

²¹⁸ <https://www.tusla.ie/news/seeing-through-hidden-harm-to-brighter-futures/>

²¹⁹ Final Report of the Expert Assurance Group to the Minister for Children and Youth Affairs (September 2019), at pp 40-41, available at <https://assets.gov.ie/48194/18906f6d5e294c12a8ba9f62b729181b.pdf>.

²²⁰ Malekmian, S. (1 March 2023) Still No Guidelines for Assessing the Age of Young Asylum Seekers When There’s a Dispute, available at <https://dublininquirer.com/2023/03/01/still-no-guidelines-for-assessing-the-age-of-young-asylum-seekers-when-there-s-a-dispute/>

defence of qualified privilege and also the statutory protection under the Protections for Persons Reporting Child Abuse Act 1998.²²¹

4.4. Placement decisions – care orders

4.4.1. Following the investigation and assessment of the child’s situation, who is responsible to decide upon issuing a care order/decision and the placement of the child in alternative care?

Following investigation and assessment of the child’s situation, if the social work team decides that the welfare of the child cannot be secured within the home, there are two options with regard to placing the child in care. The first is the voluntary care procedure; this procedure does not involve any court application, but the child can only be taken into care by this procedure if there is no objection by the parents/legal guardians of the child. If the parents object to the voluntary care procedure, then an application must be made to the court for a care order pursuant to the Child Care Act 1991.

Tusla may apply to the courts for a number of different orders, but are required to prove that thresholds are met. These orders give the courts a range of powers (including decision-making), about the type of care necessary and about access to the child or children for parents and other relatives. The District Court judge may make an interim care order while the decision on a full care order is pending. Section 17 allows for interim care orders where: “an application for a care order in respect of the child has been or is about to be made”

A care order may be made when the court is satisfied that:

- The child has been or is being assaulted, ill-treated, neglected or sexually abused, or
- the child's health, development or welfare has been or is likely to be impaired or neglected, and
- The child needs care and protection which they are unlikely to receive without a care order.

When a care order is made the child remains in the care of Tusla for the length of time specified by the order or until the age of 18 when they are no longer a child. Tusla has the rights and duties of a parent during this time, but parents also continue to have the rights guaranteed to them by the Constitution of Ireland. A supervision order is an alternative to children being taken into the care of

²²¹ Daly, C. (28 March 2018), The High Court determines that a child protection referral is protected by qualified privilege. RDJ, available at <https://www.rdj.ie/insights/high-court-determines-that-a-child-protection-referral-is-protected-by-qualified-privilege>

Tusla. The District Court has the right to override the recommendations of Tusla in meeting the obligations placed upon it.²²²

Before a child can be adopted, the birth mother (or any other legal guardian) must give **written consent** using an official consent form. Having regard in particular to the age and degree of maturity of the child, he or she shall be consulted and, where appropriate, his or her consent obtained in relation to measures to be taken.²²³

The Adoption Act 2010 provides that the views of the child must be ascertained and given due consideration, having regard to the age and maturity of the child. The extent to which the child's views are taken into account may depend on factors such as the child's age, maturity, and ability to understand the implications of the adoption. The Adoption Authority of Ireland recommends that the views of a child who is aged 7 years or older should be sought and given due weight in adoption proceedings, in accordance with the child's age and maturity. Accordingly, if the child is of an age (usually over 7 years old) the Chair will ask them to confirm that they are happy for the adoption to proceed. The adoptive parents and the child (if old enough) will be asked to sign their names.²²⁴

There is no minimum age regarding children's right to be heard and to have due weight given to their views on matters affecting them.

Question	Yes	No	Comments
4.4.2. Are there legislative and or regulatory provisions clearly stating the criteria that should be taken into consideration in the assessment of the situation and in the decision-making process?	x		The criteria for making a care order pursuant to section 18 of the Child Care Act 1991, which states that the court must be satisfied: (a) the child has been or is being assaulted, ill-treated, neglected or sexually abused, or (b) the child's health, development or welfare has been or is being avoidably impaired or neglected, or

²²² High Court rules District Court has power to make orders on welfare of children in care, Child Law Project, (n.d.) <https://www.childlawproject.ie/publications/high-court-rules-district-court-has-power-to-make-orders-on-welfare-of-children-in-care/>

²²³ Adoption Act 2010, <https://www.irishstatutebook.ie/eli/2010/act/21/schedule/2/enacted/en/html>

²²⁴ The Adoption Authority of Ireland, Adoption orders and hearing, <https://aai.gov.ie/en/what-we-do/domestic/adoption-orders-and-hearings.html#sppb-modal-1550762913128>

<p>Are there provisions specifying the criteria that should be considered when deciding to remove the child from its family? Are the principles of necessity and appropriateness considered?</p>		<p>(c) the child's health, development or welfare is likely to be avoidably impaired or neglected, and that the child requires care or protection which he is unlikely to receive unless the court makes a care order.</p> <p>Section 3 of the Child Care Act 1991 also states that in the performance of its child protection functions, the Child and Family Agency must, having regard to the rights and duties of parents, regard the welfare of the child as the first and paramount consideration. The Child and Family Agency must also have regard to the principle that it is generally in the best interests of a child to be brought up in his own family. Poverty or material deprivations is not a ground for making a care order.²²⁵</p>
<p>4.4.3. Are there provisions requiring that the views of the child should be taken into consideration in the decision-making process?</p> <p><u>If yes</u>, please specify if this is mandatory or left to the discretion of the responsible authorities, and if there are age-related requirements.</p>	<p>X</p>	<p>Section 3 of the Child Care Act 1991 requires the Child and Family Agency, in so far as is practicable, to give due consideration to the wishes of the child, having regard to his age and understanding of the child.²²⁶</p> <p>The court has a discretionary power to join a child as a party in child care proceedings pursuant to section 25 of the Child Care Act 1991, if the court is satisfied having regard to the age, understanding and wishes of the child and the circumstances of the case that it is necessary in the interests of the child and in the interests of justice to do so.</p> <p>Children have a right to be heard, listened to and taken seriously. Taking account of their age and</p>

²²⁵ CHILD CARE ACT 1991, REVISED, Updated to 21 September 2022
<https://revisedacts.lawreform.ie/eli/1991/act/17/revised/en/html#SEC3>
²²⁶ <https://revisedacts.lawreform.ie/eli/1991/act/17/revised/en/html#SEC3>

		<p>understanding, they should be consulted and involved in matters and decisions that may affect their lives. Where there are concerns about a child’s welfare or safety, there should be opportunities provided for their views to be heard independently of their parents/guardian. A proper balance must be struck between protecting children and respecting the rights and needs of parents/guardians and families. Where there is conflict, Tusla should seek to put the child’s welfare first.²²⁷</p> <p>The Irish Government has initiated consultations with children and young people on a range of topics, including mental health, crime, misuse of alcohol and age of consent for sexual activity, along with the development of strategies such as the Youth Justice Strategy in 2007, The National Policy Framework for Children and Young People, 2014-2020 in 2011, and the LGBTI+ National Youth Strategy 2018-2020 (2018). Identified strengths of these consultation processes included their speed, the diverse range of participants consulted, the use of child-friendly methods, the quality of information gathered and the connection with policymakers.²²⁸ Such consultations have informed the development of the Action Plan on School Age Childcare (DCYA & Department of Education and Skills, 2017) and the Healthy Weight for Ireland: Obesity Policy and Action Plan 2016–2025 (Department of Health, 2016). However, while</p>
--	--	---

²²⁷ Tusla, Children First, National Guidance (2017)

https://www.tusla.ie/uploads/content/Children_First_National_Guidance_2017.pdf

²²⁸ Horgan, Deirdre. (2017). Consultations with Children and Young People and Their Impact on Policy in Ireland. *Social Inclusion*, 5(3), 104. <https://doi.org/10.17645/si.v5i3.959>

		<p>recommendations made by children are reflected in the resulting action plans, research has found a lack of clarity regarding how they were prioritised. Also, issues identified as important by children, such as homework and mental health, did not feature prominently in the respective action plans. The lack of feedback provided to the children and young people was also identified as a limitation of the consultation approach.²²⁹</p> <p>There is evidence of children’s views being incorporated into the final policy statements and Action Plans, although the process as to which issues were prioritised is unclear. However, it appears that there is limited feedback to children involved in the consultations other than the policy reports themselves and media coverage surrounding the launches.²³⁰</p> <p>The National Standards for children’s residential centres in Ireland were developed based on international best practice and the views and feedback of children with experience of living in care, their families, the people involved in caring for them, advocacy groups and government bodies.²³¹</p>
--	--	---

²²⁹ Horgan, Deirdre. (2017). Consultations with Children and Young People and Their Impact on Policy in Ireland. *Social Inclusion*, 5(3), 104. <https://doi.org/10.17645/si.v5i3.959>, Cited in B O’Neill, T Dinh and K Lalor, Digital Voices: Progressing children’s right to be heard through social and digital media (Ombudsman for Children’s Office, September 2021) at p 14, available at <https://www.oco.ie/app/uploads/2021/09/Digital-Voices-Progressing-Childrens-right-to-be-heard-through-social-and-digital-media.pdf>

²³⁰ Horgan, D. (2017). Consultations with children and young people and their impact on policy in Ireland. *Social Inclusion*, 5(3), 104-112.

²³¹ HIQA (7 November 2018) The National Standards for children’s residential centres in Ireland, <https://www.hiqa.ie/hiqa-news-updates/new-standards-launched-support-children-living-residential-care>

4.5. Types of care with focus on alternative care

Types of care existing in the country	Yes	No	Who is offering such services? (State, regional, local authorities, civil society, religious institutions)	Please make differences between the different types of care explicit
Foster care	x		<p>Primarily the State (but in some cases, foster care is provided by a number of private agencies under contract to the State)²³²</p> <p>Different Types: There are several types of foster care that can be provided by general or relative foster carers, such as short-term and long-term care. Foster care can also include emergency, day, respite, private, high support or other forms of foster care.</p> <p>-Day foster care: This involves specially trained foster parents providing foster care for a child on a daily basis. The child is not separated from their family, as they go home each evening, yet benefit from the additional care offered in the foster home. This type of care gives the child's own family an opportunity to deal with difficulties each day as they arise. The aim of day foster care is that the child can return home on a full-time basis.</p> <p>-Short-term foster care: This involves a child being cared for by a foster family for a short period (ranging from 1 week to some months). The aim is for the child to return to their family full-time at the end of the short-term period. Sometimes, however, the child may remain in foster care on a longer-term basis.</p> <p>-Long-term foster care: Long-term foster care involves a child being cared for by a foster family for a number of years and may continue until the child reaches adulthood.</p>	

²³² Section 36(1)(a) of the Child Care Act 1991 states that where a child is in the care of Tusla, it may provide care to the child by placing the child in foster care, where that is in the best interests of the child: see www.irishstatutebook.ie/1991/en/act/pub/0017/print.html#sec36. This provision applies regardless of whether foster care is provided directly by the Child and Family Agency, or through a contractual arrangement with a private fostering agency. See https://www.orchardfostering.ie/?gclid=Cj0KCQjwtsCgBhDEARIsAE7RYh3x7b-ObmUmsCtmMNCBiqIMNOnW698apNH6ZOnPx4MwHFbdqez6-v8aAnL5EALw_wcB

		<p>If foster parents, including relative foster parents, have been caring for a child for a continuous period of at least 5 years, they may apply to the court for an order. The order may, subject to conditions, give the foster parents broadly the same rights as parents to make decisions about their children. For example, they will be able to give consent for medical and psychiatric examinations, treatment and assessments, and apply for a passport. The foster parents must get consent from Tusla, and may also need the consent of the parents or guardians. This is set out under Section 4 of the Child Care (Amendment) Act 2007.</p> <p>After a period of time, if it becomes clear that it will not be possible for the child to be returned to their birth parents or family, it may be decided that the child's best interests would be served by being adopted by the foster parents.</p>
Residential – institutional care	x	<p>The State provides residential care/institutional care either directly or provided by private agencies under contract to the State)²³³ The Child and Family Agency (CFA) has statutory responsibility for children in the care of the State. The CFA makes an assessment of each child and places them in the most suitable setting available. A majority of placements are in Foster Care, while a smaller number may be placed in residential care. A minority of foster care placements are provided privately (c. 10%) while 58% of residential care placements are provided privately.</p> <p>Residential care can be in a home run by Tusla, a children's residential centre registered under the 1991 Act, a school or other suitable place of residence. The Child Care (Placement of Children in Residential Care) Regulations 1995 state the</p>

²³³ Section 36(1)(b) of the Child Care Act 1991 states that where a child is in the care of Tusla, it may provide care to the child by placing the child in residential care, where that is in the best interests of the child: see www.irishstatutebook.ie/1991/en/act/pub/0017/print.html#sec36. This provision applies regardless of whether residential care is provided directly by the Child and Family Agency, or through a contractual arrangement with a private agency. Also See <https://www.tusla.ie/services/alternative-care/residential-care/>

		requirements for the placing of children in residential care and the standards for residential centres which are registered with Tusla. The centres are subject to inspection by the Health Information and Quality Authority .
Other forms of family-based or family-like care placements		<p>State²³⁴</p> <p>Special Care is part of a continuum of State care available to children and young people. (short term for young people between 11 and 17 years, very vulnerable, sometimes very challenging, with complex psychological and sociological profiles, high numbers of previous placements which have frequently broken down. Given the restriction on the child/young person's liberty, a placement in Special Care can only be made pursuant to an Order of the High Court. Tusla, the Child and Family Agency provide and maintain Special Care Units.</p> <p>²³⁵Separated children seeking international protection. All separated children under 12 years will immediately be placed with a foster care family. Those over 12 years may be placed in one of the five short-to-medium term residential intake units that are registered children's homes. Separated children are accommodated in these units to facilitate a social work risk and needs assessment (including health, education, and interests) which allows for better matching with onward placements with foster families.²³⁶</p>
Supervised independent living arrangements for children		<p>State²³⁷</p> <p>There are a range of different supervised independent living arrangements for children in Ireland, some segregated by gender, some mixed. There is no comprehensive publicly available database detailing all such units.</p>

²³⁴ Section 36(1)(b) of the Child Care Act 1991 states that where a child is in the care of Tusla, it may provide care to the child by placing the child in residential care, where that is in the best interests of the child: see www.irishstatutebook.ie/1991/en/act/pub/0017/print.html#sec36

²³⁵ <https://www.tusla.ie/services/alternative-care/special-care/>

²³⁶ <https://www.tusla.ie/services/alternative-care/separated-children/>

²³⁷ Section 36(1)(b) of the Child Care Act 1991 states that where a child is in the care of Tusla, it may provide care to the child by placing the child in residential care, where that is in the best interests of the child: see www.irishstatutebook.ie/1991/en/act/pub/0017/print.html#sec36

Question	Yes	No	Comments
4.5.1. Is there data available on the number of children in care (disaggregated by type of care, gender/age, length of placement, etc)?	x		<p>The Child Protection Notification System CPNS is a secure database held by Tusla that contains a national record of all children who have reached the threshold of being at ongoing risk of significant harm, and for whom there is an ongoing child protection concern. The children listed on the CPNS are, or have been, the subject of a child protection plan agreed at a child protection conference.²³⁸ Data is disaggregated by type of care, gender, age, length of placement. It is not disaggregated by ethnicity or national origin.</p> <p>There were 5,863 children in care at the end of 2021, 90% of whom were in foster care. In terms of alternative care services, in 2021, there were 962 admissions to care.²³⁹ 90% (5,272) of children in care at the end of 2021 were in foster care and of these 28% (1,502) were in relative foster care, a pattern similar to previous years.²⁴⁰ Residential care (general and special care) makes up a relatively small (7.7%; 454), but significant number of placements within alternative care provision. The placement “Other” includes children in supported lodgings, at home under a care order, in a detention school/centre, in a disability unit or drug and alcohol rehabilitation centre etc.²⁴¹</p> <p>Children Subject to a Child Protection Plan</p> <ul style="list-style-type: none"> • 845 children listed as ‘active’ on the CPNS at the end of 2022.²⁴² • In 2021, neglect continued to be the most common concern for children “active” on the CPNS (54%; 534). The proportion of children “active” because of emotional abuse rose annually and was up nine percentage points overall in 2021 from 2018 (37% v 28%).²⁴³

²³⁸ <https://www.hse.ie/eng/services/list/2/primarycare/childrenfirst/resources/hsecpwpolicy.pdf>

²³⁹ Tusla Annual Report, 2021

https://www.tusla.ie/uploads/content/Tusla_Annual_Report_and_Financial_Statements_2021_two-page.pdf; Devaney, C., Shaw, A., Canavan, J., & McGregor, C. (2021). Introducing systems change in child protection and welfare through prevention, partnership and family support. In *Understanding System Change in Child Protection and Welfare* (pp. 1-16). Routledge. at 5.

[2/publication/355091177_Focusing_on\[...\]s/621de7756051a1658201dcf1/Focusing-on-the-big-picture.pdf](https://www.tusla.ie/publication/355091177_Focusing_on[...]s/621de7756051a1658201dcf1/Focusing-on-the-big-picture.pdf)

²⁴⁰ TUSLA, Annual Review on the Adequacy of Child Care and Family Support Services Available 2021, available at https://www.tusla.ie/uploads/content/Review_of_Adequacy_Report_2021_Final.pdf

²⁴¹ TUSLA, Annual Review on the Adequacy of Child Care and Family Support Services Available 2021.

²⁴² TUSLA, Quarterly Service Performance and Activity Report, Quarter 1 2023, available at

https://www.tusla.ie/uploads/content/Q1_2023_Service_Performance_and_Activity_Report_V1.0.pdf

²⁴³ TUSLA, Annual Review on the Adequacy of Child Care and Family Support Services Available 2021.

		<ul style="list-style-type: none"> ● 41% (406) of children “active” at the end of 2021 were 0-4 years, the highest percentage of all age groups; 10% (96) were 15-17 years. ²⁴⁴ ● The majority (85%; 715) of children “active” on the CPNS at the end of 2022 were “active” for no longer than 12 months. ²⁴⁵ <p>Children in Care</p> <ul style="list-style-type: none"> ● The number of children in care continues to decrease, with a total of 5,759 children in care at the end of 2022. This is a reduction of 2% (104) from the end of 2021. ²⁴⁶ ● 89% (5,112) of children in care at the end of 2022 were in foster care, a 1% decrease from 2021. ²⁴⁷ ● In 2021, the number of children in care increased with age, with the highest number aged 17 years (557; 10%). ²⁴⁸ ● In 2021, neglect was the most common reason for children being in care, accounting for almost half (48%; 2,786) of all children in care, an increase of two percentage points from 2020. ²⁴⁹ ● 79% (4,626) of children in care at the end of 2021 were in care under an order of the court, up from 77% (4,531) at the end of 2020. ²⁵⁰ ● Just under half (48.6%; 2,849/5,863) of children in care at the end of 2021 were in care for 5 years or less and of these one in four (24%; 672) was in care for less than a year. ²⁵¹ ● 3.8% (220) of all children in care at the end of 2021 were in their third or greater placement within the previous 12 months. This was an increase from the 3% (179) reported in 2020 and the highest percentage for all years 2017 to 2021. ²⁵² ● 11 (0.2%) children in care at the end of 2022 were in a placement outside of Ireland, one less than 2021. ²⁵³
--	--	---

²⁴⁴ TUSLA, Annual Review on the Adequacy of Child Care and Family Support Services Available 2021.

²⁴⁵ TUSLA, Quarterly Service Performance and Activity Report, Quarter 1 2023.

²⁴⁶ TUSLA, Quarterly Service Performance and Activity Report, Quarter 1 2023.

²⁴⁷ TUSLA, Quarterly Service Performance and Activity Report, Quarter 1 2023.

²⁴⁸ TUSLA, Annual Review on the Adequacy of Child Care and Family Support Services Available 2021.

²⁴⁹ TUSLA, Annual Review on the Adequacy of Child Care and Family Support Services Available 2021.

²⁵⁰ TUSLA, Annual Review on the Adequacy of Child Care and Family Support Services Available 2021.

²⁵¹ TUSLA, Annual Review on the Adequacy of Child Care and Family Support Services Available 2021.

²⁵² TUSLA, Annual Review on the Adequacy of Child Care and Family Support Services Available 2021.

²⁵³ TUSLA, Quarterly Service Performance and Activity Report, Quarter 1 2023.

		<ul style="list-style-type: none"> • 63 children 12 years and younger were in residential placements at the end of 2021, three more than 2020 (60).²⁵⁴ • The number of children in care in placements with private providers continues to increase with 874 (15%) children in placements with private providers at the end of 2022, 89 (10%) more than 2021 (785).²⁵⁵ • 93.8% of children in care aged 6-15 years and 90% of those aged 16 -17 years were in full-time education at the end of 2022, a 1.2% and 3% drop respectively from the previous year.²⁵⁶ <p>Separated Children Seeking International Protection</p> <p>In 2021, there were 152 referrals to Tusla’s Service for Separated Children Seeking International Protection, 72 (90%) more than 2020 (80) when the fewest number since 2012 (71) was reported. The lower number reported in 2020 is most likely due the Covid-19 pandemic. A total of 98 children were placed in care in 2021, 47 (92%) more than 2020 (51) when the fewest number since 2012 was reported. Family reunifications (regardless of placement care status) were completed for 21 children in 2021, three more than 2020 (18). The service received 53 inappropriate/other referrals in 2021, 27 (51%) more than 2020 (26) and the highest number for the period 2000 – 2021.²⁵⁷ The figures (up to July 2022) show 397 unaccompanied minors have been referred to Tusla, of whom 183 are from Ukraine. In total, 166 of the 397 unaccompanied minors have been placed in some sort of care setting, 61 of those from Ukraine.²⁵⁸</p>
4.5.2. Is there data available on the number of children placed in alternative care that disappeared and/or went missing from	x	<p>Nearly 300 reports of children in State care were missing from residential care homes in 2021.²⁵⁹</p> <p>If for any reason the location of a child in care in a residential care home is not known by staff for a short period of time the staff are obligated to report the child is missing. It can be the case the location of the child is ascertained immediately after the report has been made, and the report count towards the annual</p>

²⁵⁴ TUSLA, Annual Review on the Adequacy of Child Care and Family Support Services Available 2021.

²⁵⁵ TUSLA, Quarterly Service Performance and Activity Report, Quarter 1 2023.

²⁵⁶ TUSLA, Quarterly Service Performance and Activity Report, Quarter 1 2023.

²⁵⁷ TUSLA, Annual Review on the Adequacy of Child Care and Family Support Services Available 2021.

²⁵⁸ Baker, N. (27 July 2022), Tusla receives 400 referrals about children and young people coming from Ukraine, Irish Examiner, available at <https://www.irishexaminer.com/news/arid-40927901.html>

²⁵⁹ Irish Times (Sep 16 2022) Drop in numbers of children reported missing from Tusla care homes, <https://www.irishtimes.com/ireland/social-affairs/2022/09/16/drop-in-numbers-of-children-reported-missing-from-tusla-care-homes/>

<p>residential care institutions?</p>		<p>total. Tusla has confirmed that in a majority of cases, children absconding or missing from residential care are returned to their placement or accounted for.</p> <p>If Tusla determines that a child is missing they must report the child as missing to An Garda Síochána in line with the Joint Protocol. While the Gardaí have primary responsibility for investigating once a child is reported missing, Tusla staff maintain regular contact with the Gardaí throughout the investigation, and pass on all relevant information to assist in the safe return of the child. Tusla also prepares an Absence Management Plan for each child in care.</p> <p>45 unaccompanied children seeking asylum in Ireland have gone missing from State care since 2017 and are unaccounted for, according to figures from the child and family agency, Tusla.²⁶⁰</p> <p>The UN Human Rights Committee is concerned about the disappearance of unaccompanied minors, making them vulnerable to many forms of exploitation, as well as trafficking in persons. It recommends the State to consider conducting an independent review of child protection measures for unaccompanied minors in order to identify the necessary measures to uphold their rights and to prevent the disappearance of children.²⁶¹</p>
<p>4.5.3. Is there a <u>national</u> registry of foster care families?</p> <p>How many children can be fostered in one family?</p>	<p>x</p>	<p>There is no national registry of foster care families in Ireland. However, the Child Care (Placement of Children in Foster Care) Regulations 1995 require that all foster carers have been assessed and approved as fit foster carers prior to a child being placed in their care.²⁶²</p> <p>Article 12 of the Child Care (Placement of Children in Foster Care) Regulations 1995 outlines that Tusla shall establish one or more registers in which shall be entered particulars in relation to children placed in foster care by the board.</p>

²⁶⁰ Donohue, H. (31 January 2023), 45 unaccompanied children seeking asylum missing since 2017 - Tusla, RTE, available at <https://www.rte.ie/news/ireland/2023/0130/1352709-missing-children/>

²⁶¹ United Nations Human Rights Committee, International Covenant on Civil and Political Rights, Concluding observations on the fifth periodic report of Ireland, CCPR/C/IRL/CO/5, 26 January 2023, Refugees and asylum-seekers, para 37-38. available at <https://digitallibrary.un.org/record/4002102?ln=en#record-files-collapse-header>

²⁶² www.irishstatutebook.ie/1995/en/si/0260.html#zzsi260y1995a5

		<p>Section 10.6 of the National standards for foster care sets out that generally, no more than two children are placed in the same foster home at any one time, except in the case of sibling groups and these are not placed with other fostered children. The foster care committee must approve any departure from this practice in advance of the placement.</p>
--	--	---

4.5.4. How and by whom foster families are recruited, vetted, and trained? Provide information on the legal framework and responsible authorities, recruitment requirements, selection criteria, reimbursement of costs, etc.

Foster carers are recruited by Tusla. Foster carers are also recruited by private fostering companies registered with Tusla. All foster carers undergo an assessment of the suitability of those persons and their home, and Tusla must be satisfied the person(s) are suitable to act as foster carers. All foster carers must be vetted by the Garda Síochána. Foster carers must also have received appropriate advice, guidance and training in relation to the foster care of children. This procedure applies to all foster carers regardless whether the placement is a Tusla placement or a placement located by a private fostering company. (Article 5 of the Child Care (Placement of Children in Foster Care) Regulations 1995 and Article 5 of the Child Care (Placement of Children with Relatives) Regulations 1995 ²⁶³)

Non-statutory foster care agencies are governed by the same legislation, regulations and standards as statutory foster care services provided by Tusla. Tusla, through its alternative care inspection and monitoring services, is responsible for the monitoring of private non-statutory foster care agencies, in compliance with the national standards for foster care of 2003. In addition, HIQA undertakes regulatory inspections of the non-statutory foster care agencies, and the findings of these inspections can inform governance and regulatory activities. Over-reliance on private providers in any context has been noted as having certain inherent risks. Tusla's strategic plan for foster care services for children and young people from 2022 to 2025, recommendation 3 includes a commitment to reviewing the use of private foster care providers and developing a clear scope for the use of such agencies.²⁶⁴

4.5.5. Are any types of care (foster homes, residential care, other form of care arrangements) monitored once children are placed therein? If so, provide information on the applicable legislative provisions on monitoring procedures. Please specify the difference between the monitoring of different types of care. How frequently are they monitored, how and by whom?

Under the Child Care (Placement Of Children In Residential Care) Regulations, 1995, Part 3, Article 17, the Monitoring Officer ensures compliance with Child Care Regulations 5 – 16 and reports. The regulations state that the monitor is required to visit centres from 'time to time' (Part III, Article 17(b)), as often as the board considers necessary, but in any event— (a) at intervals not exceeding three months during the period of two years commencing on the date on which the child was placed in the

²⁶³ www.irishstatutebook.ie/1995/en/si/0260.html#zsi260y1995a5

²⁶⁴ <https://www.oireachtas.ie/en/debates/debate/dail/2022-11-17/23/>

residential centre, the first visit being within one month of that date, and (b) thereafter at intervals not exceeding six months²⁶⁵.

HIQA carries out announced and unannounced inspections of statutory Children’s Residential Centres and Special Care units. HIQA carry out these inspections against the identified Regulations and Standards. Tusla is the statutory regulator of Private and Voluntary Children’s Residential Centres, and is therefore responsible for the registration and inspection of these centres in accordance with Regulations, standards, and the relevant provisions of the Child Care Act 1991.

The responsibility to monitor the foster care placement rests on Tusla social workers, regardless of whether the placement is a Tusla placement or a private placement. The Regulations do not impose any obligation on private fostering agencies to monitor the placement, since this function is performed by Tusla. Article 17 of the Child Care (Placement of Children in Foster Care) Regulations 1995 stipulates a child who has been placed in foster care by Tusla shall be visited by an authorised person as often as Tusla considers necessary but in any event at intervals not exceeding three months during the period of two years commencing on the date on which the child was placed with the foster parents, the first visit being within one month of that date, and thereafter at intervals not exceeding six months.

HIQA is authorised under Section 69 of the Child Care Act 1991 as amended by Section 26 of the Child Care (Amendment) Act 2011 to inspect foster care services provided by the Child and Family Agency and to report on its findings. HIQA monitors foster care services against the National Standards for Foster Care, published in 2003.

Question	Yes	No	Comments
4.5.6. Are children placed in foster care homes geographically <u>close to their biological families</u> , school, friends, and/or community?	X		<p>Over recent years the Agency has been challenged to maintain this position, particularly in the provision of statutory foster care. The number of foster carers available to care for children/ young people has reduced, and the geographical location of available foster carers has narrowed. This has resulted in challenges to meet the demand for foster care placements, particularly within the area the children/ young people are from, matching children and young people to foster carers where their cultural needs are met has also been difficult.²⁶⁶</p> <p>The Tusla Strategic Plan for Residential Care Services for Children and Young People 2022-2025 revealed the data that highlights some of the key challenges in terms of geographical disparity of available residential care</p>

²⁶⁵ <https://www.tusla.ie/services/alternative-care/residential-care/monitoring-officer/>

²⁶⁶ Tusla Strategic Plan for Foster Care Services for Children and Young People 2022-2025, at 11.

https://www.tusla.ie/uploads/content/Strategic_Plan_for_Fostercare_Services-2022-2025.pdf

			placements across each of the geographical regions. Moreover, this does not paint a complete picture as the child or young person, whilst placed within their region, may still be geographically distant from their family, friends, school, and communities. ²⁶⁷
4.5.7. Is there a <u>national registry</u> of residential institutions for children? If <u>yes</u> , please provide information regarding the existent number of residential institutions and their capacity (beds).	X		Proprietors are required to apply for registration to operate a children’s residential centre and it is an offence under legislation to operate without registration being secured. Once an application for registration has been duly made and assessed (see <u>Part VIII, Article 61</u>) a centre once operational will be subject to an inspection against the national standards. ²⁶⁸ Tusla inspect and register voluntary and private (for profit) children’s residential centres. ²⁶⁹ Across Ireland, there are currently 177 Residential Care Centres, comprising Tusla owned Centres, Community & Voluntary Centres, and Private Centres. These Centres are a mix of domestic style homes in housing estates, in villages, in towns, in cities, and in rural areas across Ireland. The Centres typically have between 2 to 6 children/ young people being cared for and where possible they attend local schools and are supported to take part in local sporting and community activities. ²⁷⁰ Reporting to the Minister for Health and the Minister for Children, Equality, Disability, Integration and Youth the Health Information and Quality Authority (HIQA) has statutory responsibility for: Social Services Inspectorate – Registering and inspecting residential centres for dependent people and inspecting children detention schools, foster care services and child protection services. ²⁷¹
4.5.8. Are there <u>accreditation and</u>		X	Proprietors are required to apply for registration to operate a children’s residential centre and it is an

²⁶⁷ Tusla Strategic Plan for Residential Care Services for Children and Young People 2022-2025, at 24.
https://www.tusla.ie/uploads/content/STRATEGIC_PLAN_FOR_RESIDENTIAL_CARE_SERVICES_FOR_CHILDREN_AND_YOUNG_PEOPLE_2022-25.pdf

²⁶⁸ How to Register a Children’s Residential Centre, <https://www.tusla.ie/services/alternative-care/registration-and-inspection-service/registration-of-childrens-residential-centres/>

²⁶⁹ Residential Care, Quality of Care, <https://www.tusla.ie/services/alternative-care/residential-care/quality-of-care/>

²⁷⁰ Tusla Strategic Plan for Residential Care Services for Children and Young People 2022-2025, at 18.
https://www.tusla.ie/uploads/content/STRATEGIC_PLAN_FOR_RESIDENTIAL_CARE_SERVICES_FOR_CHILDREN_AND_YOUNG_PEOPLE_2022-25.pdf

²⁷¹ National Standards for the Protection and Welfare of Children For Health Service Executive Children and Family Services (2012),
https://www.tusla.ie/uploads/content/Publications_Child-Protection-Welfare-Standards.pdf

<p><u>licensing procedures</u> for residential institutions in place?</p> <p>If <u>yes</u>, please provide information on the legislative framework, the responsible authority and procedure.</p>	<p>offence under legislation to operate without registration being secured. Once an application for registration has been duly made and assessed (see <u>Part VIII, Article 61</u>)²⁷² a centre once operational will be subject to an inspection against the national standards.²⁷³</p> <p>The Child Care Act 1991 clearly states under Part VIII 60.–(1) A person shall not carry on a children's residential centre unless the centre is registered and the person is the registered proprietor thereof.</p> <p>(2) A person shall not be in charge of a centre unless the centre is registered.</p> <p>(3) any person who contravenes a provision of this section is guilty of an offence.</p> <p>Section 59 of the Child Care Act 1991 then defines a children's residential centre and also a registered proprietor as below</p> <p>59- “children's residential centre” means any home or other institution for the residential care of children in the care of health boards or other children who are not receiving adequate care and protection excluding– “registered proprietor” , in relation to a registered children's residential centre, means the person whose name is entered in the register as the person carrying on the centre</p> <p>Article 17 of the Child Care (Placement of Children in Residential Centres) Regulations 1995 provides that Tusla must ensure that</p> <p>(a) adequate arrangements are in place to enable an authorised person to enter and inspect the centre at all reasonable times, and</p> <p>(b) the centre is visited from time to time by an authorised person.</p> <p>The purpose of such monitoring is to ensure that all provisions of the Child Care (Placement of Children in Residential Centres) Regulations 1995. An authorised</p>
---	---

²⁷² Registration of children's residential centres, Article 61, Child Care Act 1991, <https://www.irishstatutebook.ie/eli/1991/act/17/section/61/enacted/en/html#sec61>

²⁷³ Tusla, How to Register a Children's Residential Centre, <https://www.tusla.ie/services/alternative-care/registration-and-inspection-service/registration-of-childrens-residential-centres/>

		<p>person is a person authorised by Tusla to carry out functions on behalf of Tusla under these Regulations, ie a social worker employed by Tusla. Where, following a visit to a residential centre in accordance with these Regulations, Tusla is of opinion that any of the requirements of the Regulations are not being complied with in respect of the centre, Tusla shall, if it proposes to continue to have children maintained in that centre, request the manager to take the necessary steps to ensure compliance with these Regulations.</p> <p>The Alternative Care Inspection and Monitoring Service is responsible for the inspection of non-statutory children’s residential services in Ireland.²⁷⁴</p>
<p>4.5.9. Are there <u>national applicable standards</u> relating to the operational framework of such institutions (requirements or quality standards related to the personnel, the infrastructures, the living conditions, and daily care of children)?</p>	<p>X</p>	<p>The requirements for placing a child in a children’s residential centre and for the running of these centres are laid out in the Child Care (Placement of Children in Residential Care) Regulations 1995. All Children’s Residential Centres are subject to statutory inspection. The Office of the Chief Inspector of Social Services in the Health Information Quality Authority (HIQA) carries out this function. HIQA inspect and register statutory (Child and Family Agency) children’s residential centres.²⁷⁵ Tusla inspect and register voluntary and private (for profit) children’s residential centres.</p> <p>The statutory framework which underpins this work is laid out in the Child Care (Placement in Residential Care) Regulations 1995. In addition, National Standards for Children’s Residential Centres (2018) have been in operation and are based on the requirements of legislation, regulation and findings from research.²⁷⁶ The standards allow the Inspectors to form judgments about the quality of services provided in these centres.</p>
<p>4.5.10. How is the residential care staff recruited, vetted, and trained?</p>		
<p>Residential care staff are recruited by the management of the individual residential unit. However, regulation 6 of the Child Care (Placement of Children in Residential Centres) Regulations 1995 states that Tusla “shall satisfy itself in respect of each relevant residential centre as to the adequacy of the</p>		

²⁷⁴ TUSLA, non-statutory children’s residential services , <https://www.tusla.ie/services/alternative-care/registration-and-inspection-service/non-statutory-childrens-residential-services/>

²⁷⁵ National Standards for the Protection and Welfare of Children For Health Service Executive Children and Family Services (2012), https://www.tusla.ie/uploads/content/Publications_Child-Protection-Welfare-Standards.pdf

²⁷⁶ http://www.hiqa.ie/system/files/Standards_children_crc_DOHC.pdf

number, qualifications, experience and availability of members of the staff, having regard to the number of children residing in the centre and the nature of their needs.” Therefore, overall oversight/supervision of the recruitment and training process rests with Tusla. Recruitment of residential care personnel must meet the requirements of the Child Care (Placement of Children in Residential Centres) Regulations 1995 and the National Standards for Children’s Residential Centres (2018) in terms of minimum/appropriate qualifications and training. Residential care personnel must also receive garda (police) vetting prior to appointment.

Staff recruitment and retention is in line with relevant Irish and European legislation and is informed by evidence-based human resource practices. (i.e. National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016).²⁷⁷

Question	Yes	No	Comments
<p>4.5.11. Are children placed in alternative care allowed to <u>lodge complaints</u> against the personnel /foster parents and care workers and report abuse or violations of their rights? Are these procedures child-friendly and respectful of confidentiality?</p> <p>If <u>yes</u>, briefly describe to whom and how children can lodge complaints.</p>	X		<p>Having a robust complaints process provides children with the opportunity to express their views when their experience has not been what they expected and enables residential centres to identify areas for improvement.²⁷⁸</p> <p>Standard 1.6. Each child is made aware of the complaints process by staff. Parents and or guardians are made aware of the complaints process. Children are made aware of other supports outside of the centre, such as the option to escalate a complaint to an external body, for example the Ombudsman for Children. Staff in the centre are aware of their role in supporting children to access the complaints process. This includes informing each child of their option to access independent advocacy services as necessary. Complaints are recorded, managed and reviewed or investigated, if appropriate, and the child, their parents or guardians and the allocated social worker are informed of the outcome of the complaint, review or investigation. Any subsequent actions are taken in a timely manner. A record is maintained of all complaints, including details of the investigation and resolution. This is regularly reviewed and learning is implemented to improve practices in the centre.²⁷⁹</p> <p>Children in care, including children in alternative care, may complain to the Ombudsman for Children who has a</p>

²⁷⁷ HIQA (2018) National Standards for Children’s Residential Centres, at 66. <https://www.hiqa.ie/sites/default/files/2018-11/national-standards-for-childrens-residential-centres.pdf>

²⁷⁸ HIQA (2018) National Standards for Children’s Residential Centres, at 20. <https://www.hiqa.ie/sites/default/files/2018-11/national-standards-for-childrens-residential-centres.pdf>

²⁷⁹ HIQA (2018) National Standards for Children’s Residential Centres, at 28. <https://www.hiqa.ie/sites/default/files/2018-11/national-standards-for-childrens-residential-centres.pdf>

		<p>statutory power to investigate such complaints pursuant to section 8 of the Ombudsman for Children Act 2002.²⁸⁰ The Ombudsman for Children is an independent office, and has developed child-friendly procedures which are accessible to children. According to the office of the Ombudsman for Children, that office will respect the right to anonymity when filing a child service complain</p>
<p>4.5.12. What is the <u>assistance available to adolescents that leave alternative care</u> to live independently? (e.g. financial, housing, vocational, educational, employment, life skills, mental health services, social or emotional)?</p> <p>Briefly describe who is responsible for such assistance?</p>		<p>Tusla has a statutory role and responsibility in relation to aftercare service provision for certain care leavers. Aftercare provisions set out in the Child Care Act 1991, as amended, state that an eligible adult refers to a person aged 18, 19 or 20 years who was in the care of the Child and Family Agency for a period of not less than 12 months in the 5 year period immediately prior to the person attaining the age of 18 years, and an eligible child refers to a child aged 16 years or over who is in the care of the Child and Family Agency and has been in the care of the Agency for a period of not less than 12 months since attaining the age of 13 years, or was in the care of the Child and Family Agency for a period of not less than 12 months since attaining the age of 13 years but is no longer in the care of the Agency (CCA 1991, section 2, as amended). In relation to a child or adult who is eligible for aftercare services, Tusla is required to develop an aftercare plan, carry out assessments and carry out consultation in relation to aftercare provision (Child Care Act 1991, Section 45, as amended).</p> <p>Section 45 of the Child Care Act 1991 provides that Tusla may provide aftercare to children leaving care up to the age of 21 (or thereafter until the completion of a course of study). Aftercare may include social work visits, arrangement of education and provision of maintenance, arranging suitable accommodation and co-operating with housing authorities in planning accommodation for children leaving care on reaching the age of 18 years. Tusla, has guidelines and policies in place regarding its</p>

²⁸⁰ <http://www.irishstatutebook.ie/2002/en/act/pub/0022/sec0008.html#sec8>

		<p>engagement with aftercare services for children and young people leaving care.</p> <p>A 'Leaving Care and Aftercare Action Plan' was developed to support child-care professionals to manage the young person's preparation for leaving care, leaving care and aftercare.²⁸¹</p> <p>Tusla is committed to delivering and implementing an aftercare service for young people and young adults which is responsive, inclusive and relevant to each young person's circumstances.(e.g. To help how navigate being an adult in an easier way, from cooking, to maintaining a home, sorting out accommodation, getting a job, and getting financial assistance/grant).²⁸²</p>
--	--	---

4.5.13. What assistance is provided to families - while the child is placed to alternative care - to support the return of the child in the family? By whom? Who coordinates the assistance? Please briefly describe.

Where a child is placed in alternative care, social workers may consider the extent to which reunification of the child within the family is possible having regard to the best interests of the child. Where it is deemed to be in the best interests of the child that such reunification occurs, social workers may work with the family in order to identify the necessary supports required to achieve reunification. Such supports may include, for example, requiring the parents to undergo a parental capacity assessment; to complete a parenting course; to complete a course of drug or alcohol rehabilitation; to complete or commit to family therapy.²⁸³

4.5.14. Is any assistance provided to children and families upon return of the child in the family? Briefly describe. Who is responsible for such assistance?

Where a child has been returned to the family after a period in care, social workers may subsequently monitor the situation within the home although there are no formal legal guidelines in place in that regard.

A child who leaves care completes a written form with an aftercare worker and other people who may support them such as a key worker, or foster carer. This process will help the child to identify the areas where they need support. This may include accommodation, finance and budgeting, education, employment or other matters. The needs assessment will inform their aftercare plan and help determine the services offered to

²⁸¹ HSE, Leaving Care and Aftercare Services, <https://www.hse.ie/eng/services/publications/children/model-for-the-delivery-of-leaving-care-aftercare-services.pdf>

²⁸² <https://www.tusla.ie/services/alternative-care/after-care/>

²⁸³ TUSLA, Parenting Support Strategy and 50 Key Messages, <https://www.tusla.ie/services/family-community-support/prevention-partnership-and-family-support-programme/parenting/parenting-support-strategy-and-50-key-messages/> Also see: Supporting Parents: A National Model of Parenting Support Services (2022), <https://www.gov.ie/en/press-release/f2589-minister-for-children-launches-supporting-parents-a-national-model-of-parenting-support-services>

<p>Is there any monitoring and follow-up of such cases?</p> <p>Who is coordinating assistance and support?</p>	<p>them such as whether or not an aftercare worker will be assigned to them.²⁸⁴In 2022, Supporting Parents: A National Model of Parenting Support Services was published by the Irish government with a whole-of-Government approach to improving supports for parenting and helping parents to feel more confident, informed and able.²⁸⁵ There is also a parenting support strategy (2013) in place in order to assist the family upon the return of the child; this is done in consultation between the family and the social worker on a case-by-case basis to respond to the individual needs of the family.²⁸⁶ Alternatively, in some cases social workers may apply to the court for a supervision order pursuant to section 19 of the Child Care Act 1991. A supervision order provides a legal basis to allow social workers continue to visit the family home (both announced and unannounced) in order to be satisfied that the welfare of the child is being provided for. See www.irishstatutebook.ie/1991/en/act/pub/0017/sec0019.html#sec19</p> <p>A Supervision Order is when the court decides that the best interests of your child is met by allowing various professionals to visit parents and their child.²⁸⁷</p> <p>A Supervision Order is sometimes the first step in proceedings. It is a step that the HSE can take where it believes that steps are required, but that it is not necessary at this stage to apply for an Interim Care Order. A Supervision Order represents a less invasive approach. It may also be made at the end of proceedings, when a child is returned to his or her family.²⁸⁸</p>
--	---

²⁸⁴ TUSLA, Aftercare, <https://www.tusla.ie/services/alternative-care/after-care/tell-me-more-about-how-aftercare-works/#:~:text=This%20may%20include%20accommodation%2C%20finance,will%20be%20assigned%20to%20you>, also see National Aftercare Policy for Alternative Care, <https://www.tusla.ie/services/alternative-care/after-care/national-aftercare-policy-for-alternative-care/>

²⁸⁵ Supporting Parents: A National Model of Parenting Support Services (2022), <https://www.gov.ie/en/press-release/f2589-minister-for-children-launches-supporting-parents-a-national-model-of-parenting-support-services/>

²⁸⁶ TUSLA, Parenting Support Strategy and 50 Key Messages, <https://www.tusla.ie/services/family-community-support/prevention-partnership-and-family-support-programme/parenting/parenting-support-strategy-and-50-key-messages/>

²⁸⁷ TUSLA, Social Work Assessment of Child Protection and Welfare Concerns, https://www.tusla.ie/uploads/content/Social_work_assessment_FINAL.pdf

²⁸⁸ HSE (2013) COURT: BEST PRACTICE GUIDANCE, https://www.tusla.ie/uploads/content/Court_Report_guidancedoc.pdf

<p>4.5.15 Are decisions of placement in alternative care reviewed?</p> <p>If <u>yes</u>, please provide the applicable legislative provisions. How frequently is this done? By whom?</p> <p>Are the children's views taken into consideration?</p>	X	<p>There is a requirement on social workers to conduct an annual child in care review pursuant to both the Child Care (Placement of Children in Foster Care) Regulations 1995 in respect of children in foster care and Child Care (Placement of Children in Residential Centres) Regulations 1995 in respect of children in residential care. The Regulations provide that the child's views should be taken into consideration at such reviews, either indirectly through the social workers, or by inviting the child to participate in the review if the child is of an age and maturity where this is appropriate. The review process under the Regulations does not involve the judicial authorities but is conducted by social workers. However, where a child is in the care of Tusla, any person may apply to the District Court to seek directions or orders on any question affecting the welfare of the child. If any person who is involved in the review process is not satisfied with the decisions made in that process, they can therefore apply to the District Court for directions under section 47 of the 1991 Act.²⁸⁹</p>
--	---	--

4.5.16. Is there a legal framework regarding adoption? Briefly describe the core elements and responsible authorities, also considering differences between within-country and between-country adoptions. Is private adoption permitted in the country?

The Adoption Act 2010 gives all applicants who wish to adopt the right to an assessment. Once an application is made applicants must establish their Eligibility and Suitability to Adopt under Section 33 and Section 34 of the Adoption Act 2010. Applicants must be over the age of 21 and habitually resident in the state. The Adoption (Amendment) Act 2017 amended the categories of those eligible to adopt, the following may make an application:

1. sole applicants
2. applicants who are married to each other,
3. applicants who are civil partners of each other,
4. applicants who are a cohabiting couple,

Section 34 sets out the criteria for an applicant's suitability. This section was also amended by the Adoption Amendment Act 2017 to substitute a married couple with the applicants mentioned above.²⁹⁰

Applicants must go through a detailed assessment, including a number of interviews and home visits. The assessment is carried out by a Tusla social worker or an accredited adoption agency. All applicants must also have a medical examination and Garda vetting. An 'assessment report' goes before the local

²⁸⁹ See www.irishstatutebook.ie/1991/en/act/pub/0017/sec0047.html#sec47. See also Regulation 18(5)(a) of the Child Care (Placement of Children in Foster Care) Regulations 1995 available at www.irishstatutebook.ie/1995/en/si/0260.html#zzsi260y1995a5 and Regulation 25(5)(a) of the Child Care (Placement of Children in Residential Care) Regulations 1995 See www.irishstatutebook.ie/1995/en/si/0259.html

²⁹⁰ <https://www.tusla.ie/services/birth-information-and-tracing-and-adoption/what-is-adoption/domestic/infant-adoption/>

adoption committee who will then make a recommendation for a Declaration of Eligibility and Suitability which is valid for 2 years.

Before a child can be adopted, the birth mother (or any other legal guardian) must give written consent using an official consent form. They must consent (agree) to placing the child for adoption by Tusla or an approved adoption service and the making of an adoption order. They can only give consent after they have had counselling to make sure they give consent in a free and informed manner and understand the legal and personal implications of adoption. If the birth father is not a guardian of the child, he does not have an automatic right to give, or to withhold, consent for adoption. However, he is entitled to be consulted about the adoption of his child. He can also make an application for guardianship so that he can withhold his consent.

Intercountry adoption refers to the adoption of a child habitually resident in a state other than Ireland by a person/s over the age of 21 years habitually resident in Ireland who have met the standards of eligibility and suitability as per Sections 33/34 of the Adoption Act 2010. The Adoption Act 2010 ratified the 1993 Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption. The Adoption Authority of Ireland will only issue Declarations for and recognise adoptions from countries who are signatories to The Hague Convention. The Adoption Act 2010 gives all applicants who wish to adopt the right to an assessment. Once an application is made applicants must establish their Eligibility and Suitability to Adopt under Section 33 and Section 34 of the Adoption Act 2010. Applicants must be over the age of 21 and habitually resident in the state The Adoption (Amendment) Act 2017 amended the categories of those eligible to adopt.²⁹¹

4.5.17. What are the main challenges encountered and gaps at the policy and legislative level in relation to alternative care? *Please consider available studies reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.*

Since 2018, Tusla has used the National Standards for Children's Residential Centres in Ireland which provide a comprehensive framework for the operation of residential centres in Ireland. They cover a wide range of topics, including the rights of children, their care and education, the physical environment of the centre, and staff training and qualifications. If a centre is found to be in breach of the standards, Tusla has the power to take enforcement action, which can include issuing improvement notices, suspending or revoking a centre's registration, or taking legal action if necessary.

There are a number of challenges identified, including: the lack of a comprehensive legal framework that specifically addresses alternative care; a shortfall in funding for alternative care services, limited availability of placement and inconsistent standards of care. Children leaving care in Ireland often face significant challenges in transitioning to independent living.

²⁹¹ TUSLA, Inter country Adoption, available at <https://www.tusla.ie/services/birth-information-and-tracing-and-adoption/what-is-adoption/inter-country-adoption/>

Foster care services particularly have faced challenges in recruitment and retention, supports, structures and need for consistency in practice.²⁹²

The Ombudsman for Children's examination and investigation of complaints have highlighted fragmented, system-oriented practices which hinder effective coordination of services for children in care, with problematic referrals between different services. The OCO found particular deficits in inter-agency coordination regarding children with special needs requiring care. Complaints received by the OCO highlight children's lack of input in day-to-day decision-making affecting them, including children not being systematically facilitated to express their views in care placement reviews and in care planning. The high use of relative care has resulted in confusion about the rights of children in care and their carers to supports. The absence of specialised services has resulted in some children being placed in special care outside the jurisdiction, far from their families and communities. The discretionary nature of Tusla's responsibility to implement aftercare plans is a cause of concern.²⁹³ The Child Care Amendment Act 2015 places an obligation on Tusla to prepare an aftercare plan that sets out the assistance to be provided to the young person/adult who has had a care history with Tusla. Eligibility for aftercare services arises where the individual has had at least one year's care experience since the age of 13. Aftercare services are provided from 18 years up to 21 years. This can be extended until the completion of a course of education in which the young person is engaged, up until the age of 23 years.

The Special Rapporteur on Child Protection noted in 2022 that there had been a significant increase in the use of private residential care by Tusla to cope with demand, and that this raised concerns about disruption to children through centre closures or high staff turnover, a two-tier system of residential centres, and criticisms of the inspection regime wherein Tusla is responsible for the planning, commissioning and procurement of these services and also inspects them, while HIQA inspects Tusla-owned centres.²⁹⁴

The Tusla Strategic Plan acknowledges that "[d]ue to a lack of local placements, a significant number of children and young people are placed in Residential Care away from their local communities and support networks. This can be very disruptive for the children and young people and challenging for Social Workers to maintain relationships with them when they must travel significant distances to meet them. Placing children in residential care at a distance from their home place and family is arguably in violation of Ireland's obligations under Article 8 of the European Convention on Human Rights (ECHR)²⁹⁵

²⁹² Tusla Strategic Plan for Foster Care Services for Children and Young People 2022-2025
https://www.tusla.ie/uploads/content/Strategic_Plan_for_Fostercare_Services-2022-2025.pdf

²⁹³ UN Committee on the Rights of the Child 2021 Day of General Discussion Children's Rights and Alternative Care September 2021 Submission by the Ombudsman for Children's Office 10 June 2021
https://www.oco.ie/app/uploads/2021/06/OCO-Ireland_Submission_CRC-Committee-DGD-Alternative-Care_100621.pdf

²⁹⁴ Annual Report of the Special Rapporteur on Child Protection 2022,
<https://www.gov.ie/pdf/?file=https://assets.gov.ie/242675/ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf#page=null>

²⁹⁵ C O'Mahony, Annual Report of the Special Rapporteur on Child Protection 2022, at Section 3.4.1, available at [ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf](https://www.gov.ie/pdf/?file=https://assets.gov.ie/242675/ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf) (www.gov.ie)

Gay and heterosexual couples who have been living together for at least three years or gay couples who are in a civil partnership will be able to apply to adopt a child.²⁹⁶

4.6. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection care system in the past 8 years, incl. achievements and (persisting) gaps and challenges

This period has been marked by the introduction of significant structural changes, quality assurance standards and data collection to support the integrity of the care system. In 2014 Tusla was established to include the function of planning for and overseeing alternative care arrangements and assessments for children entering or in care. The Children's Residential Services (CRS) was established as a National Service by Tusla in 2015, and in 2018, Tusla introduced the National Standards for Children's Residential Centres which support inspections by HIQA and Tusla. Tusla launched the National Childcare Information System (NCCIS) in 2018 which has supported tracking of numbers of children in care across different types of arrangements. In 2023 Tusla launched its latest case management system called Tusla case Management (TCM). TCM will look to further refine the data collation abilities by Tusla at a national level.²⁹⁷

From 2018, significant spending has been made on private fostering arrangements and private residential centres, and these have created two-tier systems and prompted concern about delegation of statutory responsibility to for-profit organisations. In 2020, 91% of children in care were in foster care settings and 7% in residential care.

Tusla's Monthly Service and Activity Report May 2023 tells us that 5,597 children were in care at the end of January 2023. This data does not include children under the Service for Separated Children Seeking International Protection which was not available at this time. 90.2% of children in care were in foster care, 64.3% (3,597) of children in care are in general foster care, 25.9% (1,452) are in relative foster care, 6.9% (386) are in residential care and 2.9% (162) are in "other" care placements.²⁹⁸

The Child Care Act 1991 broadly provides for a welfare approach rather than a rights based approach to the care and protection of children. In 2017, the Department of Children, Equality, Disability, Integration

²⁹⁶ Adoption (Amendment) Act 2017, <https://www.irishstatutebook.ie/eli/2017/act/19/enacted/en/html>

²⁹⁷ Eurochild, Ireland –Tusla Data Quality Availability and Comparability for children in alternative care – Roundtable 23/3/23, https://eurochild.org/uploads/2023/02/Data-quality-availability-and-comparability-for-CiAC-in-Ireland_DataCare-webinar.pdf

²⁹⁸ Tusla, Monthly Service and Activity Report May 2023, https://www.tusla.ie/uploads/content/Monthly_Service_Performance_and_Activity_Report_May_2023_V1.0.pdf

and Youth (DCEDIY) commenced a review of the 1991 Act, accepting submissions from relevant agencies in 2018. The General Scheme for an amendment Act has been published and has undergone pre-legislative scrutiny.

Findings in HIQA reports in relation to the treatment of children in care were mixed overall, with mostly positive findings in relation to special care and residential care, but some critical findings in relation to foster care, care planning, reviews, matching of children to placements, and allocation of social workers.²⁹⁹

HIQA Inspections of Tusla Child Protection Services reflect poor management of waitlisted retrospective allegations of abuse.³⁰⁰ The HIQA Overview Report Inspection of Statutory Foster Care Services 2019-2020 showed in three Tusla service areas, “not all allegations made by children in care were investigated in line with Children First (2017) and safety planning was not adequate for all children who required a safety plan”, while in “seven service areas, the Interim Protocol for managing concerns and allegations of abuse or neglect against Foster Carers and Section 36 (relative) Foster Carers (Tusla, April 2017) was not followed in all cases and, in 11 service areas, investigations into allegations by children in care were not always timely and in line with Children First”³⁰¹

Concerning children arriving in Ireland, they all have the same rights to protection, humanitarian assistance, accommodation, education, and recovery and integration—irrespective of their nationality or the location they have been forced to flee.³⁰² However, there are concerns about preferable treatment afforded to refugees from Ukraine as compared to refugees from elsewhere, including in relation to accommodation and educational provision.³⁰³ The Special Rapporteur on Child Protection emphasised in his 2022 annual report that while adequate provision for refugees from Ukraine is a

²⁹⁹ C O’Mahony, Annual Report of the Special Rapporteur on Child Protection 2022, at Section 2.4.1, available at [ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf \(www.gov.ie\)](https://www.gov.ie/en/publications-and-statements/publication/ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf)

³⁰⁰ HIQA, Overview Report Monitoring and Regulation of Children’s Services in 2020 (July 2021) at p 43, available at <https://www.hiqa.ie/sites/default/files/2021-07/Childrens-Overview-Report-2020.pdf>.

³⁰¹ HIQA, Overview Report Inspection of Statutory Foster Care Services 2019-2020 (September 2021) at p 31, available at <https://www.hiqa.ie/sites/default/files/2021-09/Overview-Report-Inspection-of-Statutory-Foster-Care-Services-2019-2020.pdf> See C O’Mahony, Annual Report of the Special Rapporteur on Child Protection 2022 at sections 2.2.3, at p 45, available at [ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf \(www.gov.ie\)](https://www.gov.ie/en/publications-and-statements/publication/ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf)

³⁰² Article 2, UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <https://www.refworld.org/docid/3ae6b38f0.html> [accessed 4 April 2023]

³⁰³ See, eg, A Conneely, “Hotel scenes prompt fears of a two-tier asylum system”, RTE News, 13 June 2022, available at <https://www.rte.ie/news/ireland/2022/0613/1304642-red-cow-refugees-reaction/> and E O’Kelly, “Schools criticise Dept over language support procedures”, RTE News, 13 June 2022, available at <https://www.rte.ie/news/education/2022/0613/1304634-ireland-schools-ukraine/>.

positive thing; the State is legally obliged to provide for all children fleeing conflict and persecution on an equal basis.³⁰⁴

The HIQA February 2022 inspection noted that feedback from children and parents spoken to during the review was mostly positive, with social workers described as respectful and professional.³⁰⁵ Foster carers described “big changes for the better” since the last inspection.³⁰⁶ However, Ongoing concerns were noted in respect of delays in progressing child protection and welfare assessments and children not having an allocated social worker,³⁰⁷ as well as “gaps in service capacity to provide a suitable range of placements for children with high and complex needs”.³⁰⁸

HIQA inspection reports highlighted shortcomings in aspects of Tusla’s service provision. Issues highlighted as needing attention include the management of referrals and safety plans; care planning and child-in-care reviews; aftercare; and staffing levels.³⁰⁹

Lack of a step-down placement after care³¹⁰

A child leaves special care when the order expires or is discharged and the child usually transitions into a step-down placement. However, there is a chronic issue with the lack of appropriate step-down

³⁰⁴ C O’Mahony, Annual Report of the Special Rapporteur on Child Protection 2022, at Section 2.2.9, available at [ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf \(www.gov.ie\)](https://www.gov.ie/publications/uploads/attachment_data/file/55477/2022-04-11-annual-report-of-the-special-rapporteur-on-child-protection-2022.pdf), Also see: Power, J. (April 2023) Differences between State’s treatment of Ukrainians and other asylum seekers ‘unacceptable’, Ombudsman says, The Irish Times, available at <https://www.irishtimes.com/ireland/social-affairs/2023/04/11/ombudsman-criticises-discrimination-against-child-asylum-seekers-in-citywest-hub/>

³⁰⁵ HIQA, Risk-based Child Protection and Welfare and Foster Care Inspection Report: Cork (February 2022) at p 9, available at https://www.hiqa.ie/system/files?file=inspectionreports/4384_CPW%20and%20FC_Cork_17%20February%202022.pdf.

³⁰⁶ HIQA, Risk-based Child Protection and Welfare and Foster Care Inspection Report: Cork (February 2022) at p 10, available at https://www.hiqa.ie/system/files?file=inspectionreports/4384_CPW%20and%20FC_Cork_17%20February%202022.pdf.

³⁰⁷ HIQA, Risk-based Child Protection and Welfare and Foster Care Inspection Report: Cork (February 2022) at p 11, available at https://www.hiqa.ie/system/files?file=inspectionreports/4384_CPW%20and%20FC_Cork_17%20February%202022.pdf.

³⁰⁸ HIQA, Risk-based Child Protection and Welfare and Foster Care Inspection Report: Cork (February 2022) at p 13, available at https://www.hiqa.ie/system/files?file=inspectionreports/4384_CPW%20and%20FC_Cork_17%20February%202022.pdf. As cited in C O’Mahony, Annual Report of the Special Rapporteur on Child Protection 2022, at Section 2.4.1, available at [ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf \(www.gov.ie\)](https://www.gov.ie/publications/uploads/attachment_data/file/55477/2022-04-11-annual-report-of-the-special-rapporteur-on-child-protection-2022.pdf)

³⁰⁹ C O’Mahony, Annual Report of the Special Rapporteur on Child Protection 2022, at Section 2.8, available at [ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf \(www.gov.ie\)](https://www.gov.ie/publications/uploads/attachment_data/file/55477/2022-04-11-annual-report-of-the-special-rapporteur-on-child-protection-2022.pdf)

³¹⁰ Child Care Project, Overview of Special Care List: Judge stresses need for legislative reform in a number of areas, Case Reports 2022 Volume 2, available at <https://www.childlawproject.ie/publications/overview-of-special-care-list-judge-stresses-need-for-legislative-reform-in-a-number-of-areas/>

placements. The issue of the lack of step-down placements arises nearly every week in the Special Care List and the judge has frequently commented that the issue “is dragging on too long” and that it is “the single most issue of controversy in this list”. Additionally, in some cases, an issue arose in respect of the location of the proposed step-down placement and how this location may make the success of a placement more challenging.³¹¹

Lack of sufficient special facilities in the jurisdiction

The High Court Special Care List included a small number of children and young people with very complex emotional and behavioural needs who pose a danger to themselves and others. Some of these cases involved extreme levels of self-harm, suicidal ideation and suicidal attempts. Many of the complex cases involved children who had spent lengthy periods in special care and required a bespoke placement or specialist facility. However, there is a gap in the services available in Ireland and a gap in respect of some of the psychiatric services that are required for children. Additionally since Brexit, a number of legal complexities have arisen in respect of placements in the UK.³¹²

The existence of the gap in the inter-agency cooperation, and a risk that a child as a young adult will fall between the gaps that exist due to inconsistency in the definitions used by different agencies.³¹³

The Child Care Law Reporting Project (CCLRP) revealed consistently disproportionate representation of minority groups among children entering the care system.³¹⁴

While Tusla has a duty to intervene in situations where children are at imminent risk, there are cases that show the Tusla failure to intervene. In a High Court case, the High Court judge concluded Tusla's failure in applying care orders, while the children were at a very vulnerable stage in their lives and needed Tusla's protection.³¹⁵

³¹¹ Child Care Project, Overview of Special Care List: Judge stresses need for legislative reform in a number of areas, Case Reports 2022 Volume 2, available at <https://www.childlawproject.ie/publications/overview-of-special-care-list-judge-stresses-need-for-legislative-reform-in-a-number-of-areas/>

³¹² Child Law Project, Overview of Special Care List: Judge stresses need for legislative reform in a number of areas, Case Reports 2022 Volume 2, available at <https://www.childlawproject.ie/publications/overview-of-special-care-list-judge-stresses-need-for-legislative-reform-in-a-number-of-areas/>

³¹³ Child Law Project, Overview of Special Care List: Judge stresses need for legislative reform in a number of areas, Case Reports 2022 Volume 2, available at <https://www.childlawproject.ie/publications/overview-of-special-care-list-judge-stresses-need-for-legislative-reform-in-a-number-of-areas/>

³¹⁴ Irish Legal News (24 November 2021) CCLRP: Specialised family courts must be established as soon as possible, available at <https://www.irishlegal.com/articles/cclrp-specialised-family-courts-must-be-established-as-soon-as-possible>

³¹⁵ Carolan, M. (13 December 2018), Woman wins case against Tusla over grandchildren's care, The Irish Times, available at <https://www.irishtimes.com/news/crime-and-law/woman-wins-case-against-tusla-over-grandchildren-s-care-1.3730661>

Health watchdog's regional analysis of the function of Tusla reflects progress but 'improvements still required'. The inspection revealed that cases awaiting allocation for preliminary inquiry had declined 43 per cent, from 168 in December 2020 to 96, numbers awaiting allocation for initial assessment had fallen 71 per cent from 98 to 28 and 81 cases were waiting for support services compared to 112, a reduction of 28 per cent. However, yet, there are areas to be improved. For instance the inspection found, inter alia, repeated instances of child abuse and neglect being miscategorised as "welfare" cases, and treated as less urgently. Additionally, delays in responding to cases led to a homeless child waiting two months to be seen by a social worker, while young people leaving foster care were left at serious risk of homelessness.³¹⁶ HIQA identified 3 main defective points in Tesla's response to managing allegations of child sexual abuse, including allegations made by adults about alleged abuse in childhood. The main defective points include: Inconsistencies in practice around the screening of allegations of child sexual abuse and making preliminary enquiries into these allegations; Inconsistencies in safety-planning practice by Tusla which left some children at potential risk; and finally the lack of standardised approach to direct and guide staff in case management.³¹⁷

Tusla says in an ordinary year around 90 children are placed in the care of the State after arriving alone into Ireland seeking international protection. But in just the first seven months of this year that figure almost doubled to 167. 62 of those children are from Ukraine but 105 have come from other countries, mainly Afghanistan and Somalia.³¹⁸

Additionally, as they don't have a network of family and friends" to support them, they need aftercare supports to be provided to the cohort on an exceptional basis.³¹⁹ The Migrants and Refugee Rights Group NASQ says the increased numbers are not entirely unexpected due to the humanitarian situation in Afghanistan and the ongoing unrest in Somalia along with the risk of famine. It is extremely important that Tusla is properly resourced to deal with the increase in numbers.³²⁰

³¹⁶ Holland, K. (14 February 2022), Review of child and family agency Tusla exposes failings, Irish Times, available at <https://www.irishtimes.com/news/social-affairs/review-of-child-and-family-agency-tusla-exposes-failings-1.4802162>

³¹⁷ HIQA (n.d) HIQA investigation into how Tusla manages child sexual abuse referrals against adults of concern, available at <https://www.hiqa.ie/sites/default/files/2018-06/HIQA-Investigation-Infographic.pdf>

³¹⁸ Libreri, S. (20 July 2022) 'Unprecedented' numbers of children seeking protection - Tusla, Irish Association of Social Workers, available at <https://www.rte.ie/news/ireland/2022/0720/1311318-minor-facilities/>

³¹⁹ Power, J. (5 Sept 2022) State not doing enough to protect unaccompanied Ukrainian minors turning 18, forum warns, The Irish Times, available at <https://www.irishtimes.com/ireland/social-affairs/2022/09/05/state-not-doing-enough-to-protect-unaccompanied-ukrainian-minors-turning-18-forum-warns/>

³²⁰ Libreri, S. (20 July 2022) 'Unprecedented' numbers of children seeking protection - Tusla, Irish Association of Social Workers, available at https://www.iasw.ie/RTE_Tusla

4.7. Promising practices

Please list and briefly describe any promising practice in the child protection care system that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

Tusla has selected the Signs of Safety as its national approach to practise. The Signs of Safety is an innovative, strengths-based, safety-organised approach to child protection casework grounded in partnership and collaboration with children, families and their wider networks of support. The Signs of Safety reflects the TUSLA's best practice principles, which are fundamentally underpinned by the principles of 'Children First'. Children and families will be at the centre of assessment and decision making and the approach will be strengths-based, evidence-based and outcome-focused.³²¹

A National Action Plan for Childminding was published by DCEDIY in April 2021, setting out a phased approach to bringing home-based providers of early childhood education and care and school-age childcare within the scope of regulations and supports. The Plan commits to bringing all childminders within the scope of regulations within 2-3 years.³²²

Tusla developed a Quality Assurance Framework that sets out the standards and principles for child protection and welfare services in Ireland. The framework includes a range of indicators that are used to measure the quality of services provided by Tusla, the Child and Family Agency. This framework has helped to improve the quality of services provided to children and families.³²³

Social workers can play a critical role in facilitating access visits for disabled children. In a case of the access arrangements for a child of primary school age, who had recently been diagnosed with Autism Spectrum Disorder (ASD), the judge praised the good work of the social worker to improve the quality of access visits for that young child with special needs.³²⁴

Tusla has developed helpful resources on statutory obligations as well as safeguarding best practice for organisations working with children and young people.³²⁵

³²¹ TUSLA, Child Protection and Welfare Strategy 2017-2022, available at https://www.tusla.ie/uploads/content/Tusla_Child_Protection_and_Welfare_Strategy.pdf

³²² National Action Plan for Childminding, <https://www.gov.ie/en/campaigns/df207-national-action-plan-for-childminding-2021-2028/>

³²³ Tusla (2016), Tusla Quality Improvement Framework: A Tusla Approach to Improving the Quality and Safety of Services, available at https://www.tusla.ie/uploads/content/QA_Quality_Improvement_Framework.pdf

³²⁴ Judge praises the good work being done to improve the quality of access visits for a young child with special needs, Case Reports 2022 Volume 2, Case No. 44, available at <https://www.childlawproject.ie/publications/>

³²⁵ Tusla, Organisations working with children and young people, <https://www.tusla.ie/children-first/organisations/>, *Guidance on Developing a Child Safeguarding Statement* and *Child Safeguarding: A Guide for Policy, Procedure and Practice* <https://www.tusla.ie/children-first/organisations/what-is-a-child-safeguarding-statement/how-do-i-develop-a-child-safeguarding-statement/>

There are promising practices concerning unaccompanied and separated Ukrainian minors arrived in Ireland that can be used for minor asylum seekers from other countries as well:

1-The Children's Rights Alliance published a Know Your Rights Guide in plain-English to provide information guides for children and young people about their legal rights and entitlements in Ireland.

Tusla funded the Children's Rights Alliance to publish this guide in both Ukrainian and Russian.³²⁶

2- Tusla's response to the Ukraine crisis: A proactive outreach, through the Galway Children & Young People's Services Committees (CYPSC) for identification and connection with any/all children under 18 years who are separated from their parents or their legal/customary care giver at airports and ports. They compiled resources / materials relating to the Ukrainian Crisis that may be of interest to services working with children and young people in Galway.³²⁷

3- On 10 May 2022, Tusla became aware of an organisation (Candle of Grace Charity) at Dublin Airport with a number of separated children. Tusla social workers conducted screening assessments, and took the appropriate follow-up actions, including contacting the children's parent(s) where possible. All of these children entered the country with the full knowledge and consent of their parents. Those that remain from that cohort are in host families and are in regular contact with their parents.³²⁸

4- The Department of Children, Equality, Disability, Integration and Youth reminded Children First Inter-Departmental Implementation Group Members of their responsibilities in response to the Ukraine crisis concerning child protection, along with clear guidance.³²⁹

5- National Association of Principals and Deputies NAPD provided useful sources relating to practical supports for Ukraine students in schools as well as some educational resource materials, including advice on National Educational Psychological Service NEPS and psychological service in schools.³³⁰

³²⁶ Know Your Rights Guide in Ukrainian and Russian, <https://www.childrensrights.ie/resources/know-your-rights-guide-ukrainian-and>

³²⁷ Galway Children & Young People's Services Committees (CYPSC), <https://www.galwaycity.ie/child-protection-ukraine> ; Tusla, Service Response to Ukrainian Crisis, Galway Unaccompanied Minors, <https://www.galwaycity.ie/gccfiles/?r=/download&path=LORlcGFydG1lbnRzL0NvbW11bml0eS1DdWx0dXJlL1VrcmFpbmlhbiBTdXBwb3J0L1R1c2xhIEdhbHdheSBSZXNwb25zZS5wZGY%3D>

³²⁸ Unaccompanied and Separated Minors, Dail debate, 21 Feb 2023, available at <https://www.oireachtas.ie/en/debates/question/2023-02-21/500/>

³²⁹ Irish Social Enterprise Network (26 May 2022) , Children First and Responses to Ukraine Crisis, <https://www.socent.ie/blog/2022/05/26/children-first-and-responses-to-ukraine-crisis/>

³³⁰ Some useful resources in dealing with students from the Ukraine, <https://www.napd.ie/wp-content/uploads/2022/06/Some-useful-resources-to-support-students-from-the-Ukraine.docx>

5. Accountability, data collection, and monitoring mechanisms

5.1. Accountability mechanisms

5.1.1 Are there accountability mechanisms in place regarding the functioning of the child protection system? Is there any independent monitoring or reporting mechanisms on the performance of the child protection system? What is the role of child's ombudspersons, child commissioners or other independent national human rights institutions in monitoring child protection?

Under the founding Statute³³¹ of the Child and Family Agency, the Agency must, in the performance of its functions, demonstrate high standards of performance, transparency and accountability and use the resources available to it in the most beneficial, effective and efficient manner.

The Health Information and Quality Authority (HIQA) is a regulatory body that has the authority to develop standards, perform inspections, review services and make recommendations, outlined in the Health Act 2007 (and Amendments). HIQA inspects a wide range of the social care services children access (listed below) to measure their compliance with the National Standards for the Protection and Welfare of Children (2012) and their implementation of Children First: National Guidance for the Protection and Welfare of Children (2017). HIQA inspects organisations that recruit and support foster carers, including Tusla and private fostering agencies, and Tusla's statutory children's residential centres and special care units (prescribed as 'designated centres' in the Health Act 2007 (as amended by the Child Care (Amendment) Act 2011)). HIQA also inspects Oberstown Children Detention Campus, the secure detention centre for children on remand for criminal charges. HIQA publishes the findings of inspection reports on their website. HIQA routinely undertakes audits of social work files, foster care files and publishes reports on the outcome of such audits.

Under Section (8)(1)(k) of the Health Act 2007,(1) the Health Information and Quality Authority (HIQA) has responsibility for setting standards for all aspects of health information and monitoring compliance with those standards. In addition, under Section 8(1)(j), HIQA is charged with evaluating the quality of the information available on health and social care and making recommendations in relation to improving its quality and filling in gaps where information is needed but is not currently available.³³²

³³¹ Required under the Child and Family Agency Act 2013

³³² Health Information and Quality Authority (HIQA), Draft National Standards for Information Management in Health and Social Care (2022) <https://www.hiqa.ie/sites/default/files/2022-10/Draft-National-Standards-for-Information-Management-in-Health-and-Social-Care-Public-Consultation.pdf>

The Health and Social Care Professionals Council (CORU) now regulates and monitors several Irish professions, including social work.

The Department of Education's Inspectorate monitors the compliance of schools with the requirements of the child protection procedures for primary and post-primary schools. All inspections include checks regarding child protection. A Child Protection and Safeguarding Inspection (CPSI) model has been in place since 1 February 2019.³³³

The Ombudsman for Children which was established in 2002 has a statutory function to investigate complaints made by children against public bodies or schools and voluntary hospitals, and to make recommendations on foot of such complaints. The Ombudsman for Children also has a statutory function to promote the rights and welfare of children, and may commission research and publish reports in respect of such matters if appropriate. The Ombudsman for Children may examine or investigate a complaint regarding the acts or omissions of Tusla in the area of child protection.

5.1.2 How is the implementation of national action plans and strategies or other policy actions on child protection monitored? Briefly describe the established procedures and mention the actors involved and their roles.

The implementation of The National Child Protection and Welfare Strategy 2017-2022 is monitored by the Department of Children, Equality, Disability, Integration, and Youth (DCEDIY) and the Child and Family Agency (Tusla). The DCEDIY is responsible for overseeing the implementation of the strategy at a national level. It has established a National Implementation Group to oversee the implementation of the strategy, which is chaired by the Minister for Children, Equality, Disability, Integration, and Youth. The National Implementation Group meets regularly to review progress and identify any issues or challenges that may arise. Annual progress reports are published. The Department of Children, Equality, Disability, Integration and Youth commissioned an evaluation of the National Child Protection and Welfare Strategy in 2020, which assessed its effectiveness in achieving its goals and identified areas for improvement.

Tusla is responsible for implementing the strategy at a local level, and it has developed an Implementation Plan that sets out the specific actions and timelines for achieving the strategy's objectives. Tusla also provides regular progress reports on the implementation of the strategy, which are published on its website. Tusla uses a range of performance indicators to monitor the effectiveness of its child protection services. Inspection reports from HIQA, complaints to Tusla, and

³³³ The Department of Education's Inspectorate monitors the compliance of schools with the requirements of the child protection procedures for primary and post-primary schools. All inspections include checks regarding child protection. A Child Protection and Safeguarding Inspection (CPSI) model has been in place since 1 February 2019.

reports of the National Review Panel (which investigates serious incidents including the deaths of children in care and known to the child protection system) all contribute towards monitoring of progress.

Question	YES	NO	Comments
<p>5.1.3 Is there a child rights assessment existing or foreseen? Please note that child rights' assessment stands for the measurement of the impact of proposed or adopted legislation on children as a group. It is usually done at the parliamentary or ministerial level.</p>	X		<p>In Better Outcomes Brighter Futures: The national policy framework for children & young people 2014 - 2020, the Irish Government committed to “Develop integrated Social Impact Assessments as a feature of policy development and policy impact analysis, ensuring a focus on the impact of policy on children. (DSP, DH, DCYA, DPER, DF)”.³³⁴</p> <p>The Department of Children, Equality, Disability, Integration and Youth (DCEDIY) provides guidance and advice to other government departments on the impact of proposed legislation on children and monitors the implementation of relevant legislation.</p> <p>The UN Committee on the Rights of the Child concluding observations recommending that the Irish state “...include children’s rights impact assessments in the framework for integrated social impact assessments to ensure that fiscal and budgetary decisions are compliant with obligations under the Convention.”³³⁵</p> <p>The UN Committee on the Rights of the Child has published its Concluding Observations on the combined fifth and sixth periodic reports of Ireland in February 2023.³³⁶ In the Concluding Observations, the</p>

³³⁴ <https://assets.gov.ie/23796/961bbf5d975f4c88adc01a6fc5b4a7c4.pdf>

³³⁵ Committee on the Rights of the Child (2016) Concluding observations on the combined third and fourth periodic reports of Ireland, CRC/C/IRL/CO/3-4, 29 January 2016.

³³⁶ Committee on the Rights of the Child (2023) Concluding observations on the combined fifth and sixth periodic reports of Ireland, CRC/C/IRL/CO/5-6, 28 February 2023, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CRC%2FC%2FIRL%2FCO%2F5-6&Lang=en

		<p>Committee recognises the positive steps taken by the State since Ireland’s last review in 2016. In particular, they welcome the progress made with the commencement of the Children First Act, Children and Family Relationships Act, the Irish Sign Language Act and the adoption of a number of other strategies.³³⁷</p> <p>The Oireachtas (Irish Parliament) has a Joint Committee on Children, Disability, Equality and Integration, which is responsible for scrutinizing proposed legislation and policies that affect children. The Committee engages in public consultations, hears from expert witnesses and stakeholders, and produces reports on proposed legislation to ensure that the impact on children is taken into account.</p> <p>The outcome of the Joint Committee on Children, Disability, Equality and Integration could be considered comparable to an impact assessment in some respects. The committee's work involves conducting inquiries and investigations, gathering evidence and information, and making recommendations on matters related to children, disability, equality, and integration. Through its work, the committee aims to promote the well-being and rights of these groups and to influence policy and legislative change. While the committee's work is not specifically focused on conducting impact assessments, its inquiries and investigations may involve a similar process of assessing the potential</p>
--	--	--

³³⁷ United Nations Committee on the Rights of the Child publishes its Concluding Observations on the combined fifth and sixth periodic reports of Ireland, Press Release, <https://www.gov.ie/en/press-release/9df69-united-nations-committee-on-the-rights-of-the-child-publish-its-concluding-observations-on-the-combined-fifth-and-sixth-periodic-reports-of-ireland/>

		<p>impacts of policies and legislation on particular groups or issues.³³⁸</p> <p>The mandate of the Ombudsperson for Children includes the requirements of conducting a child rights impact assessment whenever a new law or policy is developed and drawing attention to possible impacts. One of the functions of the Ombudsman for Children is to publish advice on the scheme of proposed legislation which may particularly impact on children in order to draw attention to such matters. This is routinely done by the Ombudsman for Children in respect of legislation which may impact on children. The Ombudsman for Children has criticised the lack of consideration for children’s rights across government³³⁹ and the absence of legislation that will ensure government departments consider them.</p> <p>The Children’s Rights Alliance have commenced a new two-year project funded by the EU Commission under the Citizens, Equality, Rights and Values Programme (CERV). DCEDIY are partners of this project, along with Tusla, Eurochild, UNESCO Child and Family Research Centre, University of Galway, and Foróige.</p>
--	--	---

5.1.4 Are there quality standards for child protection services set in the legislation (including prevention programmes)? (e.g. number of cases per case workers, requirements regarding infrastructures of residential care and number of personnel, performance, and fiscal accountability mechanisms) Please describe.

³³⁸ For example see Oireachtas, Joint Committee on Children, Disability, Equality and Integration <https://www.oireachtas.ie/en/press-centre/press-releases/20230214-joint-committee-on-children-equality-disability-integration-youth-publishes-report-on-the-assessment-of-need-for-children/>

³³⁹ Irish Examiner (2023), Ombudsman says children must be at the centre of Government thinking <https://www.irishexaminer.com/news/arid-41055950.html>

The Child Protection and Welfare Practice Handbook provides guidance to Tusla staff and partner agencies on the key principles of child protection and welfare practice.

The Quality Assurance Framework for Child Protection and Welfare Services³⁴⁰ sets out the standards for the delivery of child protection services by Tusla.

The National Standards for the Protection and Welfare of Children and Young People are a set of 28 standards that cover all aspects of child protection and welfare services, including prevention, early intervention, and crisis management.

There is no quality standard in Ireland which stipulates the maximum number of cases per social worker. The management of caseloads is guided by the Child and Family Agency (Tusla) National Service Delivery Framework (NSDF), which aims to ensure that social workers have manageable caseloads and sufficient resources to meet the needs of children and families. The NSDF sets out a range of factors that are taken into account when determining social worker caseloads, including the complexity of cases, the level of risk and urgency involved, and the capacity of the social worker to manage a case effectively. Tusla also employs a range of workforce planning and management strategies to ensure that social workers have appropriate support, supervision, and training to carry out their roles effectively. This includes regular supervision, access to training and development opportunities, and the allocation of additional resources to teams where caseloads are particularly high. A HIQA report in 2022 noted unmanageable workloads for social workers in one region of Ireland which had both the highest number of children in their care of any Tusla area in the country, and number of mandated child protection and welfare reports and mandated reports relating to retrospective abuse, and its impact on delays in providing support to children³⁴¹. The Irish Association of Social Workers (IASW) note the impact of a “deepening recruitment and retention crisis” on workload management.³⁴²

The Child Care (Placement of Children in Residential Centres) Regulations 1995 requires that the Child and Family Agency must satisfy itself in respect of each relevant residential centre that appropriate and suitable care practices and operational policies are in place, having regard to the number of children residing in the centre and the nature of their needs. These regulations also address staffing levels in residential centres which must be adequate in terms of numbers, qualifications, experience and availability of members of the staff, having regard to the number of children residing in the centre and the nature of their needs. Such residential centres are also

³⁴⁰ https://www.tusla.ie/uploads/content/Publications_Child-Protection-Welfare-Standards.pdf

³⁴¹ <https://www.irishexaminer.com/news/arid-40890644.html>

³⁴² https://www.iasw.ie/SW_RecruitmentCrisis_IrishTimesLetter

required to meet certain minimum criteria in terms of accommodation, having regard to the number of children residing in the centre and the nature of their needs. The regulations do not stipulate what is considered to be an adequate number of staff in terms of staffing levels.

www.irishstatutebook.ie/1995/en/si/0259.html

Question	YES	NO	Comments
<p>5.1.5 Is consultation with children and families foreseen and/or taking place in the process of the evaluation of services and measures and in the development of child protection policies and legislation?</p> <p><u>If yes</u>, at what level is this done? Please provide indicative examples.</p>	X		<p>The new Article 42A (2012) makes provision for the introduction of laws providing that the voice of the child must be heard and given due weight in all proceedings taken by the State. This provision can include the evaluation of services provided by TUSLA. Tusla’s founding legislation, the Child and Family Agency Act 2013, requires the Agency in the performance of its functions, as well as in the planning and reviewing of the provision of services, to ensure the views of the individual child (regarding the former) and children collectively (regarding the latter) are ascertained and given due weight having regard to the age and maturity of the child. Ireland’s National Strategy on Children and Young People’s Participation in Decision-Making 2015–2020 and Tulsa’s Toward the Development of a Participation Strategy (2015) set out a roadmap for the realisation of a child’s right to participate.³⁴³</p> <p>The Children’s Participation Work Package was developed within the Development and Mainstreaming Programme for Prevention, Partnership and Family Support (PPFS) to embed children and young people’s participation within the agency, including the development and</p>

³⁴³ Kennan, D., Brady, B., and Forkan, C. (2016) Exploring the Effectiveness of Structures and Procedures Intended to Support Children’s Participation in Child Welfare, Child Protection and Alternative Care Services: A Systematic Literature Review. Galway: The UNESCO Child and Family Research Centre, The National University of Ireland, Galway.

https://www.tusla.ie/uploads/content/Exploring_the_Effectiveness_of_Structures_and_Procedures_Intended_to_Support_Childrens_Participation_literature_review.pdf

		<p>dissemination of a Tusla participation strategy and National Children’s Charter; child and youth participation training and a participation toolkit for practitioners; the development of a quality assurance framework for participation using the Investing in Children Membership Award™ and Agenda Days™; a seed fund initiative; three national conferences on child and youth participation; the establishment of foster care fora in conjunction with Empowering People in Care (EPIC) to support children and young people in foster care to feed into policy development and service provision; and the development of a child-friendly complaints service. An evaluation by the UNESCO Research Centre found strong evidence of children’s participation being embedded across Tusla’s structures, procedures, and practices in part as a result of the implementation of the PPFS Child and Youth Participation Programme of Work. The training to support participation had been completed by only one third of staff. There was significant variation in participation by ‘hard to reach’ children. There were minimal national structures or opportunities for children and young people to feed into national policy and service provision decisions. CYPSCs nationally availed of the funding through the seed-funding initiative to enhance their engagement with the local Comhairle na nÓgs, schools, and youth groups in their area.³⁴⁴</p> <p>The National Advisory Council for Children and Young People supported the Better Outcomes policy framework until 2020. The Council advised the Government on issues related to children's rights and</p>
--	--	---

³⁴⁴ <https://www.tusla.ie/uploads/content/Childrens-Participation-Work-Package-FINAL-Report.pdf>

		<p>well-being and ensures that children's perspectives are taken into account in policy development. The Council's mandate ended in 2022. The Council included experts and civil society representatives but not children's representatives.³⁴⁵ New Governance Structures will be set up to support the next policy framework and will include representation from children and young people.</p> <p>Hub na nÓg is a national centre of excellence and coordination on giving children and young people a voice in decision-making. The Department of Children, Equality, Disability, Integration, and Youth (DCEDIY) set up Hub na nÓg to support implementation of the National Strategy on Children and Young People's Participation in Decision-Making (2015-2020). It supports Government Departments, State agencies and non-government organisations to give children and young people a voice in decision-making with a particular focus on those that are seldom-heard, provides training, coaching, development, advice and support to organisations to more effectively listen to and act on the voices of children and young people. Its website publishes a wide range of policy consultations undertaken for government departments since 2015.³⁴⁶</p> <p>The Tusla consultations on the development of the Quality and Regulatory Framework for the Early Years Inspectorate in 2018 included early consultations with parents.³⁴⁷ In 2022, the Minister for Children,</p>
--	--	--

³⁴⁵ <https://www.gov.ie/en/publication/63a1ff-report-of-the-national-policy-framework-for-children-young-people-20/#national-advisory-council>

³⁴⁶ <https://hubnanog.ie/consultations/>

³⁴⁷ Tusla (2018) Report of Consultations on the Development of the Quality and Regulatory Framework, Dublin: Early Years Inspectorate, Tusla.

		<p>Equality, Disability, Integration and Youth launched a public consultation on the next Government policy framework for children and young people in Ireland.</p> <p>Following the 'Child and Family Agency Act 2013' and national standards, Tusla developed a national feedback and complaints policy in 2017 concerning its function called 'Tell Us'.³⁴⁸</p>
<p>5.1.6</p> <p>Is the responsibility for data collection on child protection determined in the legislative framework?</p>	<p>X</p>	<p>As the Child and Family Agency is the body with primary responsibility for child protection in Irish law, that agency routinely collates data on its functions. (https://www.tusla.ie/data-figures/)</p> <p>The Child Care Act 1991 Section 8 requires Tusla to "maintain a register of all children who are receiving or have received child care services" and to "keep such records and make such returns as may be prescribed". The Data Protection Act 2018 sets out the rules for the processing of personal data in Ireland, including the data collected by Tusla.</p> <p>There are also statutory reporting obligations to measure and monitor performance of the operational system, improve service delivery and outcomes for children and families engaging with services; inform policy and research and provide information (accountability) to the public. (At National / Tusla Regional / Tusla Area level) The Child and Family Agency Act 2013 Section 8 sets out Tusla's functions, which include "collecting and analysing data on the incidence and prevalence of child abuse and neglect" and "monitoring the provision of child protection and welfare services". Publication of the data commenced</p>

³⁴⁸ [https://www.tusla.ie/uploads/content/Tell_Us_-_Policy_and_Procedure_amend\(2017\).pdf](https://www.tusla.ie/uploads/content/Tell_Us_-_Policy_and_Procedure_amend(2017).pdf)

		<p>in 2014 when Tusla was established and is ongoing.³⁴⁹</p> <p>Tusla publishes monthly activity and performance data reports. The Child and Family Agency Corporate Plan 2021-2023 also sets out Tusla's commitment to collecting performance data. Tusla's Quality Assurance Framework for Child Protection and Welfare Services also mandates the collection of performance data. The framework requires that Tusla's child protection and welfare services be monitored and evaluated on an ongoing basis, and that performance data be collected in order to assess the effectiveness of these services.</p>
<p>5.1.7</p> <p>Is there a single authority responsible for monitoring data collection and centralised coordination and data sharing at national level?</p> <p><u>If yes</u>, Is there a national database (a joint database for monitoring and tracking children) for collecting data in the child protection area at the national, regional, or local level?</p>	X	<p>Tusla coordinates all data on child protection in Ireland, including data from its regional offices and partners.</p> <p>The Tusla Performance and Activity Reporting Site and associated Data Catalogue have been implemented to facilitate Tusla to publish performance and activity data (previously published) in line with current initiatives such as the Government Open Data Strategy 2017-2022.³⁵⁰ (https://www.tusla.ie/data-figures/)</p> <p>At the national level, Tusla collects data on child protection through the National Childcare Information System (NCCIS). The NCCIS is a secure electronic system that is used to record and manage information about child protection and welfare referrals, assessments, and services provided by Tusla. The NCCIS collects data on a range of indicators, including the number of referrals received,</p>

³⁴⁹ Tusla — Performance and Activity Datasets, <https://www.hiqa.ie/areas-we-work/health-information/data-collections/tusla-performance-and-activity-datasets>

³⁵⁰ <https://data.gov.ie/pages/open-data-strategy-2017-2022>

		<p>the type of abuse or neglect reported, the age and gender of children involved, and the outcomes of child protection and welfare interventions.</p> <p>The primary responsibility for collecting data on children in care lies with Tusla's Child in Care teams.</p> <p>At the regional level, Tusla collects data through its local service areas. Tusla has a network of 17 local service areas across the country, each of which is responsible for the delivery of child protection and welfare services in their area. Local service areas collect data on child protection and welfare referrals, assessments, and services provided, which is then uploaded to the NCCIS.</p> <p>At the local level, Tusla collects data on child protection through its frontline staff. Tusla's frontline staff includes social workers, family support workers, and other professionals who work directly with children and families. These staff members record information on child protection and welfare referrals, assessments, and services provided in their caseload management systems, which is then uploaded to the NCCIS.</p> <p>In addition to these systems, Tusla also collects data through surveys and research studies. Tusla conducts regular surveys of children and families who have received services from the agency in order to gather feedback and assess the effectiveness of its services. Tusla also conducts research studies on various aspects of child protection and welfare in order to inform policy and practice.</p> <p>The Central Statistics Office is the statistical agency for government responsible for the gathering of data</p>
--	--	---

		relating to economic, social and general activities and conditions in Ireland. In 2022 it requested data from Tusla on numbers of children in care and the agencies signed a MoU for future data sharing.
5.1.8 Are there common indicators in place to monitor the performance of the child protection system?	X	<p>There already exists a substantial body of data in relation to children generally, not only in relation to child poverty and social inclusion. The indicator set of Better Outcomes, Brighter Futures (BOBF) tracks children and young people aged 0–24 across the five national outcomes outlined in BOBF. This indicator set was first published in 2017, alongside an accompanying methodology report in 2019. Since then, the Department of Children, Equality, Disability, Integration and Youth has also published more detailed data for specific subsets of the population of children and young people, including on young carers and young Travellers. The most recent available data for all BOBF indicators, and how these indicators have changed over the lifetime of BOBF, was published in January 2022.³⁵¹</p> <p>Better Outcomes Brighter Future Indicator Set Report 2022 tracks progress for children and young people aged 0-24 across the five national outcomes outlined in Better Outcomes Brighter Futures.³⁵²</p> <p>The Tusla Data Hub allows to visualise its performance and activity open data as interactive charts, based on the defined metrics.³⁵³</p>

³⁵¹ Department of Children, Equality, Disability, Integration and Youth (2022) EU Child Guarantee Ireland’s National Action Plan, at 46. <https://www.gov.ie/en/publication/95dcc-irelands-eu-child-guarantee-national-action-plan/>

³⁵² Department of Children, Equality, Disability, Integration and Youth (2022) Better Outcomes Brighter Future Indicator Set Report 2022, <https://www.gov.ie/en/publication/c9ad0-better-outcomes-brighter-future-indicator-set-report-2022/>

³⁵³ Tusla Performance and Activity Reporting Site <https://www.tusla.ie/data-figures/>

		<p>Datasets of key performance and activity metrics and indicators defined for Tusla services as follows.³⁵⁴</p> <ul style="list-style-type: none"> - Child Protection and Welfare Services; - Alternative Care Services (incl. foster care, residential care, aftercare, adoption); - Family Support Services; - Tusla Education Support Services; - Children’s Services Regulation (Early Years Inspectorate, Alternative Education, Assessment & Registration Service; Alternative Care Inspection & Monitoring Service) - Human Resources - Finance <p>Tusla submits monthly and quarterly performance reports which are reviewed by the Department Children, Equality, Disability, Integration and Youth . Furthermore, Tusla submits 'Need to Know' notifications to the Department. The purpose of a Need to Know notification is to alert the minister and his officials to serious incidents and to provide the information on what action is being taken.³⁵⁵</p>
<p>5.1.9</p> <p>Are there data protection protocols in place and adhered to?</p>	<p>X</p>	<p>Tusla is a data controller under the EU General Data Protection Regulation (GDPR) and the Data Protection Act 2018.³⁵⁶</p>
<p>5.1.10</p>		

³⁵⁴ Tusla — Performance and Activity Datasets, <https://www.hiqa.ie/areas-we-work/health-information/data-collections/tusla-performance-and-activity-datasets>

³⁵⁵ Dail Debate (30 March 2023) Department of Children, Equality, Disability, Integration and Youth, Child Protection, KildareStreet, available at <https://www.kildarestreet.com/wrans/?id=2023-03-30a.647&s=%E2%80%9Cassessment+of+need%E2%80%9D+2023-03-27..2023-03-31#g649.r>

³⁵⁶ <https://www.tusla.ie/about/your-personal-information/new-data-protection/>

Are there any gaps in the data collection system related to child protection in the country, which have been identified by relevant child protection authorities/institutions, civil society organisations or other institutions active in the child protection field? Is there a systematic and consistent collection of data related to child protection at national, regional, or local level? Please mention if efforts are made to address these gaps.

The National Child Care Information System (NCCIS) was rolled out in late 2018, replacing 17 separate systems across the State. This has addressed some of the concerns about sharing of information between social workers raised prior to this. However the NCCIS has also been subject to a range of criticisms, with concerns raised about data quality, duplication of effort, technical issues, privacy concerns, lack of interoperability, and lack of transparency.

The Health Information and Quality Authority (HIQA) has raised concerns about gaps in data on child welfare and protection in Ireland in a number of its reports, including lack of information sharing between Tusla and the HSE (2017); a lack of reliable and consistent data across different agencies involved in child protection, hindering effective planning and decision-making (2018); and gaps in data on the outcomes of child protection interventions (2019). In 2022, HIQA also recommended that Tusla establish a system to interrogate and validate data provided to them from each area since the data provided in one area did not indicate the significant size of the problem, nor raise concerns at a national level.³⁵⁷

The Irish Human Rights and Equality Commission identified a lack of data and information as well as a “general gap in knowledge and expertise amongst social workers in how to identify and appropriately respond to evidence of child trafficking encountered during the course of their work”.³⁵⁸

The Children's Rights Alliance has called for better data on the numbers and types of child protection concerns being reported, as well as on the outcomes and impacts of interventions, greater

³⁵⁷ HIQA, Risk-based Child Protection and Welfare and Foster Care Inspection Report: Cork (Feb. 2022) https://www.hiqa.ie/system/files?file=inspectionreports/4384_CPW%20and%20FC_Cork_17%20February%202022.pdf

³⁵⁸ Irish Human Rights and Equality Commission, Contribution to the 4th Progress Report on the Fight against Trafficking in Human Beings in the European Union (Feb. 2022) <https://www.ihrec.ie/app/uploads/2022/03/Contribution-to-the-4th-Progress-Report-on-the-Fight-against-Trafficking-in-Human-Beings-in-the-EU.pdf>

transparency and accountability in relation to data collection and use, including the development of clear guidelines and protocols for the collection, storage, and sharing of information.³⁵⁹

Unlike other jurisdictions Ireland doesn't generate data on ethnic background of children and parents or data on re-referral to Child Protection Social Work Services and it generates data on a smaller set of broad categories of abuse types at point of referral than agencies in comparative jurisdictions.³⁶⁰

5.2. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of child protection accountability in the past 8 years, incl. achievements and (persisting) gaps and challenges.

In 2014, the Child and Family Agency (Tusla) was established as the dedicated state agency responsible for child protection and welfare in Ireland. This has provided a more focused approach to child protection accountability and allowed for greater coordination and consistency in the delivery of services.

There have been several legislative changes aimed at strengthening child protection accountability in Ireland, including the Children First Act 2015, which places a statutory obligation on individuals and organizations to report child protection concerns to Tusla.

The development of national policies and standards, such as the National Quality Standards for Children's Services in 2018, have helped to provide a consistent and evidence-based approach to child protection accountability across the country.

Efforts have been made to improve data collection and monitoring in relation to child protection concerns in Ireland, with the establishment of the National Childcare Information System (NCCIS) and the development of more comprehensive reporting mechanisms.

A number of independent reviews and inquiries have been conducted into child protection issues in Ireland which have helped to identify areas for improvement and have contributed to greater transparency and accountability in the child protection system. For example, the Independent Review Mechanism (IRM) was established in 2017 to review cases where abuse or neglect was suspected to have occurred in residential institutions for children.

³⁵⁹ Children's Rights Alliance, A Review of the Child Protection and Welfare System in Ireland (2017).

³⁶⁰ Furey, Eamonn and Canavan, John (2019) A review on the availability and comparability of statistics on child protection and welfare, including children in care, collated by Tusla: Child and Family Agency with statistics published in other jurisdictions. Galway: UNESCO Child and Family Research Centre, National University of Ireland Galway. https://www.drugsandalcohol.ie/33335/1/Statistics_on_child_protection_2019.pdf

In examining the implementation of Children First, HIQA found issues including delays in recording screenings and in some preliminary enquiries, with “delays of between eight and 15 months found in a small number of cases in the Waterford/Wexford, Donegal and Midlands service areas” meaning that “some children’s needs were not assessed in a timely manner so that appropriate interventions could be put in place”³⁶¹ HIQA also expressed concern about the use of waiting lists, stating that they “required a greater consistency in oversight, to ensure risks associated with waiting lists did not escalate into a more significant issue”.³⁶² As a result of the disparity between the service provided in different areas, while in some areas referrals were receiving a service within two weeks, in other areas higher priority referrals were waiting significantly longer for a response, in some cases up to nine months.³⁶³

Experts continue to highlight the “need for better communication between and within agencies, improved recording measures, increased resourcing, strengthened governance, full implementation of policies and guidelines, greater attention given to the voice of the child, and enhanced statutory protection of children’s rights”.³⁶⁴

³⁶¹ HIQA, Overview Report: Inspections of Child Protection and Welfare Thematic Programme 2019-2021, (November 2021) at p 52, available at <https://www.hiqa.ie/sites/default/files/2021-11/Overview-Report-Inspections-ofChild-Protection-and-Welfare-Thematic-Programme%202019-2021.PDF>.

³⁶² HIQA, Overview Report: Inspections of Child Protection and Welfare Thematic Programme 2019-2021, (November 2021) at p 53 available at <https://www.hiqa.ie/sites/default/files/2021-11/Overview-Report-Inspections-ofChild-Protection-and-Welfare-Thematic-Programme%202019-2021.PDF>.

³⁶³ HIQA, Overview Report: Inspections of Child Protection and Welfare Thematic Programme 2019-2021, (November 2021) at p 53 available at <https://www.hiqa.ie/sites/default/files/2021-11/Overview-Report-Inspections-ofChild-Protection-and-Welfare-Thematic-Programme%202019-2021.PDF>.

³⁶⁴ C Shore and F Powell, “The social construction of child abuse in Ireland: public discourse, policy challenges and practice failures” in K Biesel, J Masson, N Parton and T Poso (eds), *Errors and Mistakes in Child Protection: International Discourses, Approaches and Strategies* (Bristol University Press, 2020) at p 62. Cited at C O’Mahony, Annual Report of the Special Rapporteur on Child Protection 2022, at Section 2.2.3, p.45. available at [ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf](https://www.gov.ie/en/system/uploads/attachment_data/file/ae5ade7f-2c30-45b2-942c-1a2fc87847b8.pdf) (www.gov.ie)

Disaggregated data on violence against children in Ireland is essential for the implementation of the Convention;³⁶⁵ however such data is limited in practice.³⁶⁶ A robust system of administrative and survey data recording the prevalence, dynamics, and impacts of violence against children is needed.³⁶⁷

Tusla has been unable to provide data on children who left school during Covid and have never returned. Education Minister Norma Foley has ordered Tusla to provide data on the so-called 'ghost children' who have disappeared from the education system since the pandemic within a matter of 'weeks'. The Association of Secondary Teachers in Ireland (**ASTI**) said Tusla is so understaffed it is taking an entire academic year to find out why these 'ghost children' have not returned to school. In response to queries this week, **Tusla** admitted there is 'unmet need in respect of the Educational Welfare Service', which oversees long-term absenteeism.³⁶⁸

Tusla said it shares the concern of the State and the wider public about the increased risk of child and human trafficking, particularly in the context of increased people movement globally. It said that since early 2022, Tusla has partnered with MECPATHS to raise awareness and provide frontline staff across their services with training on child trafficking in Ireland. This has increased the agency's capacity to respond to this evolving area of need.³⁶⁹

³⁶⁵ In its 2016 Concluding Observations, the Committee recommended that Ireland should establish a comprehensive, disaggregated data collection system to monitor all aspects of the Convention, including violence against children: Committee on the Rights of the Child, Concluding observations on the combined third and fourth periodic reports of Ireland CRC/C/IRL/CO/3-4 (29 January 2016), para 18.

³⁶⁶ Inaccuracies in the recording of domestic violence by An Garda Síochána and under-reporting of domestic violence incidents are among the main concerns in this area. Data from An Garda Síochána on recorded crimes has been categorised by the CSO as 'Statistics Under Reservation', which means it does not currently meet the CSO's standards for the completeness and accuracy required of official statistics. See CSO, Recorded Crime Q4 2021 (29 March 2022); IHREC, Statement on the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (2019), p. 2; IHREC, Ireland and the Convention on the Elimination of All Forms of Discrimination Against Women (2017), p. 59. The Committee on the Elimination of Discrimination Against Women has also raised concerns about data collection; Committee on the Elimination of Discrimination against Women, Concluding observations on the combined sixth and seventh periodic reports of Ireland (2017), p. 7.

³⁶⁷ Data collection should monitor statistics on complaints, prosecutions, and sentences regarding violence against children and should collect 'special category' information such as race and ethnicity. The Commission has highlighted the shortcomings in Ireland's collection of disaggregated data elsewhere; IHREC, Ireland and the International Covenant on Civil and Political Rights (2022), pp. 10-11. The Equality Data Strategy, currently in development, should prioritise the collection of disaggregated data on violence against children; See Irish Human Rights and Equality Commission IHREC (August 2022) INTERNATIONAL REPORTING Ireland and the Rights of the Child Submission to the Committee on the Rights of the Child on Ireland's combined fifth and sixth periodic reports, available at <https://www.ihrec.ie/app/uploads/2022/09/Ireland-and-the-Rights-of-the-Child-Final.pdf>

³⁶⁸ Hanley, V. (16 April 2023) Norma Foley orders Tusla to hand over 'ghost children' data within 'weeks', Extra. IE, Irish News, available at [Norma Foley Orders Tusla To Hand Over 'Ghost Children' Data Within 'Weeks' \(extra.ie\)](https://www.irishnews.com/news/ireland/2023/04/16/norma-foley-orders-tusla-to-hand-over-ghost-children-data-within-weeks/)

³⁶⁹ Donohue, H. (31 January 2023), 45 unaccompanied children seeking asylum missing since 2017 - Tusla, RTE, available at <https://www.rte.ie/news/ireland/2023/01/30/1352709-missing-children/>

5.3. Promising practices

Please list and briefly describe any promising practice in child protection accountability that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

Multi-Agency Collaboration: In recent years, there has been a greater emphasis on multi-agency collaboration in the child protection system in Ireland. This involves arrangements for liaison between different agencies, such as Tusla (the Child and Family Agency), An Garda Síochána (the Irish police), and HSE (health services), working together to identify and respond to child protection concerns. This collaboration helps to ensure that different agencies are sharing information and working together to protect children.³⁷⁰ The CYPSC committees bring these agencies together at local level with NGOs and other organisations delivering services. However there have been repeated concerns since 2015 (and up to the present) specifically about interagency failures to protect disabled children.³⁷¹

A signification step in inter-agency cooperation is the development of Barnahus, a child-friendly, interdisciplinary and multi-agency model of service for children who have been sexually abused. The model establishes a set of principles and operational methodology to facilitate the different agencies working together in a consistent and child centred way. An Interdepartmental Group (IDG) comprising members of the Department of Children, Equality, Disability, Integration and Youth, the Department of Health, Department of Justice, Tusla, HSE, An Garda Síochána, and Children's Health Ireland is developing Barnahus. A National Agency Steering Committee organises and oversees operational matters associated with the development and management of Barnahus nationally.

Child Safeguarding Statements: Since 2018, all organizations working with children in Ireland are required to develop and implement Child Safeguarding Statements (under the Children First Act 2015). These statements outline the organization's policies and procedures for safeguarding children, and must be reviewed and updated at least every two years.. This requirement helps to ensure that organizations are taking a proactive approach to child protection and are accountable for their safeguarding practices.

Improved Data Collection: There has been a greater emphasis on improving data collection and monitoring systems in the child protection system in Ireland in recent years. This includes the

³⁷⁰ Joint Working Protocol for An Garda Síochána 2018, https://www.tusla.ie/uploads/content/CF_Joint_Protocol.pdf; Joint Protocol between Tusla and the HSE, 2020, <https://www.hse.ie/eng/services/list/4/disability/progressing-disability/pds-programme/documents/hse-tusla-2020-joint-protocol-for-interagency-collaboration-between-the-hse-and-tusla.pdf>

³⁷¹ <https://www.irishexaminer.com/news/arid-30916093.html> ; Jack's* Case: How the HSE and Tusla, the Child and Family Agency, provided for and managed the care of a child with profound disabilities. An Investigation by the Ombudsman for Children's Office, 2020, <https://www.oco.ie/app/uploads/2020/11/OCO-Jack-Report-25.11.pdf>; Correspondence with academic expert on disabled children, Dr Susan Flynn, March 2023.

development of the National Childcare Information System (NCCIS), which is a centralized database for collecting and sharing information on child protection cases. This improved data collection helps to ensure that child protection concerns are being tracked and addressed in a timely and effective manner. This was noted by the United Nations Committee on the Rights of the Child in its concluding observations on Ireland's fifth periodic report (2019).

The indicator set of Better Outcomes, Brighter Futures (BOBF) national policy framework tracks children and young people aged 0–24 across the five national outcomes outlined. This indicator set was first published in 2017, alongside an accompanying methodology report in 2019. Since then, the Department of Children, Equality, Disability, Integration and Youth has also published more detailed data for specific subsets of the population of children and young people, including on young carers and young Travellers

The Irish Human Rights Commission appreciated the two measures by the state: first the State's commitment to creating a statutory domestic, sexual and gender-based violence agency, which will oversee greater inter-agency coordination of data collection strategies.³⁷² Second, the national survey on the prevalence of sexual violence. However, the Commission is concerned about the State's approach to recording the data of structurally vulnerable groups.³⁷³

³⁷² Further information on the implementation of this goal will not be disseminated until the Agency is established; Department of Justice, Third National Strategy on Domestic, Sexual & Gender-Based Violence Implementation Plan (2022), p. 45. The Commission also notes the recent harmonisation of data collection on sexual violence against children in Ireland, and that similar shared approaches to data collection should be agreed for other types of violence against children: The Terminology Guidelines for Data Collection on Sexual Violence Against Children was compiled by Rape Crisis Network Ireland with support from the Department of Children, Equality, Disability, Integration and Youth; Breaking the Silence: Terminology Guidelines for Data Collection on Sexual Violence Against Children, (January 2022)

³⁷³ The State has confirmed that in addition to the ongoing national survey on the prevalence of sexual violence, there is a survey in development to include data from migrant populations, Traveller communities and people with intellectual disabilities; however, there is no specified timeline for the start or completion of this survey; Human Rights Committee, Replies of Ireland to the list of issues in relation to its fifth periodic report, CCPR/C/IRL/RQ/5 (13 April 2022), para. 79. The Commission has elsewhere recommended that the State should not wait until the end of the current phase of the survey on the prevalence of sexual violence in Ireland to undertake survey research with structurally vulnerable groups; IHREC, Ireland and the International Covenant on Civil and Political Rights (2022), p. 42. See Irish Human Rights and Equality Commission IHREC (August 2022) INTERNATIONAL REPORTING Ireland and the Rights of the Child Submission to the Committee on the Rights of the Child on Ireland's combined fifth and sixth periodic reports, available at <https://www.ihrec.ie/app/uploads/2022/09/Ireland-and-the-Rights-of-the-Child-Final.pdf>

6. General education, promotion, and awareness raising

6.1. Education on child rights

6.1.1. Does education on child rights form part of the (national) formal school curricula? If yes, please provide details such as in which types of school and targeting which grade(s) (age group), as part of which school subject and for how many periods in a pupil's school career.

The primary school curriculum includes Social, Personal and Health Education (SPHE), which covers topics such as relationships, health and well-being, and safety. SPHE also includes a strand on "Myself and the Wider World," which covers topics related to children's rights, responsibilities, and citizenship. This strand includes topics such as the United Nations Convention on the Rights of the Child (UNCRC) and the Irish Constitution. SPHE (Social, Personal and Health Education) is a mandatory part of the curriculum in primary and post-primary schools. The amount of time allocated to SPHE varies depending on the level of education. Primary schools are required to allocate a minimum of 30 minutes per week to SPHE, while post-primary schools must allocate a minimum of one class period per week.

The junior cycle of the secondary school curriculum for secondary schools includes Civic, Social and Political Education (CSPE) as a mandatory subject, which covers topics such as democracy, human rights, and global citizenship. It must be timetabled for a minimum of 200 hours over the three-year Junior Cycle period (one class a week). CSPE includes a strand on "Human Rights and Responsibilities," which covers the UNCRC and the European Convention on Human Rights. There are optional Transition Year programmes and Leaving Certificate Politics and Society spaces at Senior Cycle.

The Department of Education and Skills developed a resource pack for schools on the UNCRC, which includes lesson plans and activities for teaching children about their rights.

The National Council for Curriculum and Assessment (NCCA) published a new draft primary school curriculum in 2019 which includes a stronger focus on children's rights education via a new subject called "Well-being," which integrates SPHE, physical education, and aspects of social, environmental, and digital education. The curriculum places a strong emphasis on the promotion of children's rights and responsibilities, and includes learning outcomes related to the UNCRC and other human rights instruments.

The Department of Children, Equality, Disability, Integration and Youth (DCEDIY), established a Children's Rights Education Expert Advisory Group in 2019 to provide expert advice and guidance on the promotion of children's rights education in Ireland, identify best practices in children's rights

education and promote their adoption by schools and other educational institutions, develop resources and training materials for schools and educators and engage with children and young people in the development of children's rights education policies and practices. The group is comprised of a range of stakeholders, including representatives from government departments, non-governmental organizations, and academic institutions.

Some recent Irish curricular reforms (such as the shift from compulsory to optional CSPE) represent however represent a regression in the standing of CRE on the curriculum.³⁷⁴

6.1.2. Please provide an overview of the most important national and/or sub-national implemented programmes and activities aiming at educating children, parents, teachers, and/or society at large about child rights and/or child protection at national or sub-national level. By which actors were those commissioned, funded, and implemented?

The Department of Education and Skills is responsible for developing and implementing child protection procedures for schools based on the Children First: National Guidance. The aim of the [Child Protection Procedures for Primary and Post-Primary Schools 2017](#) is to give direction to school management and staff regarding the identification of and response to child protection concerns and the continued support of the child.³⁷⁵ It is the responsibility of the Department of Education and Skills to inspect and evaluate the implementation of these procedures for education staff. The board of management of each school is responsible to provide or access in-service training for teachers and members of the Board of Management to ensure that they have a good working knowledge of child protection issues and procedures. Each school has one designated Child Protection Officer responsible for ensuring child protection training for all staff, information for parents, and to follow up reports of suspicions of abuse and actual abuse.³⁷⁶

CPOs in schools are provided for in the school's budget by the Department of Education.

The National Educational Psychological Service (NEPS) provides psychological services to schools and support and advice to schools on child protection concerns and can also provide training to school staff on child protection and welfare issues.

³⁷⁴ Mallon, B., & Martinez-Sainz, G. (2021). Education for children's rights in Ireland before, during and after the pandemic. *Irish Educational Studies*, 40(2), 285-294. at 287.

<https://www.tandfonline.com/doi/epdf/10.1080/03323315.2021.1932552?needAccess=true&role=button>
³⁷⁵ Department of Education (2019) Child protection procedures in schools. Last updated 5 September 2023, <https://www.gov.ie/en/policy-information/d7be05-child-protection/>

³⁷⁶ Children First: National Guidelines for the Protection and Welfare of Children, 2017. at 58. https://www.tusla.ie/uploads/content/Children_First_National_Guidance_2017.pdf

The fourth strand of The Tusla's Prevention, Partnership & Family Support (PPFS) Program relates to public awareness of parenting and family support services which is informing the agencies communication strategy.³⁷⁷

The Ombudsman for Children's Office (OCO) has developed and published resource materials to assist educators to raising Awareness of Children's Rights among Children and Young People³⁷⁸, as well as lesson plans for children aged 4-17³⁷⁹ as part of its Children's Rights Education Initiative and Schools Programme, which includes a child rights toolkit and training workshops for teachers and school staff. Youthreach is a national programme that provides education, training, and support to young people who have left school early. The programme includes a strong focus on promoting social inclusion and equality, and often includes components related to children's rights and responsibilities.

The Children's Rights Alliance and Irish Council for Civil Liberties in 2019 published a child-friendly guide Know Your Rights Guide on the rights of child or a young person, partially funded by the Government and by other independent funding agencies.³⁸⁰ Since 2022, this is also available both Ukrainian and Russian.³⁸¹ In 2020, the Children's Rights Alliance published the child-friendly guide Know Your Rights: A Guide to Children's European Rights to Online Privacy and Safety.³⁸²

6.2 Promotion and awareness raising

6.2.1 Please provide information on awareness raising and/or promotion campaigns or relevant activities on child rights (possibly including on the EU Charter of Fundamental Rights) and/or protection issues targeting the general public or children in general at national or sub-national level. Please provide information on the most recent and representative awareness raising campaigns, including information on the target groups, the thematic areas covered, the actors involved, funding, the method of dissemination chosen and the impact of the campaign, if assessed.

³⁷⁷ Burns, K. and McGregor, C. (2019) 'Child Protection and Welfare Systems in Ireland: Continuities and Discontinuities of the Present', in Merkel-Holguin, L., Fluke, J. and Krugman, R. (eds). National Systems of Child Protection. Child Maltreatment, vol 8. Springer, Cham. doi: 10.1007/978-3-319-93348-1_7, page 9. <https://cora.ucc.ie/bitstream/handle/10468/13403/CORA%20copy.pdf?sequence=1&isAllowed=y>

³⁷⁸ Ombudsman for Children's Office (OCO) (2016) Raising Awareness of Children's Rights among Children and Young People https://www.oco.ie/app/uploads/2017/09/Tune-In_Youth-reach.pdf

³⁷⁹ <https://www.oco.ie/childrens-rights/education-materials/>

³⁸⁰ Know Your Rights Guide on the rights of child or a young person (2019)

<https://www.childrensrights.ie/sites/default/files/Know-Your-Rights-2019.pdf>

³⁸¹ <https://www.childrensrights.ie/resources/know-your-rights-guide-ukrainian-and>

³⁸² Know Your Rights: A Guide to Children's European Rights to Online Privacy and Safety (2020)

https://www.childrensrights.ie/sites/default/files/submissions_reports/files/Know%20Your%20Rights%20A%20Guide%20to%20Children%27s%20European%20Rights%20to%20Online%20Privacy%20and%20Safety.pdf

The Better Outcomes, Brighter Futures" ten-year national strategy for children and young people included a range of awareness-raising initiatives and campaigns. The first Children First Awareness Week took place in November 2021. The information campaign raised awareness about Children First and reminded everyone, including organisations working with children and young people, of our collective responsibility to keep children safe. As part of the campaign, a new website launched at gov.ie/childrenfirst where users could find key information about Children First. The website, which includes campaign videos featuring a Garda, a public health nurse and a social worker, and other social media content was supported by an advertising campaign across digital and mainstream media platforms. Planning is underway to rollout a second Children First Awareness Week later in 2023.

The Prevention, Partnership and Family Support programme (PPFS) was established with a significant awareness function and range of activities including internal awareness, Stakeholder awareness and public awareness strands.³⁸³ The PPFS public awareness and engagement work stream aims to support growing partnerships with stakeholders, funded agencies, partners, the general public and the children and families who use PPFS services.³⁸⁴

There is no information on funding of the most recent and representative awareness raising campaigns.

The Children's Rights Alliance published a booklet to raise public awareness about children's rights that flow from Ireland's membership of the European Union (EU). This document focuses on three themes: The rights of the child in the EU Charter on Fundamental Rights; The application of substantive EU law to children; EU policy and children³⁸⁵. However, there is no specific awareness-raising campaign on the EU Charter of Fundamental Rights about child' in Ireland.

6.2.2 Are there any awareness raising activities regarding complaint mechanisms at national or sub-national level, e.g. for the Optional Protocol to the Convention on the Rights on a communications procedure³⁸⁶? Please briefly describe.

³⁸³Tusla, Public Awareness, <https://www.tusla.ie/services/family-community-support/prevention-partnership-and-family-support-programme/public-awareness/>

³⁸⁴ Tusla, Public Awareness, <https://www.tusla.ie/services/family-community-support/prevention-partnership-and-family-support-programme/public-awareness/>

³⁸⁵ The Children's Rights Alliance (2013), A Guide to Children's EU Rights in Ireland, https://childrensrightrights.ie/sites/default/files/submissions_reports/files/GuideChildrenEURightsIreland1213.pdf

³⁸⁶ URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-communications> [12/12/2022]

Ireland signed the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and it came into force for Ireland on April 23, 2020. The Office of the Ombudsman for Children in Ireland is responsible for promoting awareness and understanding of the rights of children, including the complaints mechanism of the Optional Protocol. The office provides information and advice to children, young people, and adults on how to make a complaint to the UN Committee on the Rights of the Child. They also offer training and support to professionals, such as lawyers, social workers, and educators, to help them better understand the complaints mechanism and how to support children and young people who wish to make a complaint. In addition, several non-governmental organizations in Ireland work to promote children's rights and raise awareness of the Optional Protocol and the complaints mechanism. These organizations include the Children's Rights Alliance, the Irish Society for the Prevention of Cruelty to Children, and the National Youth Council of Ireland.

6.2.3 Are there any awareness raising or training activities at national or sub-national level on digital literacy, privacy and online safety for children, parents, teachers, and other relevant professionals?

The Irish government has established the Webwise program, which is part of the National Centre for Technology in Education. The program provides resources and training to educators, parents, and students on topics such as online safety, cyberbullying, and digital literacy. The Webwise website offers a range of resources (in English only), including lesson plans, videos, and advice for parents on how to help their children stay safe online. Safer Internet Day Ambassador Programme is a peer to peer youth programme that gives students an opportunity to start an online safety campaign in their own school. Each year 100 Post-Primary students take part with the support of the Webwise Youth Advisory Panel (30 teenagers from across Ireland).³⁸⁸

The Office of the Data Protection Commissioner in Ireland also provides guidance and resources on data protection, including information for children and young people on protecting their personal information online. This information is available in child-friendly language in English as 3 short guides.³⁸⁹

³⁸⁷ Tusla' (2019) Child Safeguarding: A Guide for Policy, Procedure and Practice (2nd edition)

https://www.tusla.ie/uploads/content/Tusla_-_Child_Safeguarding_-_A_Guide_for_Policy,_Procedure_and_Practice.pdf

³⁸⁸ <https://www.webwise.ie/trending/international-day-against-violence-and-bullying-at-school-including-cyberbullying/>

³⁸⁹ <https://www.dataprotection.ie/en/dpc-guidance/childrens-data-protection-rights>

Several non-governmental organizations in Ireland also work to promote digital literacy and online safety for children, such as the National Parents Council Primary, which provides information and advice to parents on internet safety and cyberbullying.

6.3 Promising practices

Please list and briefly describe any challenges and promising practice regarding child rights and/or child protection outreach activities/measure targeting relevant groups of society or society at large that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

The provision of educational resources by the Ombudsman for Children to educate children on their rights through the schools programme as well as raise awareness amongst educators draws on best practice in children's rights education. The Schools Programme is designed to be flexible and adaptable to the needs of individual schools. It includes a range of resources and activities, such as workshops and training sessions for school staff, classroom resources including lesson plans, activities, and worksheets, support to establish student councils and participation groups in schools and guidance and support to schools on how to develop and implement effective complaints procedures.³⁹⁰ It includes child rights toolkit and training workshops for teachers and school staff.

The National Council for Curriculum and Assessment (NCCA) published a new draft primary school curriculum in 2019 which includes a stronger focus on children's rights education via a new subject called "Well-being," which integrates SPHE, physical education, and aspects of social, environmental, and digital education.

The Department of Children, Equality, Disability, Integration and Youth (DCEDIY), established a Children's Rights Education Expert Advisory Group in 2019 to provide expert advice and guidance on the promotion of children's rights education in Ireland, identify best practices in children's rights education and promote their adoption by schools and other educational institutions, develop resources and training materials for schools and educators and engage with children and young people in the development of children's rights education policies and practices. The group is comprised of a range of stakeholders, including representatives from government departments, non-governmental organizations, and academic institutions.

³⁹⁰ <https://www.oco.ie/childrens-rights/education-materials/>

Safer Internet Day Ambassador Programme is a peer-to-peer youth programme that gives students an opportunity to start an online safety campaign in their own school.³⁹¹

³⁹¹ <https://www.webwise.ie/trending/international-day-against-violence-and-bullying-at-school-including-cyberbullying/>

7. Child participation and community engagement

7.1. Complaint procedures

Question	YES	NO	Comments
<p>7.1.1. Are there independent child complaints procedures (e.g. an ombuds institution) that are fully compliant with the Paris Principles³⁹² in place, with an ability to hear, review and enforce individual complaints from children?</p>		x	<p>The office of the Ombudsman for Children was established to promote and protect the rights and welfare of children in Ireland, and one of its main functions is to investigate complaints made by, or on behalf of, children about the actions of public bodies that affect them. The Ombudsman for Children has the power to investigate complaints, make recommendations, and enforce compliance with recommendations. However, it is important to note that the Ombudsman for Children can only investigate complaints about actions taken by public bodies and cannot investigate complaints about private individuals or entities.</p> <p>There is no clear indication of level of compliance with the Paris Principles concerning child complaints procedures. While the relationship between the Ombudsman for Children’s Office (OCO) and the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) is positive, the existing financial, recruitment and governance arrangements do not provide the OCO with the level of independence proposed by the Paris Principles and the Venice Principles.³⁹³</p>

³⁹² URL: [https://ganhri.org/paris-principles/#:~:text=The%20Paris%20Principles%20\(%27Principles%20Relating,are%20pluralism%2C%20independence%20and%20effectiveness](https://ganhri.org/paris-principles/#:~:text=The%20Paris%20Principles%20(%27Principles%20Relating,are%20pluralism%2C%20independence%20and%20effectiveness) [12/12/2022]

³⁹³ The Ombudsman for Children’s Office (OCO) (August 2022) Report of the Ombudsman for Children’s Office to the UN Committee on the Rights of the Child pursuant to the combined fifth and sixth reports submitted by Ireland under the simplified reporting procedure, <https://www.oco.ie/app/uploads/2022/09/Report-of-the-Ombudsman-for-Childrens-Office-to-the-UN-Committee-on-the-Rights-of-the-Child.pdf>

<p>7.1.2. Are there specialised Courts and compliant procedures with international standards in place for children in contact with the law and for children to access justice and seek redress and remedies for violations of the child protection rights?</p>	<p>X</p>	<p>Child care proceedings are mostly heard in a general and non-specialist District Court, using the same judges and the same physical facilities used for proceedings such as minor crime and traffic offences. In principle, the Child Care Act 1991 and the associated case law accept that the vulnerability of the parties and the sensitivity of the issues involved are such that they need to be singled out for a different approach to other court proceedings. However, it is questionable whether this aspiration has been realized in a system where child care proceedings are mostly heard in a general District Court, using the same judges and the same physical facilities used for proceedings such as minor crime and traffic offences.³⁹⁴ The Act grants Tusla the power to apply to the District Court for a range of child protection measures. The District Court is the lowest level of the Irish courts system; it is a court of local and limited jurisdiction. A single District Court judge adjudicates on child care proceedings.</p> <p>The principal legislation governing youth justice in Ireland is the Children Act 2001. The District Court sitting in this capacity is known as the Children Court with the same judges and the same physical facilities used for proceedings such as minor crime and traffic offences.³⁹⁵</p> <p>It is clear that in a significant number of cases, child care proceedings in the Irish District Court</p>
--	----------	--

³⁹⁴ O'Mahony, C., Burns, K., Parkes, A., & Shore, C. (2016). Child care proceedings in non-specialist courts: the experience in Ireland. *International Journal of Law, Policy and the Family*, 30(2), 131-157.

https://www.tusla.ie/uploads/content/Int_J_Law_Policy_Family-2016_Advance_Publication_Version.pdf

³⁹⁵ O'Mahony, C., Burns, K., Parkes, A., & Shore, C. (2016). Child care proceedings in non-specialist courts: the experience in Ireland. *International Journal of Law, Policy and the Family*, 30(2), 131-157.

		<p>fall far short of both of the essential prerequisites to effective child participation. Not only are children not always provided with the information necessary to ensure effective involvement in the case affecting them; the environment of the courts is often not conducive to the creation of a safe, child-friendly space.³⁹⁶</p> <p>The Children Court deals with all charges against children in respect of minor offences and may deal with an indictable offence (an offence that carries the right to a trial by jury) where the child consents. If the Children Court judge thinks that the offence with which the child has been charged is not a minor offence, or that the offence is one which should be dealt with in the Central Criminal Court, it may not deal with the charge against the child. In practice, the Children Court deals with the majority of indictable charges against children. In Dublin there is a separate Children Court which sits each working day but outside of Dublin the Children Court hearings are often held in the courtrooms where the ordinary sittings of the District Court are held, but on different days or at different times. The Children Court is a private court. Judges who sit in the Children Court can be required to do special training at the request of the President of the District Court. Standard induction training for all new District Court judges was first made available in 2020.</p> <p>The UN Committee on the Rights of the Child has recommended that Ireland: Ensure that all children have access to a lawyer in any legal</p>
--	--	---

³⁹⁶ Parkes, A., Shore, C., O'Mahony, C., & Burns, K. (2015). The right of the child to be heard: Professional experiences of child care proceedings in the Irish district court. *Child & Fam. LQ*, 27, 423. at 430.

			proceedings that affect them, including immigration and asylum proceedings; Establish specialised child-friendly courts and procedures, including child-sensitive interviewing techniques and measures to protect children's privacy; Ensure that children have access to effective remedies when their rights have been violated, including the right to seek redress and compensation. ³⁹⁷
--	--	--	---

7.2. Feedback mechanisms

Question	YES	NO	Comments
7.2.1. Are there government support for such as children's groups established at local/community level, and is a formal mechanism in place through which national/sub-national/local government receive and respond to the feedback and ideas from children and children's groups who have received child protection services?	x		<p>Complaints: The law requires Tusla to have a complaints procedure.(Part 9 of the Child and Family Agency Act 2013). Under the legislation, and in line with HIQA National Standards, anyone who uses Tusla services has a right to complain. The law also requires due regard for the best interest of the child under Part 2 of this act. Children may make a complaint by themselves without involving an adult.³⁹⁸</p> <p>Tusla has a dedicated Children and Young People's Participation Service that provides support and advice to children and young people who are involved with Tusla's services. They aim to involve children and young people in the planning and delivery of Tusla's services and</p>

³⁹⁷ United Nations Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Ireland, CRC/C/IRL/CO/5-6. 28 February 2023.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FIRL%2FCO%2F5-6&Lang=en

³⁹⁸ Tusla (2021) Policy for Feedback and Complaints,

[https://www.tusla.ie/uploads/content/1.Complaints_and_Feedback_policy_V2_\(Sept_2021\).pdf](https://www.tusla.ie/uploads/content/1.Complaints_and_Feedback_policy_V2_(Sept_2021).pdf)

		<p>encourage feedback and participation from children and young people.</p> <p>Tusla is primarily funded by the Irish government through the Department of Children, Equality, Disability, Integration and Youth. However, it might receive fundings from private donations or EU sources. The budget allocated to TUSLA is used to fund its services, including Children and young people’s participation.</p> <p>From 2016 to 2018, Tusla, with the support of Atlantic Philanthropies, made seed funding available to develop child and youth participation initiatives nationally. Each of the 17 Tusla areas had the opportunity to submit one or a number of proposals and apply for €21,000 per area. Each proposal was endorsed by their Area Manager and their local Children and Young Person’s Services Committee (CYPSC).</p> <p>https://www.tusla.ie/services/family-community-support/prevention-partnership-and-family-support-programme/participation/seed-funding-initiatives/#:~:text=From%202016%20to%202018%2C%20Tusla,for%20%E2%82%AC21%2C000%20per%20area.</p> <p>The third strand of the Tusla Prevention, Partnership and Family Support programme (PPFS) relates to the development of a participation programme for enhancing child participation which has developed training and practice within the Agency significantly and in line with the new Article 42A in the constitution</p>
--	--	--

		<p>concerned with listening to and taking account of the voice of the child.³⁹⁹</p> <p>The Ombudsman for Children’s Office (OCO) accepts complaints from children and young people under the age of 18, and also from adults on children’s behalf.⁴⁰⁰ They have a dedicated Complaints and Investigations Team that investigates complaints made by children and makes recommendations to improve services for children.</p> <p>The objectives set out in the National Strategy on Children and Young People’s Participation in Decision-making (2015–2020) state that:</p> <ul style="list-style-type: none"> ● Children and young people will have a voice in decisions made in their local communities; ● Children and young people will have a voice in decision-making in early education, schools and the wider formal and non-formal education systems; ● Children and young people will have a voice in decisions that affect their health and well-being, including the health and social services delivered to them. ● Children and young people will have a voice in the Courts and legal system. ● Promoting effective leadership to champion and promote the participation of children and young people;
--	--	--

³⁹⁹ Burns, K. and McGregor, C. (2019) ‘Child Protection and Welfare Systems in Ireland: Continuities and Discontinuities of the Present’, in Merkel-Holguin, L., Fluke, J. and Krugman, R. (eds). National Systems of Child Protection. Child Maltreatment, vol 8. Springer, Cham. doi: 10.1007/978-3-319-93348-1_7, page 9. <https://cora.ucc.ie/bitstream/handle/10468/13403/CORA%20copy.pdf?sequence=1&isAllowed=y>

⁴⁰⁰ <https://www.oco.ie/complaints/>

		<ul style="list-style-type: none"> ● Development of education and training for professionals working with and on behalf of children and young people, ● Mainstreaming the participation of children and young people in the development of policy, legislation and research <p>The final update report of the implementation of the strategy showed that 93% of actions were implemented or in the process of being implemented.</p> <p>The Department of Children Equality Disability Integration and Youth has a dedicated Participation Unit with responsibility for the implementation of the Participation Strategy and realising the right of children and young people to have a voice in decision making on matters which impact their lives. During the lifetime of the strategy the following mechanisms and structures have been established or enhanced to support government departments and State agencies to consult children and young people when developing policy, legislation, research and services.</p> <p>Hub na nÓg, the national centre for excellence on participation delivering expertise in participation of children and young people, bespoke methodologies and training.</p> <p>The National Participation Framework based on the Lundy model of participation and providing guidance</p> <p>Capacity Building grants and training programmes offer across government</p>
--	--	---

		<p>The National Participation Office-providing support and guidance to government departments and agencies wishing to consult children and young people and responsible for the maintenance and development of local youth councils, Comhairle na nÓg.</p> <p>Comhairle na nÓg local youth councils operating in each of the Local Authority areas and included in local level decision making</p> <p>The Comhairle na nÓg Five Year Development Plan-currently being implemented across all youth councils</p> <p>Dail na nÓg , the biennial youth parliament, and the National Executive of Comhairle na nÓg, elected representatives, one from each youth council, working on national level issues National Youth Assembly of Ireland, established in 2022 to facilitate young people aged 12-24 to consider issues of national importance (including climate issues and those relevant to life in rural communities) and make recommendations on appropriate actions to the relevant government Minister.</p> <p><i>The Children and Young People’s Participation in Decision-Making: Action Plan 2023-2028</i> is currently being developed, and will build on the structures and practice put in place or further developed under the first Participation Strategy.</p> <p>Barnardos, a national children's charity that provides support services to children and families, has a dedicated advocacy service for children who are in the care of Tusla or who have experience with Tusla's services. This service helps children to understand their rights and</p>
--	--	--

		<p>provides support for children who wish to give feedback or make a complaint about child protection services.</p> <p>Empower People In Care EPIC, a national organization that provides support services to young people who are leaving care, offers advocacy and support services to young people who have experience with Tusla's services, including support for those who wish to give feedback or make a complaint about child protection services.</p>
<p>7.2.2 Are community-based mechanisms functional across the country where necessary and per applicability and per protocols and procedures? Is their effectiveness monitored by independent accountability mechanisms?</p>	<p>x</p>	<p>Community based mechanisms include:</p> <p>Family Resource Centres (FRCs) that provide support services to families, children, and communities. They offer a range of services such as parenting support, education and training, and family counselling. FRCs work closely with Tusla, the Child and Family Agency, and other local organisations to identify and respond to child protection concerns in the community.</p> <p>Community-Based Child Protection Teams (CBT) are multi-disciplinary teams that work in local communities to identify and respond to child protection concerns. The teams are made up of representatives from Tusla, An Garda Síochána (the Irish police force), health services, and other local organisations. CBTs aim to provide early intervention and support to families to prevent child protection concerns from escalating.</p> <p>Children First Local Implementation Groups are established at a county level to ensure that</p>

		<p>Children First is implemented effectively in local communities. LIGs bring together representatives from Tusla, An Garda Síochána, health services, and other local organisations to identify and respond to child protection concerns in the community.</p> <p>Community-based referral mechanisms are used to refer child protection concerns to Tusla. These mechanisms are designed to encourage community members, including children and young people, to report any concerns they have about the welfare or safety of a child. Community-based referral mechanisms can include helplines, online reporting tools, and local reporting points.</p> <p>Tusla’s Quality Assurance and Compliance Monitoring framework includes regular audits of services, compliance checks, and performance monitoring. Local Implementation Groups (LIGs) are required to report on their performance and progress in implementing Children First at a local level. LIGs use a range of performance indicators to monitor the effectiveness of community-based mechanisms for child protection, including the number of child protection referrals, the timeliness of response to referrals, and the effectiveness of interventions.</p>
--	--	--

7.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child participation and community engagement that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

According to the former Special Rapporteur on Child Protection, the online child protection system is an area of weakness in Ireland at present, most particularly with respect to the lengthy and ever-increasing backlog in the forensic examination of ICT devices for evidence of child sexual abuse. Targeted investment and recruitment is urgently needed to rectify this difficulty. The pressures in this regard are likely to increase further if the proposed EU Regulation laying down rules to prevent and combat child sexual abuse becomes law, as this will likely increase detection rates.

Complaints from children are directly supported by a number of public bodies including the HSE.⁴⁰¹ However, there is evidence concerning the failure of these bodies on doing their statutory functions and duties. In the case of *X v HSE* [2021] IEHC 803 (the mistreatment of an adolescent child (Miss X) with a disability by the HSE), the Court found that the HSE had repeatedly breached its duty to perform its functions/exercise its powers lawfully and in a reasonable manner and at points even 'crossed the line into irrationality'.

Social workers are not sufficiently trained about the differences among children from different genetic and cultural backgrounds. This deficiency leads to mis assessment of the Child's age and their needs. Additionally, in the lack of awareness, the child's voice is dismissed.⁴⁰²

Promising practices:

The Child and Youth Participation Strategy is Tusla's first participation strategy, spanning the period 2019-2023. It sets out how Tusla plans to build a culture of participatory practice in both Tusla and Tusla-funded services. Tusla engaged and consulted with a wide range of stakeholders, in order to better understand the challenges and requirements involved in further embedding participatory practices. A consultation process involving over 300 Tusla staff, funded agencies and young people nationally occurred.⁴⁰³

Pieces of Us – A Children's Report to the UN Committee on the Rights of the Child was prepared through survey and consultations with children between 2021 and 2022. Authored by the OCO Youth Advisory Panel, published by the Ombudsman for Children's Office.⁴⁰⁴

The Ombudsman for Children's Office (OCO) carried out consultation with children living in Direct Provision accommodation focused on children's views of their rights under the United Nations

⁴⁰¹ <https://www.hse.ie/eng/about/who/complaints/ysysguidance/enabling-feedback/complaints-from-children.html>

⁴⁰² Malekmian, S., (12 April 2023) In just hours, with no guidelines, a Tusla social worker decided a young asylum seeker was an adult not a child, Dublin Inquirer, available at <https://www.google.com/url?q=https://dublininquirer.com/2023/04/12/in-just-hours-with-no-guidelines-a-tusla-social-worker-decided-a-young-asylum-seeker-was-an-adult-not-a-child/&sa=D&source=docs&ust=1681919928809847&usg=AOvVaw2Bm8pfBslDqtdhhRs7YxkO>

⁴⁰³ TUSLA, Child and Youth Participation Strategy, <https://www.tusla.ie/services/family-community-support/prevention-partnership-and-family-support-programme/participation/child-and-youth-participation-strategy/>

⁴⁰⁴ <https://www.oco.ie/app/uploads/2022/09/Pieces-of-Us-Childrens-Report-Ireland.pdf>

Convention on the Rights of the Child, on their experience of inclusion and exclusion.⁴⁰⁵ The result of this consultation was reflected in the National Standards for accommodation offered to people in the international protection process, published by the Department of Justice and Equality in August 2019. The Ombudsman for Children’s Office (OCO) developed a guide to Child-Centred Complaints Handling that sets out core principles of good practice for dealing with complaints made by or on behalf of children. The Guide intends to encourage and support organisations that provide services to children, and make decisions that impact on children, to deal with complaints in accordance with good practice and in a child-centred manner. This approach recognises particular barriers to accessing and participating in complaints processes affecting children and therefore makes procedures and practices adapted to meet children’s specific needs.⁴⁰⁶

⁴⁰⁵ Ombudsman for Children’s Office (2020) Report on Direct Division Children’s views and experiences of living in Direct Provision, <https://www.oco.ie/app/themes/oco/images/direct-division/pdf/Ombudsman-for-Children-Direct-Division-Report-2020.pdf>

⁴⁰⁶ A Guide to Child-Centred Complaints Handling https://www.oco.ie/app/uploads/2018/02/14665_OCO_child-centred-complaints_Update_Web-1.pdf