

Submission to the Department of Children and Youth Affairs on the Review of the Child Care Act 1991 September 2020

This submission aims to identify and inform the appropriate legislative approach, particularly in the important areas of family support and early intervention. The focus will be upon the 'identified gaps and new areas of development' and is made within the context of the three key themes:
Supporting Families and Children
Listening to the Voice of the Child
Interagency Work.

Basis of Daughters of Charity Child and Family Service (DoCCFS) experience and interest in this area.

DoCCFS is a not for profit public service organisation. We provide a range of therapeutic supportive services to children and families based in the greater Dublin region. We are committed to research and evaluation of our Service. The information gathered helps us to improve our service and to provide a high-quality service to families. Our Services include an Early Childhood Development Service (ECDS), Family Centre Service, Assessment Service, and Dublin Safer Families Service (DSFS)

ECDS - Our dedicated preschools provide early childhood care and education to children between two and six years and also provides support to parents and carers. Our centre in Mosney County Meath works with children whose parents are asylum seekers. Child development assessments in our centres lead to early detection of additional needs and appropriate plans for intervention and support are made through onward referrals to appropriate services such as Speech and Language, Occupational Therapy, Psychology, Assessment of need, etc. Parents are supported and included through the provision of parenting programmes, educational talks, Parents Advisory Committees, family fun days, sports days, and for therapeutic support to our Family Centres if this is needed.

Family Centres- Our work with children and families is done through evidence-based programmes and includes individual therapeutic support for the child, group work, family work, and advocacy. Family Centres are welcoming and non-clinical with professionally qualified staff working in partnership with parents and referrers to provide interventions that are therapeutic and supportive. Our main sources of referral are from TUSLA and by self-referral.

Assessment Service – Our specialist assessment teams only accept referrals from TUSLA Social Work Departments. This service has been conducting Initial Assessments where children are at risk of harm for approximately ten years and has extensive knowledge and experience of the interventions families and children experience. The staff are fully trained in Signs of Safety; the National Practice Model for TUSLA. The model is a strengths-based approach with rigorous focus on child safety and partnership work with children, families and their wider networks of support. Children and families who experience initial assessment can, and often are, referred to the Family Centers for therapeutic support or to DSFS if there is domestic violence in the family.

Dublin Safer Families Service – This service uses a family approach to domestic, sexual, and gender-based violence to increase family safety in order to prevent and stop domestic abuse. The service works separately

with the victim, children, and perpetrator, offering individual sessions to explore and work through their experience of violence within their relationships, offering both a listening and reflecting space. When safety for all has been established there is the possibility of joint sessions with family members. DSFS focuses on the problem of violence and abuse from the perspectives of all participants and is holistic, multi-dimensional, multi-perspective and reflective. This family approach explores risk and responsibility and works collaboratively with both clients and referrers. Referrals to this service are made directly by Social Work Departments or Probation Services.

We believe that DoCCFS's multi-dimensional holistic approach to supporting families and children that is life-long and often inter-generational, together with centres that are situated in rural, urban, sub-urban and a direct provision asylum centre places us in a unique position to make this submission.

DCYA - Current Consultation:

We note that the DCYA has postponed the consultation process with children who experienced interventions under the Act. We would like to declare our interest in this area and willingness to be part of any future workshops, focussed stakeholder groups, or other such events. We base our interest on our experience and evidence-based knowledge of the lives of these children. Our Assessment Service has been completing Child Protection and Welfare Initial Assessments in Dublin North and later, in Dublin North City as partner agents with TUSLA Social Work Departments for approximately ten years. Additionally, our ongoing research into the outcomes of interventions that work for the children who have attended our early years and therapeutic services is conducted with TRICC (Trinity Research in Childhood Centre). We believe we can bring valuable insight into this area from a number of perspectives.

New Part of Act - Our position On Guiding Principles.

- We support the premise that family-support and early intervention become firmly and centrally embedded in the Act.
- We support the use of Guiding Principles for the areas of timely decision-making, stability of care and promoting the rights and development of the child.
- We support the recognition of diverse family configurations in contemporary Irish society as part of the Act.
- We support the voice of the child is heard in decisions regarding their best interests and rights.
- We advocate for clear and specific direction within the Guiding Principles as well as blanket guidance. There must be no room left for doubt or debate in ensuring the needs of the children and families are fully met in each of the areas outlined.

Interagency co-ordination and collaboration.

All of the main child protection reviews and child deaths have highlighted poor interagency; work we are therefore strongly in support of interagency co-ordination and collaboration. For the proposal to make CYPSC a constructive interagency coordinator their current remit and practice in the following areas must be considered.

- Remit – currently CYPSC is looking at universal provision working to a three-year plan and holds responsible for ALL children and not just those subject to child protection and welfare issues.
- Membership – currently not all relevant agencies are represented on some CYPSC while others have so many agencies attending that it impedes functioning. We suggest mandated membership of agencies such as CAMHS, S&L, OT and others that would allow a holistic approach be taken to fully meet a child’s needs. Currently there is no, or very little joint working between such agencies. We strongly advocate that a culture of an holistic approach is created that fully meets the need of the child rather than the current piecemeal approach that often leaves children waiting for long periods to be seen. Rather than working in true inter-agency fashion, this piecemeal approach appears to encourage the practice of taking the child off a given agencies list with little regard for the shared responsibility for the child’s welfare that is the legal right of every child.
- Interagency information sharing – The matter of data protection has been a main stumbling block to the sharing of information among agencies despite the best will of those involved. This area needs to be considered and clear agreements put in place for the sharing of information within these forums.
- Voice of the child - We contend that there is currently no process for the voice of the child to be heard at CYPSC meetings other than via representation from agencies. We suggest a structure is created so that the children have a more immediate voice on CYPSC.
- Funding - We suggest that funding of CYPSCs is necessary to achieve the structured approach proposed if CYPSCs are to work without the inconsistencies that exist within the current voluntary arrangement.
- Functioning - We suggest a structure for CYPSC that includes regular mandated meetings, accountability, and retains the goodwill that exists in CCAC processes currently via shared trainings and think-tank style meetings to review the child and family’s needs within the local geographical area so that gaps in service delivery can be highlighted and addressed.
- Oversight - We suggest the future structure of CYPSC holds responsibility for regular review of Child Protection Committees in terms of how they operate.
- Ministerial Guidance - We suggest that the Ministerial Guidance on the implementation of the statutory duty concerning inter-agency co-operation and the compilation of Section 8 reports contains direction on times for achievement.

Early Intervention and Family Support.

We advocate that the Act includes use of a multi-agency review with a culture of information sharing that is firmly embedded in the best interests of the child within the family. We believe this must be also be specified within accompanying Ministerial Guiding Principles. We suggest the following areas are considered.

- Domestic Violence - The current focus on domestic violence support is not family support based. There is a necessity for the Act to specifically name the approach to domestic violence in terms of early intervention and prevention as a Family Support Approach.
- Voice of the child - The silent voice of the child experiencing domestic violence also needs to be a main focus within the Act as due to the nature of this abuse, their ability to speak without fear of retribution is of concern. Provision needs to be made to ensure that either GAL or an agency working with the child can support them in making their views heard.
- Interagency working – Currently inter-agency work, particularly in the area of child-protection, too often results in a process of opening the case to TUSLA, referring to a partner agency and closing the case to TUSLA only to re-open as more child-protections concerns occur. While partner agencies such as ourselves will attempt to continue to work with the child and the family, Meitheals must close if a child protection issue arises. This style of open/close/open has been shown in the literature to result in long-term and intergenerational behaviour that continuously leaves children without the childhood defended by Irish legislature and promised in Children First and Better Outcomes, Brighter Futures.
- Nor is this practice of dealing solely with a current issue without an interagency approach confined to social work. For example, CAMHS have no remit to take an inter-agency approach to children who attend them and, while some CAMHS are excellent, others maintain a distance with other agencies working with the child thus removing opportunities to share information about their needs.
- Poverty - With 8% of children currently living in consistent poverty with negative impact on their healthy development, there is an urgent need to take a holistic approach that can only happen with true interagency work where transitions between services can be supported

Voluntary Care Agreements

- Voluntary Care agreements are often discussed in situations where it is known that a family is struggling. We suggest use of a pre-safety plan that is created during the period of struggle rather than when the child is taken into care. We suggest use of such pre-safety planning would help avoid the trauma children experience when, as happened recently in one of our centres, staff members were asked if they could take the child home until the care arrangements could be sorted out.
- Family care – we suggest this is supported with training available to family members willing to take on the role of voluntary carer. We suggest standards be implemented for voluntary carers that includes reporting and addresses financial issues.

Unaccompanied children seeking asylum and taken into care

- The voice of the child – we advocate that the voice of the child be actively sought and their wishes listened to.
- Residential care – we suggest that these children be eligible for foster care and adoption rather than being put into residential care.

Accommodation for homeless children

- Family Hubs and interagency working – Currently, placing a child in a family hub meets their need for accommodation but too often, for very little else. We suggest that TUSLA be mandated to take an interagency approach to involve other agencies and co-ordinate the care of the child. Such an approach is necessary to meet the child's needs for such things as therapeutic support, places to play, places of access with their other parent if necessary, parenting support to reduce the impact of parental stress and anxiety on the child, and close access to their existing schools.
- The child's voice – We believe that children should be given the opportunity to name the important adult in their lives, the one person who they connect with and who supports them and that this information becomes part of any plans for their care. Connections such as the one important adult are vital to keep for children's healthy and safe development and they are often ignored or lost when accommodation becomes the number one necessity for any family.

Interim Care Orders

- Annual reporting obligations – we suggest these need to include a care-plan that names future planning for the child and what services are available to meet that plan.
- Review – we suggest that reviews are held after the 29 days and then on a monthly basis. Such reviews should consider the impact of no permanent home, the impact of loss of future life, and the loss of voice the child experiences.
- New model – we suggest that rather than removing a child from the family home a worker is assigned to work with the family and stay with them. Such a worker would provide stability and opportunities to create attachments such as are important for the sake of the future mental health of the child.

Supervision Orders

- Supervision orders and disguised compliance – we suggest that when multiple supervision orders are granted there is a necessity for close scrutiny. Our experience in this area is one of disguised compliance by parents rather than true efforts to change.

Jurisdiction – operation of the courts and hearing of proceedings.

- We support the use of ADR as a positive move for children and suggest that it should be implemented prior to any court hearings.
- We suggest the creation of Standards Course for children that occurs prior to court hearings and allows them to understand such things as what happens in court, where they stand and so on.

Voice of the child

- We give our complete support to the proposed solutions.

Corporate Parenting

- We advocate that the proposed solutions in this area be implemented sooner rather than later.

Further Comments.

In a recent submission to TUSLA's corporate planning we outlined our ongoing concerns for children and young people with multiple and intergenerational needs who attend our services. We submitted that, while TUSLA has made considerable progress in service delivery and does many things very well and is to be commended for the introduction of a national practice model 'Signs of Safety' (SoS) there are practice issues with this model that leave vulnerable children without support due to the focus on 'current harm'.

We believe this area needs to be addressed by DYCA as well as TUSLA and base this on the statistical data that, in 2019 alone, we completed notifications for 41 children where there were three or more incidents of risk of harm across the categories of Neglect, Physical Abuse, Emotional Abuse, and Welfare. We were further compelled to make this submission from research into Adverse Childhood Experiences undertaken in conjunction with TRiCC (Trinity Research into Childhood Centre) since early 2018 where preliminary findings showed that *"Over 90% of children in our research in 2018 experienced a stressful life event. As part of our research, and to gain a full understanding of the children's needs, we analysed how each family may have been involved with Social Work. The following is, unfortunately, not an unfamiliar story to our Service but serves to illustrate the problem. The story is the history of two young teenagers who were involved in anti-social behaviour in 2018.*

The family first came to the attention of the Social Work Department (SWD) 2009 when multiple referrals were made from both parents making allegations against each other. A Section 20 was completed and the case was referred to the Child Protection and Welfare Team in the SWD. Referrals and notifications continued to be submitted by both the parents and other professionals involved in the family from 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, and 2017. Six CPWRF's were submitted in 2018 by our Family Centre Service. These children's files were opened and closed multiple times by Social Work.

In the current Signs of Safety Model there is an emphasis on working in partnership with families and communities in addressing children's needs, however in reality the practice can be very different. Our workers have observed that the interventions and supports offered are reactive and aimed at resolving immediate safety concerns rather than addressing the underlying issues and past harms. While the past harm and previous social work involvement is named, the SoS Model seeks solely to address the current harm. As a result, little effective work is done to break or prevent a continuing cycle of neglect that is, or can become, a multi-generational problem.

We believe, as we have suggested in this Review of the Childcare Act Consultation Paper, that a broader family-based approach to child-care is necessary to take into account intergenerational adversity and the patterns that shape the 'current harm' of these vulnerable children. We advocate that, within CYPSCs new role as proposed, there is provision for reviewing how TUSLA practices Child Protection. We submit that there is an urgent need for the State to be active in adopting and implementing this approach alongside collaborative interagency working.

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