

Irish Association of Social Workers
submission to the DoC&YA on proposed changes to the Guardian
Ad Litem Service

The Irish Association of Social Workers is the national professional body for social workers in the Republic of Ireland. Currently many Guardian Ad Litem are registered social workers.

The Guardian's opinions are highly regarded by the courts and as such their qualifications and experience should reflect this level of esteem. The IASW believes that all Guardian Ad Litem should be social work qualified and registered with CORU. They should have 5 years, post-qualifying experience and in addition, experience of working directly with children and/or experience of working within the child protection field for at least 3 of those 5 years. Exceptions may be made for those social workers who can demonstrate a high level of expertise in working directly with children and eliciting their views (e.g. have additional qualifications such as Play Therapy) or who have attained additional qualifications relevant to the role.

The IASW is of the view that the Guardian Ad Litem service needs to be a clearly managed service with transparent structures of recruitment, oversight and regulation. As GALs are appointed by the Court, this new Agency would best sit better within the Courts Service, funded by the Dept of Justice & Equality.

It is important to standardise practice for GALs across the country and to this end a comprehensive job/role description should be made available, explicitly stating the boundaries of the role. The role of the GAL is primarily to be the voice of the child, and it should be detailed as to how should this be incorporated into practice (e.g. attending meetings with the child; attending court; visiting regularly with the child in and out of placement). The job/role description should clearly delineate between the role of the GAL and that of young person's social worker and social work team leader. This description should also be made available in child friendly format to ensure children are included in the process.

There should be a clear complaints structure within the new agency/service, including a mechanism for identifying when Guardians are not fulfilling their brief, breaching any standards such as confidentiality, recording, etc. A feedback mechanism should be developed for young people, either through the Courts or TUSLA regarding their experience of having a GAL.

Guardian's documents and notes should also be subject to FOI and their recording mechanisms and the security of documents, information, etc. should be in line with current standards and practices. They should be HIQA compliant including being password protected, having protocols for the secure storage of information, etc.

In respect of the information that GALs are privy to, this should be limited to what is directly relevant to the needs of the child that they are representing. For example, recently there have been situations where Guardians have been granted access to information in respect of the assessment and supervision of foster carers. In our opinion this is rarely appropriate and may have the knock on impact of confidential

information about foster carers being shared more widely than they want or appears necessary.

It is our belief that it is unnecessary for Guardian's (as officers of the courts) to be legally represented, unless there is a very specific need to represent a specific legal point. Legal representation of Guardians should only need to be only in exceptional and very specific circumstances.