



Submission from

The Irish Society for the Prevention of Cruelty to Children

to

Universal Periodic Review (Cycle 2)

23rd October 2015

Submitted on behalf of ISPCCC by Lisa Collins, National Advocacy and Policy Officer

ISPCC Background

The Irish Society for the Prevention of Cruelty to Children (ISPCC) is the national child protection and child welfare charity. We develop and deliver a range of services to keep children safe, including the national listening service, Childline, which answered over 460,000 calls in 2014. Furthermore we provide a range of prevention and early intervention services to children and families across Ireland, and we invest heavily in quality assurance to ensure our services meet the highest standards and deliver positive outcomes.

For more information see www.ispcc.ie/services

Introduction

The ISPCC welcomes the opportunity to provide feedback and insight as part of Ireland's Universal Periodic Review. While much progress has been made in the area of legislation, service provision and recognition of children's rights, we know from engaging with children through our own services that many are still experiencing inequality, insufficient support services and in some cases completely inappropriate responses from statutory bodies and services.

Resourcing and implementation is key. There have been a plethora of reports and recommendations whose aim has been to address children's needs, protection and rights but these must be followed through in order to see real change. The ISPCC has also been concerned with numerous delays in the passage of vital Bills through the Houses of the Oireachtas. Some specific legislation pieces are included below.

The ISPCC is commenting on the issues on the basis of our experience in child protection and providing services to children. We look forward to feeding into the consultation process further and are available should further information be required.

Achievements since 2011

Children’s Referendum; recognising children in the Constitution.

On November the 10th 2012, the Irish people were given an historic opportunity to ensure that children in Ireland are better protected, respected and heard. The Thirty-First Amendment of the Constitution (Children) Act 2012 was signed into law 28th April, 2015 and as such must now be a cornerstone in all legislation and policy. The voice of the child is at the core of ISPCC’s work and as such we campaign tirelessly to see that it be a core consideration in all areas of policy making. While this is a work in progress, the ISPCC will continue to monitor new policy and legislation to ensure that the voice and best interests of children are at the heart of decision making.

Department of Education’s Anti-Bullying Procedures for Primary and Post-Primary Schools

The introduction in 2013 of the Department of Education’s Anti-Bullying Procedures¹ for Primary and Post-Primary Schools was overdue and most welcome. The ISPCC works with schools all over the country using our Shield My School Anti-Bullying toolkit, assisting them in finding a suitable tailored approach to bullying in their school which also aids compliance with the Department’s procedures.

TUSLA– The Child and Family Agency.

The Child and Family Agency Act 2013 established TUSLA with effect from 1 January 2014. The establishment of this Agency was an essential step in developing a more robust and fit for purpose children protection and welfare system. At the time of the commencement of TUSLA the ISPCC urged that sufficient resources be provided to enable the Agency to carry out its essential remit. See below for further discussion on this.

Legislation

A number of key, overdue legislative pieces were enacted in recent years which combined should contribute to a more robust and multifaceted child protection and welfare system.

- *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Adults) Act 2012*
- *National Vetting Bureau Act 2012* - Ongoing monitoring of vetting practises is imperative to ensure that the system is sufficiently resourced and prioritised to avoid any unnecessary delays in vetting those working with children.
- *Children and Family Relationships Act 2015* - This legislation requires significant investment to ensure the institutional changes set out are achieved.
- *Marriage Equality Referendum & Marriage Bill 2015* - sends a very strong message to the children and young people across Ireland that they are valued equally - irrespective of their sexual orientation.

¹ <https://www.education.ie/en/Publications/Policy-Reports/Anti-Bullying-Procedures-for-Primary-and-Post-Primary-Schools.pdf>

- *Gender Recognition Act 2015* – the ISPCC strongly urges that an amendment be incorporated so that transgender children under 16 years are included in the legislation and provision is made to enable young people to live their lives in the gender of their identity.
- *Children First Bill 2014** - the ISPCC welcomed the long overdue publication of the Children First Bill; legislation which aims to ensure that all those who provide services to children are required to commit procedures for child protection and child safety. Implementation will require:
 - o sufficient resourcing
 - o a significant public education campaign to ensure the new law is heard and understood
 - o accessible guidance and advice for all organisations in Ireland to understand the requirements placed on them
 - o ongoing investment in Garda vetting arrangements to ensure the legislation works in practice.

*In October 2015 an amendment to the Children First Bill proposed to remove the defence of reasonable chastisement from common law. The ISPCC believes that this sends a strong message, echoing the result of the 2012 Children’s Referendum that we, as a society, value children and that they must be treated equally before the law. See further discussion below.

- *Criminal Law (Sexual Offences) Bill 2015* - aims to implement wide ranging reform in the area of sexual offences and offer greater protection to children from sexual exploitation.
 - o The inclusion of new criminal offences to protect children against grooming along with new measures to protect children from online predators is to be welcomed.
 - o The ISPCC also supports the introduction of stronger sanctions for offences committed and the inclusion of provisions to address peer to peer sexual activity.
 - o However, the ISPCC is concerned with the apparent omission of risk assessment guidelines and the provision of post release supervision of sexual offenders.

Ongoing Issues which require immediate action

Corporal Punishment/Parenting Support

In October 2015, the ISPCC welcomed an amendment to the Children First Bill which would see the removal of the defence of reasonable chastisement from common law. This is a very positive change for children in Ireland and the ISPCC urges the Government to ensure the swift enactment and implementation of the Bill. However in tandem with legal provisions, the ISPCC believes that the comprehensive, quality support and education of parents is essential in actively discouraging slapping and promoting positive, non-violent forms of discipline. A legal ban would serve the purpose of removing slapping as an option for parents and would steer and support parents to find alternative disciplinary methods. An ISPCC/Children’s Rights Alliance survey² found that two thirds of adults believe that there is not enough information available to parents relating to alternative

² http://www.ispcc.ie/file/351/17/18_0/ISPCC+B%26A+Slapping+Survey.pdf

methods of discipline. The response to this we believe is a large scale public awareness campaign about positive parenting approaches as well as promoting where to go to get support. Universally accessible parent supports in communities would be hugely beneficial to parents and families and the ISPCC urges the Government to provide such supports.

Children's Cyber Safety

Online safety is the child protection issue of our time. Last year, thousands of children contacted Childline about violence, abuse or bullying - much of which happened online. As technology advances, new risks for children are emerging- including child exploitation; privacy breaches; grooming, violence and abuse. While these extreme cases continue to affect a minority of children, online usage presents myriad of other general risks- including online bullying, access to age inappropriate content, and access to violent imagery. ISPCC sees at first hand the impact on children of viewing age inappropriate content- in particular the harm it can do to a child's development, the impact it has on their own relationships and how it can impact a child's understanding of acceptable behaviour.

The ISPCC is calling for the establishment of a Task Force on the issue- one which includes government, agencies, independent organisations, the technology industry and children and young people. The Task Force should review the efficacy of the existing legal framework, and should have prevention, detection and response as its core priorities.

Tusla resources & 24 hour social work services

The establishment of the Child and Family Agency in 2014 provided Ireland with a new institutional architecture for ensuring the provision of services to children and young people. However since its commencement the ISPCC has been concerned about lack of resources and overstretched services and social workers.

The capacity of TUSLA has been stunted following years of reduced spending and there is now difficulty striking an effective balance between early intervention/prevention services and crisis response. The ISPCC believes that a balanced combination of capital and revenue investment in TUSLA - and in particular in the provision of social work services for children - is of immediate necessity. The need for support services is clear from the demand being placed on the ISPCC's Childhood Support Services across the country. At the end of June 2015 there were a total of 247 families on our waiting list for this service.

The ISPCC has been calling for the establishment of a directly accessible 24-hour on-call social work service for children, and this service is long overdue³. ISPCC supports the case made by TUSLA for increased investment in skilled social work staff, and would reiterate that investment of this kind has an immediate positive impact on waiting lists and a knock on impact on other services.

Following the publication of Budget 2016 the announcement was made that TUSLA's funding would be increased by €38million, to include the delivery of a national Out-of-Hours Social Work Support

³ The UN Committee on the Rights of the Child has previously recommended that Ireland put in place a nationwide 24-hour service, and this was reiterated by the Children's Ombudsman in its April 2015 Report to the UNCRC, along with a broader recommendation to sufficiently resource the Child and Family Agency.

Service to An Garda Síochána; this is to be welcomed as a positive first step however it is not sufficient. The ISPCC believes that such a 24 hour services must be directly accessible to children and families. The ISPCC welcomed this funding increase to TUSLA but is still concerned that this may not be enough to sufficiently fund the Agency beyond a fire fighting crisis response; however we will continue to monitor this.

Homelessness and families

Children are directly affected where families are at risk of, or where they experience homelessness. There is substantial research available to demonstrate the impact of homelessness on children- both in terms of their physical and mental health and well-being, their ability to retain important social networks, risk to their educational attainment and access to safe spaces to play.

To protect children, other countries have placed and the ISPCC believes a similar approach is necessary in Ireland to prevent child protection risks where families with children may have to share communal areas.

ISPCC has significant experience in providing direct support to vulnerable children (including those who beg), through our Child and Family support services, and our 'Leanbh' service⁴. We are extremely concerned that increased homelessness, with resultant pressures on hostel and emergency accommodation, could result in significant rough sleeping among children.

The ISPCC has recommended several urgent interventions by government to respond to child homelessness which requires priority investment:

- Ban the provision of unsuitable hostel or other emergency accommodation for children- on the basis that it is ill-equipped to meet their needs
- development of purpose designed temporary accommodation for households with children which is fit for purpose and with child protection and welfare at its core
- well managed accommodation with access to onsite support services
- aim to move families with children out of temporary supported accommodation within six weeks
- Prioritise the development of general needs family housing in partnership with social housing providers.

Mental Health Services

In 2014, the ISPCC provided support services to 490 children and families in need of our therapeutic services to build their resilience to cope with the challenges they face. Our experience of working with children and families demonstrates that we must have a more effective balance between a system which responds to need in times of crisis, and a system which promotes proactive mental health. Investment in ongoing proactive mental health care delivers greater value for money in the long term.

⁴ 'Leanbh' was established in 1997 by providing direct support to children and families entirely reduced the number of sightings of children begging in Dublin. In 2014, Childline responded to 1074 contacts from children in relation to homelessness, asylum, or children running away from home.

A March 2015 report from the Children’s Mental Health Coalition highlighted demands for CAMHS and evidence from our services since the beginning of 2015 shows no signs of reducing demand. ISPCC Childhood Support Workers also report increased complexity in their caseloads, as a direct impact of pressure on mental health services.

The ISPCC is concerned that the original intentions as set in Vision for Change (2006) have not been fully implemented. The recently launched National Strategy to reduce suicide “Connecting for Life” which takes a whole of Government approach is a very welcome development. The National Office for Suicide Prevention (NOSP) will need to be adequately resourced so that all the goals outlined can be achieved.

The ISPCC believes that while the ideal is to increase investment in proactive and responsive services, given the level of demand, investment in children’s mental health services for 2016 should prioritise children in greatest level of need to enable crisis intervention support to take place, and to reduce the backlog across the country. In addition, with the coming together of child and family services under the remit of TUSLA the ISPCC believes that a more cohesive and appropriate approach would be achieved with the inclusion of CAMHS under this remit.

Children in Direct Provision and relevant legislation

The ISPCC has been providing support services to children and families living in so-called Direct Provision and we have publicly welcomed the recommendations contained in the recent report from the working group on Ireland’s asylum and protection process, and the establishment of a group to oversee implementation of the recommendations. Following Budget 2016 it was disappointing that the recommendations of the working group were not acted upon and the €9.10 allowance per child remains unchanged.

The ISPCC has been increasingly concerned with the delays in taking action on the recommendations to improve conditions for those living in direct provision and for those who will undoubtedly be left behind as new programmes are put in place to deal with a further influx of vulnerable asylum seeking families. A two-tiered system must not be allowed to develop. Ireland must meet its obligations in an equitable and expedited manner with a focus of human rights at the core.

This year the Health Information and Quality Authority published a report and raised serious concerns over the safety and welfare of children living in direct provision⁵. Furthermore, the Ombudsman for Children has also voiced grave concerns. The ISPCC urges the widening of the remits and responsibilities of both HIQA and the Ombudsman for Children so that inspections and investigations may be undertaken to ensure the standards of living and rights of this vulnerable group are prioritised.

The ISPCC has on numerous occasions raised concerns regarding the delays in drafting and implementing legislation for the protection of children seeking asylum. The Immigration Residence and Protection Bill 2010 was stalled a number of years ago and as such the publication of the General Scheme of the International Protection Bill was very much welcomed. It is imperative now

⁵ <http://www.hiqa.ie/press-release/2015-05-25-findings-hiqa-inspection-child-protection-and-welfare-services-provided-chi>

that this legislation maintains the best interests of children at its centre and endeavours to treat individuals as children first and asylum seekers second.

Victims support – EU Directive

The ISPCC was pleased to have been invited recently to address the Joint Committee on Justice and Defence to participate in pre-legislative scrutiny of the Victims of Crime Bill. This proposed legislation would see among other things, that Ireland fulfils its commitments under the EU Directive on establishing minimum standards on the rights, support and protection of victims of crime. At this point, the draft legislation must be strengthened to bring it line with the EU Directive. The ISPCC recommended that timely and age appropriate information and supports be available to children who have experienced crime. The Bill must acknowledge and ensure that supports are available to “secondary victims” of crime; those who perhaps witness a crime, for example children as witnesses to violence in the home. In addition it was also highlighted that at the time of the Commission to Inquire into Child Abuse the HSE National Counselling Service was set up to support adult victims of child sexual abuse. The ISPCC believes that such a national service is needed for child victims of sexual abuse; a single pathway, specialist support for victims of such crime.

The ISPCC appreciates the opportunity to make recommendations through the mechanism of the Universal Periodic Review and looks forward to consulting further on the issues.