

Submission to the Joint Committee on Health and Children on the Heads and General Scheme of the Children First Bill 2012

The Irish Association of Social Workers (IASW) welcomes the opportunity to provide a response to the proposed Children First Bill 2012.

This submission will look at the implications of the proposed Children First Bill 2012 from the perspective of social workers employed in the Children and Families Service in the HSE as well as raise some issues that arise for voluntary, community and other services dealing with children.

Social Work in the Children and Family Services

Introduction

The Children First Bill needs to be considered in the context of the 1991 Child Care Act. The 1991 Child Care Act, part II (Welfare of Children) section 3. Section 3, 1 states: “It shall be the function of every Health Board (HSE) to promote the welfare of children who are not receiving adequate care and protection. Section 3,2 describes the functions that are covered by the Children First Guidelines and Section 3,3. states: “A Health Board shall, in addition to any other function assigned to it under this Act or any other enactment, provide child care and family support services”. **It is important to note that the Act recognises the inextricable link between prevention and protection and gives them equal weight.**

Welfare versus Protection

The Children First Bill, which proposes to put the national guidelines for the protection of children on a statutory footing deals with the reporting procedures for professionals and organisation of allegations of abuse and is silent on the early intervention measures that need to be in place to ensure children can be supported in their families, which forms part of the 1991 Child Care Act.

In 2007, the Department of Health and Children brought out a Policy Handbook, which set out the strategic direction in relation to children’s health and social services in Ireland. It outlines the importance of better outcomes for children and sees this achieved through a whole system-focused approach to service delivery that covers a continuum of services from

prevention, early intervention and protection as well as out of home care. It advocates the use of comprehensive Family Support Services based in the local community.

To deliver comprehensive Child and Family Services social work teams needs adequate staffing numbers as well as back up resources like; day nurseries, family support services, family resource centres, springboard services, foster care and assessment services, neighbourhood youth services, youth teams, day foster care services and administrative support etc. as well as appropriate residential and foster care placement. In the present financial crisis, community and other support services have either had their budgets cut or have closed down, leaving social workers with fewer choices to offer families and children in order to prevent abuse or provide appropriate placements in case of confirmed abuse.

The IASW is concerned that the emphasis on Welfare and Protection will change to a Protection-only emphasis as part of the introduction of this legislation, due to the lack of staff and resources available. The financial crisis has curtailed or discontinued the funding for the provision of community and other support service, leaving vulnerable families without the support they need.

Staffing

Historically, social work services in Ireland have been very under resourced and the number of social workers per head of population has always been significantly below the international average. During the implementation stages of the 1991 Child Care Act, between 1993 and 1996, some funding for additional staff and back up resources was made available, however the service continued to be under-resourced as the demand increased. As part of the implementation of the Children's First Guidelines, the HSE put personnel in place to provide training, advice and information on the Guidelines as well as additional social work posts.

Unfortunately, at the end of 2002, the Government implemented an embargo on the recruitment of all government staff and most social work teams lost posts. This staffing embargo was followed by a further embargo in November 2007 and further posts were lost. Following the publication of the Ryan Report in 2009, the Government gave a commitment to recruit 200 additional posts and these have gradually been put in place but further budgetary restrictions have continued to create staffing difficulties in social work teams,

which has resulted into a crisis driven service, with a lack of early intervention and lack of support for children in care etc.

The IASW is concerned that the proposed Children First Bill 2012 will further overload an already much stretched system. The evidence in other jurisdictions, that have brought in this type of legislation, is that the reports of alleged abuse vastly increased and most reported cases were found not to be of concern. While that can be seen as a positive outcome, it does still mean that each case needs to be assessed fully and will take up social work time unnecessarily and deprives vulnerable families and children of services they badly need and may mean that these services will not be able to be provided..

The IASW is concerned that social work teams are very short staffed, are under resourced and are not able to deal with their present responsibilities under the 1991 Child Care Act and that, unless there is a substantial increase in staff and resources, the introduction of this Bill and the inevitable increase in referrals, will further deprive vulnerable families and children of a comprehensive social work service.

Additional responsibility for the HSE

Under the proposed Children First Bill 2012, the HSE will have been given the responsibility to ensure that: i.e. the act has been complied with by an agency or organisation, take court action when an organisation is in breach of the act, provide staff training, provide advice to agencies etc. Will there be additional funding and staff to carry out these duties to comply with the Bill, whilst not affecting current provision?

The IASW is concerned that the additional staff and funding costs may affect service provision during this time of economic crisis and future budget cuts.

Additional responsibility for agencies and organisations.

Agencies and organisations have been given a number of additional responsibilities, i.e. increase in formal training for staff, developing their own keeping children safe plan, annual audits and providing an audit report to the HSE. These additional responsibilities will add to the administrative tasks and may divert services from vulnerable children and adults. Will there be additional funding or staff available for these tasks? This can be a more onerous responsibility for very small organisations and some may decide to close their service and

thereby deprive some service users of valuable support. Some service providers may not have sufficient staff to comply with the demands in this Bill, like the audit committee.

The IASW is concerned that the additional administrative responsibilities on service providers may affect the service offered and/or close a number of smaller services.

The Need for Children First Bill

One of the recommendations of the Ryan Report was to put the Children First Guidelines on a statutory footing. This was understandable at that time, due to the revelation of abuse and the reluctance of the Catholic Church to report cases of the abuse to the authorities in the past. Helen Buckley, in her article in the Irish Times of 9/5/12, outlines that since the publication of the Ferns report in 2005, the church has come “under a greater of degree of audit and scrutiny than any other organisation”. She goes on to say that Irish people are very aware and concerned about child welfare and the increase in the level of reporting in Ireland is high. “In 2000, the number of cases reported to child protection services was just more than 9,000 and the proportion of substantiated reports was 35 %. By 2009, the number of reported cases had almost tripled to more than 26,000 and the rate of substantiation had fallen significantly to below 10%”. (Buckley, IT 5/9/12). Those statistics provide an insight into the fact that the rate of reporting does not necessarily mean that more abuse is discovered as the actual number of substantiated cases has gone down from approx 3,000 in 2000 to approx 2,600 in 2009.

The introduction of a criminal sanction in other jurisdictions, as proposed in the Children First Bill, has resulted in a large amount of abuse referrals, that all have needed to be assessed and needed a large increase of staff and resources. It is very unlikely that these will be made available in the near future.

The experience in Ireland is that there has been intensive education, training and information provided by the HSE, which was introduced as part of the Children First Guidelines in 1999 and this measure seems to have paid off. It would be preferable to ensure on-going compliance and support for reporting of Child Abuse through the use of education, training and information rather than through criminal sanction.

In view of the negative experiences with the introduction of this measure in other jurisdictions, the high level of reporting in the Irish population in general, the lack of funding available to increase staff and resources; the IASW questions the need for this Bill at this time.

The most urgent need at present is to ensure that the social work service is adequately resourced and that administrative support structures are in place to allow the social work service to meet its statutory obligation to children and their families under the Child Care Act 1991.

The IASW would be happy to discuss any of the issues raised in this response with the Joint Committee on Health and Children.

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