

Submission by IMPACT trade union

To: The Office of the Minister for Children and Youth Affairs

Re: Report of the Commission to Inquire into Child Abuse

Tuesday 30th June 2009

Introduction

IMPACT trade union has sought the input of members working in the areas of social care, social work, psychology and counseling for their observations and comments on the recommendations contained within the report. This includes input from the Vocational Group for the counselor/therapists and directors of the National Counseling Service for adult survivors of childhood abuse (NCS).

Overall, we note that each of the headings calls for a more child-centred and holistic approach to the provision of care to children, with stronger lines of accountability, more independent monitoring and appropriate reporting.

Broadly speaking, the scale and scope of these recommendations are welcome. Coming to terms with the history and culture of institutional abuse in Ireland is not easy. These recommendations represent the first explicit undertaking to confront that abuse and make determined commitments to respond to the needs of survivors, as well as create conditions where the needs of the child and the prevention of abuse are central in all aspects of planning and delivery of residential childcare.

However, there is no escaping the fact that for almost every recommendation to be fully implemented in a meaningful way, the appropriate resources need to be put in place. In making this particular observation, IMPACT must acknowledge the fact that the current economic crisis creates additional problems in trying to secure the necessary resources to implement the recommendations. Despite the resource issues, the report places a moral responsibility on the State, and those of us employed in the service of childcare services, to ensure that the appropriate resources are made available, so that all of the available support and care services can be delivered to survivors of abuse and children who spend any time in the care of the State. There is an historical imperative not to fail in this regard.

The recommendations in the report aspire to place the corrupt and abusive culture of childcare institutions, identified in the report and documented by survivors, in the past. For these aspirations to be realised, we must make a cultural separation from the idea that institutions should be afforded protection in excess of those protections afforded to the child. This requires a renewed look at enshrining the rights of children in law, consistent with our constitutional goal to 'cherish all the children equally'. The lesson of history demands nothing less.

Recommendations

- (i) To alleviate or otherwise address the effects of the abuse on those who suffered**

2. A memorial should be erected.

In addition to the Taoiseach's apology, IMPACT feels it is appropriate to include a message, asserting a commitment by everyone in Irish society, that the abuse which the memorial acknowledges should never be allowed to happen again.

In this regard, the suggestion is informed by some of the memorials in Europe to the Holocaust which are often inscribed with a message never to forget.

3. The lessons of the past should be learned

There needs to be a greater assertion of a collective responsibility that the lessons of the past are not alone being learned, but that all future responses to the needs of children are fully informed by the mistakes of the past, and that there is a solid commitment by our entire civil society not to repeat them.

Part of confronting the history of abuse involves recognising those aspects of abuse particular to Irish culture. Other countries, including Israel, America, England and Belgium have their own specialists in trauma counselling which takes account of the particular cultural aspects of trauma. It would be appropriate in this instance for Ireland to develop its own unique expertise which relates to the Irish culture and therapists working within that culture. This is particularly relevant to institutional abuse within the Irish context. Counsellor/therapists working with the NCS have this knowledge base which can be utilised by policy makers and service users alike.

4. Counselling and education services should be available

17. Children who have been in State care should have access to support services.

Since its establishment in 2000 the NCS is the primary statutory service providing counselling and psychotherapy for adult survivors of childhood abuse. The NCS gives priority to those who suffered institutional abuse.

There are more than seventy counsellor/therapists in the NCS, all of whom are experienced in the area of developmental trauma work. They work with clients presenting with a range of issues related to childhood abuse.

IMPACT, on behalf of the NCS, supports;

- Continued accessible counselling and support services for survivors for childhood abuse, in particular institutional abuse.
- Particular support, both therapeutically and socially, for marginalised groups who have experienced institutional abuse, including people with physical and intellectual disabilities, people with chronic mental health problems and people experiencing homelessness.
- Supporting families of survivors of childhood abuse and related issues of trans-generational trauma.
- Continuing support of survivors groups.
- Comprehensive interagency programmes for the education and prevention of childhood abuse. These should include continuous assessment and research to ensure best practice in these areas.

There has been increased demand for counselling services since the publication of the Ryan report. A surge in referrals to the NCS has taken place, with the number of institutional referrals waiting to be seen now up to 19.5% of the waiting list.

As many of these clients require long term therapy it is imperative for resources to be allocated, not only to maintain service to those already in therapy, but also to facilitate those trying to access it as soon as possible.

Survivors of institutional abuse should be entitled to provision of access to psychological support services that are best suited to their personal therapeutic needs. Psychologists need to be involved in addressing the psycho-social and emotional impact of abuse on victims, in evaluating effectiveness of interventions provided and in guiding best practice and identifying areas of unmet need.

Some of those who have suffered childhood abuse have had their attachment and parenting ability seriously compromised and as such this leaves effects on their own children. Continual support in therapy, parenting, social supports, survivor groups and access to education are all vital elements of supports needed for this client group.

Research suggests that children in care often experience difficulties engaging to their optimum in learning and are disadvantaged by this later in life. Provision of the appropriate counselling services and supports may go some way to addressing this for some individuals.

5. Family tracing services should be continued

19. Children in care should not, save in exceptional circumstances, be cut off from their families.

20. The full personal records of children in care must be maintained.

Children whose family ties were severed through separation must have a right to contact with their birth family, and a right to proper and accurate records. Family tracing services are vital to retaining a sense of self and identity for survivors of institutional abuse.

Appropriate support services, in the form of administrative support and information technology are vital to the effective implementation of this recommendation.

Similarly, in order to ensure that there is no break in contact with their families, continuing contact between children in care and their families must be facilitated by the care providers. Insufficient staffing or budgetary constraints are not reasons to restrict or reduce opportunities for contact between children in care and their families.

(ii) To prevent where possible and reduce the incidence of abuse of children in institutions and to protect children from such abuse

6. Childcare policy should be child-centred. The needs of the child should be paramount.

IMPACT supports this recommendation on the basis that it recognises the diversity of the needs of children and identifies the responsibility to provide for those needs in an holistic way.

7. National childcare policy should be clearly articulated and reviewed on a regular basis.

Contemporary experience indicates that whatever services are provided, the needs of children do not remain static. There are constants, but the demographic, cultural and generational aspects of the needs of children are always changing. Therefore the resources to review policy on a regular and frequent basis are essential.

Development of a *National Childcare Policy* that ‘will ensure that the evolving needs of children will remain the focus of service providers’ is a foundation stone for many recommendations of the report and it will need to be guided by best international practice and evidence-based research.

A national Childcare Policy would have awareness of children’s developmental needs; be cognisant of issues relating to their placement in care; evaluate on an on-going basis the needs of children to have contact with family of origin; to identify social, emotional, educational, health and safety needs of children; to adjust the caring environment to changing needs of differing children in care; and would recognise the need for access to day-to-day and specialist services to meet the needs of children without undue delay.

There is a requirement for further open discussion and debate about our current system of provision of residential childcare, particularly for children with complex emotional and psychological needs. The over-reliance on expensive private providers of residential care for children with more complex needs should be examined with a view to developing a wider range of health services which are properly resourced and staffed and draw on

appropriate professional expertise from social care, psychology and social work within the health services.

- 8. A method of evaluating the extent to which services meet the aims and objectives of the national childcare policy should be devised.**
- 9. The provision of childcare services should be reviewed on a regular basis.**

Any method of independent evaluation, of the extent to which services meet the aims and objectives of childcare policy, must be flexible. It must be capable of reflecting changing needs to inform how and when the childcare policy needs to evolve/adapt to a changing environment.

- 10. It is important that rules and regulations be enforced, breaches be reported and sanctions applied.**
- 11. A culture of respecting and implementing rules and regulations and of observing codes of conduct should be developed.**
- 12. Independent inspections are essential.**

The current system for investigation of complaints by children or other agencies, including staff, on behalf of children in care should be revisited to ensure that the child or other person making a complaint is protected from being influenced by the person/persons/ service against which the complaint is made.

An attempt to interfere with the making of a complaint by a child or other person acting on their behalf should be grounds for immediate disciplinary action. The basic Duty of Care of staff in residential centres for children should clearly supersede allegiances to the particular management, institution or service. The protection of 'whistleblowers' from repercussions affecting their career or daily work life is basic to ensuring a safe childcare system.

Employees in care settings must have access to external or independent sources to which they can report breaches, otherwise there is a risk of relying on internally focused solutions which do nothing to stop continued breaches of rules and regulations.

The current regulatory framework includes the Social Services Inspectorate, which should be expanded to include inspection of all residential child care facilities for children with intellectual disabilities and should be given a greater degree of independence from criticism and threat of litigation by the institutions and facilities it inspects.

- 13. Management at all levels should be accountable for the quality and services of care.**

It should be the responsibility of management in each residential service for children to ensure that each child in their care has access to appropriate psychological assessment and treatment services. This responsibility should be a shared one with the child's Social

Worker. Therapeutic Interventions should be delivered by properly qualified health and social care professionals.

- 14. Children in care should be able to communicate concerns without fear.**
- 15. Childcare services depend on good communication.**
- 16. Children in care need a consistent care figure.**
- 18. Children who have been in childcare facilities are in a good position to identify failings and deficiencies within the system, and should be consulted.**

In the development of an holistic and child-centred care policy, it is essential that all personnel, including residential care workers, social workers, psychologists and other health professionals ensure that the practice of care includes clear and coherent lines of communication.

Central to that process is the development of a safe environment which allows children full expression of their concerns without fear.

In this context, there may be some consideration given to the idea of appointing an advocate to each child in care; a person who can offer consistency and trust in an open and transparent way, but which guarantees that children in care have a voice.

In developing this approach, it is essential that the use of agency staff in childcare facilities be discontinued immediately. Over-reliance on agency staff breaks the continuity of care, and the relationship-building between staff and children in care which is vital to delivering a therapeutic and rehabilitative service.

- 21. ‘Children First: The National Guidelines for the Protection and Welfare of Children’ should be uniformly and consistently implemented throughout the State in dealing with allegations of abuse.**

IMPACT supports this recommendation. A renewed commitment to consistency in the implementation of the guidelines is essential to providing a realistic and functional environment that is focused on the needs of the child and determined in its efforts to protect children.