

Chapter 7

Recommendations

7.01 Arising from the findings of its investigations and the conclusions that were reached, the Commission was required to make recommendations under two headings:

- (i) To alleviate or otherwise address the effects of the abuse on those who suffered
- (ii) To prevent where possible and reduce the incidence of abuse of children in institutions and to protect children from such abuse

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

7.02 A memorial should be erected.

The following words of the special statement made by the Taoiseach in May 1999 should be inscribed on a memorial to victims of abuse in institutions as a permanent public acknowledgement of their experiences. It is important for the alleviation of the effects of childhood abuse that the State's formal recognition of the abuse that occurred and the suffering of the victims should be preserved in a permanent place:

On behalf of the State and of all citizens of the State, the Government wishes to make a sincere and long overdue apology to the victims of childhood abuse, for our collective failure to intervene, to detect their pain, to come to their rescue.

7.03 The lessons of the past should be learned.

For the State, it is important to admit that abuse of children occurred because of failures of systems and policy, of management and administration, as well as of senior personnel who were concerned with Industrial and Reformatory Schools. This admission is, however, the beginning of a process. Further steps require internal departmental analysis and understanding of how these failures came about so that steps can be taken to reduce the risk of repeating them.

The Congregations need to examine how their ideals became debased by systemic abuse. They must ask themselves how they came to tolerate breaches of their own rules and, when sexual and physical abuse was discovered, how they responded to it, and to those who perpetrated it. They must examine their attitude to neglect and emotional abuse and, more generally, how the interests of the institutions and the Congregations came to be placed ahead those of the children who were in their care.

An important aspect of this process of exploration, acceptance and understanding by the State and the Congregations is the acknowledgement of the fact that the system failed the children, not just that children were abused because occasional individual lapses occurred.

7.04 Counselling and educational services should be available.

Counselling and mental health services have a significant role in alleviating the effects of childhood abuse and its legacy on following generations. These services should continue to be provided to ex-residents and their families. Educational services to help alleviate the disadvantages experienced by children in care are also essential.

7.05 Family tracing services should be continued.

Family tracing services to assist individuals who were deprived of their family identities in the process of being placed in care should be continued. The right of access to personal documents and information must be recognised and afforded to ex-residents of institutions.

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

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

The overall policy of childcare should respect the rights and dignity of the child and have as its primary focus their safe care and welfare. Services should be tailored to the developmental, educational and health needs of the particular child. Adults entrusted with the care of children must prioritise the well-being and protection of those children above personal, professional or institutional loyalty.

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

It is essential that the aims and objectives of national childcare policy and planning should be stated as clearly and simply as possible. The State and Congregations lost sight of the purpose for which the institutions were established, which was to provide children with a safe and secure environment and an opportunity of acquiring education and training. In the absence of an articulated, coherent policy, organisational interests became prioritised over those of the children in care. In order to prevent this happening again childcare services must have focused objectives that are centred on the needs of the child rather than the systems or organisations providing those services.

7.08 A method of evaluating the extent to which services meet the aims and objectives of the national childcare policy should be devised.

Evaluating the success or failure of childcare services in the context of a clearly articulated national childcare policy will ensure that the evolving needs of children will remain the focus of service providers.

7.09 The provision of childcare services should be reviewed on a regular basis.

Out-of-home care services should be reviewed on a regular basis with reference to best international practice and evidence-based research. This review should be the responsibility of the Department of Health and Children and should be co-ordinated to ensure that consistent standards are maintained nationally. The Department should also maintain a central database containing information relevant to childcare in the State while protecting anonymity. Included in such a database should be the social and demographic profile of children in care, their health and educational needs, the range of preventative services available and interventions used. In addition, there should be a record of what happens to children when they leave care in order to inform future policy and planning of services. A review of legislation, policies and programmes relating to children in care should be carried out at regular intervals.

7.10 It is important that rules and regulations be enforced, breaches be reported and sanctions applied.

The failures that occurred in all the schools cannot be explained by the absence of rules or any difficulty in interpreting what they meant. The problem lay in the implementation of the regulatory framework. The rules were ignored and treated as though they set some aspirational and unachievable standard that had no application to the particular circumstances of running the institution. Not only did the individual carers disregard the rules and precepts about punishment,

but their superiors did not enforce the rules or impose any disciplinary measures for breaches. Neither did the Department of Education

7.11 A culture of respecting and implementing rules and regulations and of observing codes of conduct should be developed.

Managers and those supervising and inspecting the services must ensure regularly that standards are observed.

7.12 Independent inspections are essential.

All services for children should be subject to regular inspections in respect of all aspects of their care. The requirements of a system of inspection include the following:

- There is a sufficient number of inspectors.
- The inspectors must be independent.
- The inspectors should talk with and listen to the children.
- There should be objective national standards for inspection of all settings where children are placed.
- Unannounced inspection should take place.
- Complaints to an inspector should be recorded and followed up.
- Inspectors should have power to ensure that inadequate standards are addressed without delay.

7.13 Management at all levels should be accountable for the quality of services and care.

Performance should be assessed by the quality of care delivered. The manager of an institution should be responsible for:

- Making the best use of the available resources
- Vetting of staff and volunteers
- Ensuring that staff are well trained, matched to the nature of the work to be undertaken and progressively trained so as to be kept up to date
- Ensuring on-going supervision, support and advice for all staff
- Regularly reviewing the system to identify problem areas for both staff and children
- Ensuring rules and regulations are adhered to
- Establishing whether system failures caused or contributed to instances of abuse
- Putting procedures in place to enable staff and others to make complaints and raise matters of concern without fear of adverse consequences.

7.14 Children in care should be able to communicate concerns without fear.

Children in care are often isolated with their concerns, without an adult to whom they can talk. Children communicate best when they feel they have a protective figure in whom they can confide.

The Department of Health and Children must examine international best practice to establish the most appropriate method of giving effect to this recommendation.

7.15 Childcare services depend on good communication.

Every childcare facility depends for its efficient functioning on good communication between all the departments and agencies responsible. It requires more than meetings and case conferences. It should involve professionals and others communicating concerns and suspicions so that they can act in the best interests of the child. Overall responsibility for this process should rest with a designated official.

7.16 Children in care need a consistent care figure.

Continuity of care should be an objective wherever possible. Children in care should have a consistent professional figure with overall responsibility.

The supervising social worker should have a detailed care plan the implementation of which should be regularly reviewed, and there should be the power to direct that changes be made to ensure standards are met. The child, and where possible the family, should be involved in developing and reviewing the care plan.

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

Aftercare services should be provided to give young adults a support structure they can rely on. In a similar way to families, childcare services should continue contact with young people after they have left care as minors.

7.18 Children who have been in childcare facilities are in a good position to identify failings and deficiencies in the system, and should be consulted.

Continued contact makes it possible to evaluate whether the needs of children are being met and to identify positive and negative aspects of experience of care.

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

Priority should be given to supporting ongoing contact with family members for the benefit of the child.

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

Reports, files and records essential to validate the child's identity and their social, family and educational history must be retained. These records need to be kept secure and up to date. Details should be kept of all children who go missing from care. The privacy of such records must be respected.

7.21 '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.