

Submission to the Oireachtas Committee on Children, Equality, Disability, Integration & Youth.

The Irish Association of Social Workers on the provisions of the
General Scheme of the Child Care (Amendment) Bill 2023.

Authors: Vivian Geiran and Aoife Bairead.

4th May 2023

The IASW welcomes the Heads of Bill and specifically adoption of language set out in the Bill that relates to the 'best Interests' principle.

Head 4 - Sets out well the guiding principles that underpin the act and the IASW welcomes this. It is however, suggested that in addition, that the consideration of 'meaningful relationship' be expanded to include information around identity, cultural consideration and the wider understanding of how children perceive themselves within their kinship groups. It should also be clear that regardless of the care arrangements (i.e. whether voluntary, court ordered or private arrangement 'permitted' (definition from Vetting Act 2012) that the Agency has a responsibility to regularly review what constitutes a 'meaningful relationship' and recognises that the child's needs in terms of what constitutes a 'meaningful relationship' with the family is one that will need ongoing support and assessment for the duration of their time in care. Recognising that a sizeable minority of children will return to their birth family on leaving care/reaching the age of majority, while others have formed long term relationships with their foster family, it is important that the Agency assesses and supports each individual child's significant relationships during their time in care.

In addition, there is no provision under Head 4 for 'private family arrangements'. As was set out in the Court case of P.G. v The Child and Family Agency (2018) there is a lack of legal clarity around these placements for the child, their parents, the person acting in loco parentis, and the Agency. As outlined by Burns et al (2021) this leaves these placements open to many vulnerabilities for all parties involved, and these placements are not offered the same protection, nor the children the same level of support and intervention, as those under formal care arrangements.

Further the Act gives the State the authority to consent to examination or treatment, however it does not compel the Agency or the HSE to provide this if it is identified as a need for the child. For children whose case is before the Courts there is scope for Orders in this regard to be made. This leads to a disparity in treatment and support between children whose cases are before the courts and those who are not. The Act should set out that any child in the care of the state will receive the assessment, treatment and intervention they require in a timely manner.

Head 5 - We cautiously welcome this addition however would seek to ensure that guidelines are informed by social work values, and best practices.

Head 7 - Is welcomed given the need for clarity in establishing Voluntary Care agreements, however we suggest that responsibility be put on the agency to ensure that parents are provided with information on accessing legal advice/ advocacy in any all arrangements where they enter into an agreement with the State. Given that voluntary care is a legal entity and agreement, impacting the present and future circumstances for their child many parents need support in accessing support in this context.

Head 8 - We believe there needs to be clarity that Children First Act applies to these services as homelessness is not listed as a relevant service in schedule 1 of the Children First Act 2015. It is also unclear whether accommodation provided under this section would be regulated or inspected and what standards would apply. Legislation should set out that such young people will be allocated a social worker and entitled to aftercare support and allowance.

This cohort of young people tend to be very vulnerable, as many are unaccompanied minors and young people with limited Immediate family support. There should be a significant responsibility on the agency/ state to ensure that this provision is safe.

Head 9 - This is a very welcome addition, and we would welcome the explicit inclusion of young people's participation and specifically participation by those with care experience in CYPSCs. In addition, parent representatives including parents of children in care and foster carers would be indicate a genuine commitment to participation, inclusion, and empowerment.

Head 10 – Again we welcome this provision. We believe this could be used in conjunction with Children First re safeguarding policies and procedures. There may also be an opportunity to set out sanctions in the event of non-reporting of mandated concerns as currently there is no legal recourse for professionals who fail in their duty under the Act.

Head 11 – In addition to the procedures set out here we would see the need for regular review and mechanism to escalate areas that may be causing some challenge operationally.

Head 14 - We welcome with proviso that childcare proceedings are scheduled for same day of each week and courts adhere to this practice-

Head 16 – We strongly welcome support to parents. We suggest that that this be expanded to explicitly include responsibility on the agency to ensure provision of general written Information to parents whose children are being signed voluntarily into care outlining their rights and expectations under the Act.