

*Barnardos, CARI, Children's Rights Alliance, Dublin Rape Crisis Centre,  
IAYPIC, ISPCC, One in Four, Rape Crisis Network Ireland*

## **Saving Childhood Ryan**

**Speech by Jillian van Turnhout, Chief Executive, Children's Rights Alliance**

**20 May 2010**

Good morning. I am Jillian van Turnhout, Chief Executive of the Children's Rights Alliance.

I am delighted to be joined here today by my colleagues from Barnardos, CARI, Dublin Rape Crisis Centre, IAYPIC, ISPCC, One in Four and Rape Crisis Network Ireland.

I'm going to highlight some of the findings of the "Saving Childhood Ryan" report we are launching today. My focus will be on children growing up in Ireland now. Ellen will then focus on commitments made to adult victims of childhood institutional abuse.

### **Recommendations on Saving Childhood Ryan – Overview**

Today marks the first anniversary since the publication of the Ryan Report. Two months after its publication, in July 2009, the Minister for Children and Youth Affairs, Barry Andrews published the Ryan Report Implementation Plan. This Plan took the 20 recommendations of the Ryan Report and translated them into 99 specific actions, with clear lines of departmental responsibility and agreed timeframes running to December 2011. And importantly, a pledged budget of 25 million euros: just over 14 million of which was committed to in Budget 2010.

The document we launch today explores ten key issues contained in the recommendations of Ryan Report and its Implementation Plan. As a group, we have worked to draw from our direct experiences and have contacted the various statutory agencies responsible to ensure an accurate reflection of the current state of play. I should note that in some circumstances, it has been difficult to get clear answers from those in the driving seat.

We are disappointed that the monitoring of the Plan is by statutory agencies only. No non-governmental or independent voice is present. Is this not how we failed in the past? We need transparency and accountability when it comes to child protection in Ireland.

Today, I am glad to say there has been some progress on commitments made, but I would also like to highlight that there is still a long, long, long way to go.

## Political Change

On a political level, Ryan taught us that our work with children needs to be guided by child-centred principles:

- The National Children's Strategy has underpinned the development of policy and services for children over the past 10 years. This strategy ends in December of this year. It is critical that the Strategy is evaluated to learn from its operation during that period and to inform the development of the next strategy. Furthermore, the views of key stakeholders, including children themselves and non-governmental organisations, are fundamental to the development of a new strategy. With just 7 months to go, no plan is evident, the clock is ticking for the Government. We are ready and willing to play our part.
- We believe that to ensure our child care services are child-centred, they must be inspected against national standards. Shockingly, this is still not the case. We are awaiting commencement orders on the Health Act 2007 which will allow the Health Information and Quality Authority (HIQA) to expand its remit. Care settings which are currently not registered and inspected include residential centres for children with disabilities, supported lodgings, and hostels for separated children and homeless children.

## Legislative Reform

Ryan taught us that we need to have strong safety checks in place. Progress is urgently needed on two pieces of legislation:

- Firstly, the *Children First* guidelines for the protection and welfare of children must be placed on a statutory footing. We must do this to ensure that children who are at risk are not being left in abusive situations. The guidelines are not being consistently implemented across the country. This has been definitively proven by the Ombudsman for Children's investigation published last week. The Implementation Plan commits to publishing a draft Bill by December 2010 but we have seen no sign that work on this Bill has begun.
- Secondly, we are awaiting the publication of the National Vetting Bureau Bill. This will allow for a comprehensive vetting system of those working with children, including the use of soft information. Such legislation was recommended by the Joint Committee on the Constitutional Amendment on Children in September 2008. A commitment was given to publish this Bill by December of the same year. In January 2009, following the publication of the Cloyne Report, the Minister promised to publish the Heads of Bill within 6 months. Another year passes, and we still continue to wait for this Bill to be published.

Ryan also taught us about the need for aftercare support for those leaving care.

- The Oireachtas currently has an opportunity to make a real difference to the provision of aftercare through the Child Care (Amendment) Bill 2009, currently being debated. An amendment should be made to ensure that each child leaving care who is in need of aftercare support, has a legal entitlement to it. At present, this is discretionary in law. Most children relish the coming of their 18<sup>th</sup> birthday and the freedom it brings, however for many children in care, this is the birthday they dread the most.

### **Practice Issues**

Ryan taught us that childhood is precious and that a damaged childhood brings a lifetime of hurt and struggle. We have a duty to protect children. So how is the system operating for children in care and in need of protection today?

Every child in care is entitled to a social worker and a care plan, but in practice many children have neither. The HSE Service Plan 2010 commits to recruiting an additional 200 social workers for child protection services – 50 by the end of the second quarter of this year, a further 75 by the end of the third quarter and the final 75 in the fourth quarter. We are not aware that any new posts have been filled. Without these posts, the system will continue to fail many of the 5,700 children in its care.

Children will continue to slip through the net unless we fix our child protection and care systems. We have to address the following:

- We have no national out-of-hours social work service. This potentially puts children's well-being and indeed their lives, at risk. Progress on the piloting of an out-of-hours service is unclear.
- For separated children in the care of the State, despite the introduction of an "equity of care" policy in late 2009, we are concerned that they are not getting the support they need in this transition. In particular, it is especially important that victims, and suspected victims, of trafficking are provided with safe accommodation and appropriate supports.
- The system for homeless children time and again fails to meet the needs of the child, and in many instances plays a role in things spiralling out of control. Children are provided with emergency accommodation under Section 5 of Child Care Act 1991. It was envisaged as an emergency measure but in practice, children remain in homeless hostels for considerably longer periods of time. This is a wholly unacceptable care response for these extremely vulnerable children. A review of the use of Section 5,

due to take place by December 2009, has not yet happened. Due to their tragic deaths, we have recently learned about the lives of some of the children who have used the homeless services: Tracey Fay, David Foley, Danny Talbot and Daniel McAnaspie. Completion of a review of the homeless service is a relatively achievable and straightforward action, and there should be no excuse as to why it has not yet happened.

### **Children's Rights Referendum**

A fundamental lesson from Ryan is that children were not valued and respected within society. To ensure this happens we need constitutional change.

In 2006, the then Taoiseach committed to holding a Referendum on children's rights. In 2007, all parties committed to this in their manifestos. In 2008, the Joint Committee on the Constitutional Amendment on Children commenced its work. In 2009, the Ryan Report brutally exposed what happens when children's rights are ignored. In 2010, the Joint Committee achieved all party consensus on wording. Last night, the Government narrowly voted down a motion to set a date for the Referendum.

A Referendum is needed to remove constitutional roadblocks to children's rights. A Referendum is needed to ensure that the fundamental law of our land reflects the values we hold as a nation: that children must be listened to, protected and cherished. We ask the Government to act, as a matter of urgency, on the growing consensus on a need for a Referendum.

### **Conclusion**

As a nation, we have closed our eyes to injustices against the children who we should be cherishing; it is time for us to fight for childhood together. We all know what needs to be done to remedy the gaps in our child protection and care systems. Failure on the part of the State continues to damage childhoods that will leave a legacy of hurt and struggle well into adulthood. Important promises have been made to remedy these gaps, and the Government and the arms of the State now have a non-negotiable duty to live up to these promises. Children in Ireland deserve better. It is time that we as a society demanded better.