



Submission to the Department of Health and Children
Regarding the Proposed Health Information and Quality Authority
and Office of the Chief Inspector of Social Services

June 2006

The Children's Rights Alliance welcomes the opportunity to comment on the proposed establishment of the Health Information and Quality Authority (HIQA) and the Office of the Chief Inspector of Social Services within HIQA. These two bodies have the potential to significantly further Goal 3 of the National Children's Strategy, that "children will receive quality supports and services".

The Alliance commends the work of the Social Services Inspectorate (SSI) to-date in raising standards for children in care. The Alliance particularly welcomes the placement of the Office of Chief Inspector of Social Services on a statutory basis, under Part 3 of the Bill.

We urge that the expanded Social Services Inspectorate be adequately resourced to ensure it can fulfill its expanded remit. It is imperative that this resourcing is sufficient to enable the Inspectorate to maintain and strength its work in the area of children, through the provision of a system of regular and comprehensive inspections.

In this submission, we will first comment on specific heads of the bill and then give some cross-cutting comments.

Comments on heads

Head 39- Arrangements with the Executive (p.68)

The Children's Rights Alliance believes that all services should be inspected by a single inspectorate, namely the Office of the Chief Inspector of Social Services, under an agreed set of regulations and standards. The two-tier system of inspection currently in place, where inspections are carried out by both the HSE and SSI, should not be formalised by this legislation; we thereby propose that Head 39 be deleted.

We recognise that the success of the SSI has been based, in large part, upon its independence and transparency. The HSE inspections, on the contrary, are neither independent nor publicly available.

If there is not sufficient support to delete Head 39, we propose that section 39(8) be amended so that the report of each inspection, carried out under this *Head* by the HSE acting on behalf of and as an agent for the Chief Inspector, should be sent upon completion to the Chief Inspector. The Chief Inspector should integrate these inspection reports into their annual report to the Oireachtas.

Head 41- Functions of the Chief Inspector (p. 71)

The Alliance strongly urges that the remit of the Office of the Chief Inspector of Social Services include all residential services for children, including residential care for separated children seeking asylum, Children Detention Schools and Centres, and homeless residential care for children (both unaccompanied and with their families), and the residential care provided for children and families under the direct provision system. The Alliance calls for section 41(4) to be amended to ensure that the residential settings referred to above are included, and the necessary standards developed.

The Alliance strongly urges that the Office of the Chief Inspector of Social Services be able to maintain the level of independence that allowed the SSI to be so effective. The Office should be required to submit an annual report directly to the Oireachtas.

The Alliance recommends the inclusion of a clause stating that HIQA liaise closely with the relevant authorities regarding children's mental health placements to ensure the sharing of expertise in this area.

Head 46- Applications for registration

Subhead(2(b)): The Alliance suggests removing "and shall be accompanied by a fee of the prescribed amount," as the collection of a fee may be a disincentive to register. Similarly in Head 50- Regulations about registration - Subhead(2) the Alliance suggests that this clause be removed.

Head 56- Regulations relating to services

Subhead (5(c)): The Alliance suggests inserting the following italicised text at the end of the sentence "*in keeping with the best interests of the child and ensuring that the highest standards of child protection are maintained*".

Subhead (6(a)): The Alliance suggests inserting the following italicised text so the clause reads: "as to the promotion and protection of the health, *well-being and best interest* of children such as are mentioned in that paragraph".

Subhead (6(b)): The Alliance suggests inserting the following italicized text so the clause reads "*in keeping with the best interests of the child and ensuring that the highest standards of child protection are maintained*".

Head 57- Offences

The Alliance is disappointed that the HIQA standards will not be binding and that the HSE are only required to have regard to the HIQA standards when performing its functions, in so far as is practicable and subject to the resources available to the HSE. The Alliance strongly recommends that the breach of child protection standards be made a specific offence under this section. The Alliance also notes that there is currently not a penalty stipulated in this section for failure to register and recommends that one be added.

While the Office of the Chief Inspector of Social Services has a clear monitoring role, it is unclear what role the Office would have in enforcing compliance with standards. In anything but urgent circumstances, it is unclear on what timeline a service would need to comply if new conditions are added to its registration.

The Alliance calls for the inclusion of powerful enforcement mechanisms, including penalties, sanctions, fines for the breach of these standards.

Cross-cutting issues

1. Information

The Office of the Minister for Children has responsibility for undertaking or supporting research into children's lives and for implementing Goal 2 of the National Children's Strategy; "Children's lives will be better understood". The Alliance calls for HIQA and the Office of the Minister for Children to develop an official mechanism for liaising on this issue.

2. Measuring outcomes against resources

In making recommendations aimed at achieving best outcomes from the resources available to the HSE, the Alliance would urge HIQA to take into consideration the set of National Child-Wellbeing Indicators produced by the National Children's Office and the research on Child Impact Assessments commissioned by the Office of the Minister for Children. The Alliance would also urge HIQA to link this review to relevant data collected by the HIQA and the Office of Minister for Children. There is also a need for the outcome of these assessments to inform the Department's long-term investment strategy, to allow for planning and growth in targeted, high quality children's services.

3. Child Death Review Committee

There is currently no automatic review of the circumstances of the death of a child, who dies while in the care or custody of the State or is known to the HSE. The Alliance calls for the Office of the Chief Inspector of Social Services to form part of an independent expert panel, a Child Death Review Committee, to examine all deaths of children who die while in the care or custody of the State. The purpose of the Committee would be to assess if lessons relating to prevention and intervention can be learnt, and to make recommendations, if any, on changes to policies and practices that may help prevent such tragedies in the future.