

# Implementation of the Ryan Report and Protection of Children in Care

November 19, 2009 [sineadmarying](#) [Leave a comment](#) [Go to comments](#)



Following the publication of the Report of the Commission to Inquire into Child Abuse (“[the Ryan Report](#)”) in May, Irish society has had to confront the appalling history of abuse, both sexual and physical in State-run institutions. The Ryan Report’s finding (Executive Summary at p. 21) that child abuse was endemic in Irish industrial schools for boys is shocking and difficult to grasp in its magnitude. The publication of the much anticipated Report of the Commission of Investigation into the Dublin Archdiocese (about which [Pádraig posted here](#)), will almost certainly compound the public sense of anger and frustration that the most vulnerable in society were victimised in the most horrific ways. In this climate of justified anger and shock, it is important to remember that the welfare of the children who are currently in State care is of paramount importance.

In this context, the recent publication of the Health Information Quality Authority [National Children in Care Inspection Report](#) is an urgent and timely reminder of the need for better policies and safeguards for the protection of children in State care. The Report reviews the findings of 38 inspections carried out by the Authority in 2008 of children’s residential care centres operated by the HSE and of foster care services operated in a HSE region.

The Report highlights serious deficits in standards aimed at safeguarding vulnerable children, including lapses in vetting procedures for staff and foster carers working with children. For example, in almost half of the centers inspected in 2008, the professional supervision of staff was inadequate or not taking place at all. In three centers, inspectors highlighted the need for staff members to notify serious child protection concerns through the Children First Notification system. The Authority also expressed concerns about the failure of the HSE to register and inspect centers for separated children seeking asylum. A glaring gap in the Report stems from the fact that the HIQA does not inspect residential

services operated by non-statutory or private service providers. HIQA will have the power to inspect these services once the relevant sections of the [Health Act 2007](#) are commenced

Under the [Ryan Report Implementation Plan](#) there is a commitment that the Health Act 2007 will be commenced to allow for the independent registration and inspection of all residential centers and respite services for children with a disability by December 2010. However it is not clear what systems are in place for evaluating the implementation of the Ryan Report. While it is included in the recently agreed [Programme for Government](#) it is not clear how the State can be held accountable for (not) acting on the Report.

The Minister for Children, [Barry Andrews](#) has also promised to fill 270 social work positions within the HSE, in order to ensure that every child in care has access to a designated social worker. It is not clear whether these positions have been filled yet or whether these jobs are subject to the current public sector jobs embargo ([Irish Times report](#)). Minister Andrews has promised to place the [Children's First Guidelines \(1999\)](#) on a statutory footing. Hopefully this will happen as soon as possible, since there is currently no legal duty on social workers or publicly funded-bodies to report incidents of alleged abuse to the authorities. Indeed, it is particularly regrettable that the Guidelines have not yet been placed on a statutory basis given the [Review of Compliance with the State's Children's First Guidelines in 2008](#) highlighted a lack of uniform compliance with the guidelines by State organisation and organisations receiving public funding. A prime example of such failure of accountability was last years revelations that the Cloyne diocese (now the subject of a [Commission of Investigation](#)) refused to answer certain questions in a HSE audit. That audit is now the subject of an investigation being carried out by the Ombudsman for Children Emily Logan. This summer Ms Logan appeared before the Oireachtas Joint Committee on Health and Children and [stated](#) that her office was "struggling" in the face of financial constraints. Clearly the issues that form the kernel of the Ryan Report—secrecy, power and economic factors—continue to be relevant to children in State care today.

It is essential that the Government does not renege on its commitment to spend €25 million putting in place the changes recommended in the Ryan Report implementation Plan. In its pre-Budget Submission to the Department of Finance, the [Children's Rights Alliance](#) urges the Government not to allow Ireland's current economic circumstances to be a an excuse for delay. According to the Alliance, "[w]e owe it to the children of the past, and all future generations of children in Ireland to make the necessary changes to follow through on these commitments." Certainly more needs to be done to ensure that a child in care is not a child at risk of harm.

*(photo credit)*

**Update** The [Irish Times reports](#) that the High Court has now cleared for release the majority of the the report on the the handling by Catholic Church and State authorities of child sex abuse allegations against clerics in the Dublin archdiocese.

Categories: [Children and the Law](#), [Commentary](#) Tags: [child abuse](#), [child protection](#)  
[Comments \(3\)](#) [Trackbacks \(2\)](#) [Leave a comment](#) [Trackback](#)



1. [Mairead Enright](#)  
November 19, 2009 at 12:43 pm  
[Reply](#)

Great post Sinead.



2. [Suzy](#)  
November 20, 2009 at 2:31 am

[Reply](#)

Many of the children covered by the era reported so excellently in the Ryan Report are adults in centres completely unsupervised or unregulated due to the failure to place the standards for residential settings for people with disabilities on a statutory footing. Thus it's important not to forget them and the many other living in congregated settings as we rightly campaign for the rights of today's children.



3.

[F de Londras](#)

November 20, 2009 at 8:16 am

[Reply](#)

Suzy—excellent point and one, in fact, on which we will endeavour to get a guest contribution and (better yet) I will endeavour to get someone specialising in disability and human rights law in Ireland on board as a regular contributor.

1. November 20, 2009 at 8:05 am

[Suffer Little \(separated\) Children « Human Rights in Ireland](#)

2. March 1, 2010 at 6:05 am

[HSE Dublin North East Region and complaints of child abuse « Human Rights in Ireland](#)