

DÁIL ÉIREANN

AN COMHCHOISTE UM SHLÁINTE AGUS LEANAÍ

JOINT COMMITTEE ON HEALTH AND CHILDREN

Déardaoín, 17 Aibreán 2014

Thursday, 17 April 2014

The Joint Committee met at 9.30 a.m.

MEMBERS PRESENT:

Deputy Regina Doherty,	Senator Colm Burke,
Deputy Robert Dowds,	Senator John Crown,
Deputy Peter Fitzpatrick,	Senator Jillian van Turnhout.
Deputy Seamus Healy,	
Deputy Sandra McLellan,	
Deputy Eamonn Maloney,	
Deputy Mary Mitchell O'Connor,	
Deputy Dan Neville,	
Deputy Caoimhghín Ó Caoláin,	
Deputy Robert Troy,	

DEPUTY JERRY BUTTIMER IN THE CHAIR.

The joint committee met in private session until 9.35 a.m.

Quarterly Update on Children and Youth Issues: Minister for Children and Youth Affairs

Chairman: I welcome to the committee the Minister for Children and Youth Affairs, Deputy Frances Fitzgerald; Mr. Jim Breslin, Secretary General, Department of Children and Youth Affairs; Ms Liz Canavan, assistant secretary, Department of Children and Youth Affairs; Ms Mary McLoughlin, principal officer, Department of Children and Youth Affairs; and Mr. Alan Savage, assistant principal, communications and corporate governance unit, Department of Children and Youth Affairs.

I thank the Minister for accommodating the committee by bringing the meeting time forward. Our quarterly meeting was adjourned as a mark of respect for our late colleague, Deputy Nicky McFadden.

I remind members, witnesses and those in the public gallery to please ensure their mobile telephones are switched off so that the recordings of proceedings are not disrupted. Such phones can also interfere with the broadcasting of the meeting. It is also unfair to members of staff to have interference buzzing in their ears.

By virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of the evidence they are to give this committee. If they are directed by the committee to cease giving evidence on a particular matter and they continue to so do, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with today's proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise nor make charges against any person or entity by name or in such a way as to make him, her or it identifiable. Members are reminded of the long-standing parliamentary practice to the effect that members should not comment on, criticise or make charges against a person outside the House or an official by name or in such a way as to make him or her identifiable.

This update comes at the conclusion of an important week for children. I congratulate the Minister on yesterday's announcement of the national framework for children and young people. I call on her to make her opening statement.

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I am pleased to have the opportunity to update the Joint Committee on Health and Children in support of its quarterly review of my Department's work. I had the opportunity to update the select sub-committee in January on my Department's Vote, which includes the expenditure allocation for the Child and Family Agency. Officials from my Department also recently attended before the committee to discuss aftercare.

We established the new Child and Family Agency with effect from January. The Taoiseach spoke at the official launch of the agency of this once in a lifetime opportunity to reform and transform the delivery of child and family services in the State. I am very appreciative of the support of the committee and the various stakeholders in establishing this committee. It was a major transition which brought over 4,000 staff in the agency which provides services for children and families, particularly for the over 6,400 children in the care of the State. There was

much support from the trade unions and employer groups in this.

We have moved from a position of dispersed responsibilities for this area to a single dedicated agency. For the first time, we have child and family social workers, family support workers, social care workers and educational welfare officers working together. The Child and Family Agency Act 2013 provides the Department with an ongoing high-level involvement in supporting the work of the agency. In my capacity as Minister, I have particular responsibilities in the context of accountability and performance management. In December 2013, I issued a detailed letter of determination and performance statement to the agency. This was to ensure a business plan for 2014 would happen in good time, notwithstanding the agency itself was only formally established on 1 January. The plan has since been approved by me. We are now engaging with the agency to develop its three-year corporate plan. Agency priorities for 2014 include recruiting additional social workers, in line with the additional budget allocations in budget 2014, as well as rolling out new models for caseload and information management. I have always pointed to the lack of national data which would ensure consistency in how individual cases are managed across the country and which would allow workers and clients to know what to expect. It is proposed to commence a three-year plan to double the number of special care places.

Another agency priority for 2014 is to deliver greater efficiencies and savings in legal costs. That is a very challenging and demanding area given the range of cases that are being taken and the decisions of courts regarding particular demands. Another agency priority for 2014 is to introduce 24-hour access to social work services. My officials and I are and will be working closely with the agency through regular meetings and very detailed contact between us, as outlined in the legislation, and as there should be.

As members will be very familiar with aftercare, which they discussed recently, I will not go into detail on it unless there are any particular questions. We will introduce it as soon as possible. The Children First Bill was published last week. It will put elements of the Children First: National Guidance for the Protection and Welfare of Children on a statutory basis, which was a key commitment of ours. The Bill will impose a duty on certain specific individuals to report child protection concerns to the Child and Family Agency. It will also improve child protection arrangements in organisations providing services to children, requiring each to produce an organisation-specific child safeguarding statement. The important point is the absolute obligation on a stated group of professionals to report concerns.

I have also built into the legislation the obligation to share information and take part in risk assessment. This has not been picked up on much but is very important. From many of the reports on children, we know that proper risk assessment was not done. I have also built into the legislation the requirement for the agency to give feedback. Principals around the country often raise with me that they would like more consistent feedback from the agency. This is about the agency being a good partner to people when they report concerns, and we have given this a statutory underpinning. The legislation will ensure a stronger child protection ethos in all sectors of society. The Children First guidelines still apply. There is an obligation on everyone who is aware of concerns regarding abuse and neglect to report them. We still receive more than 40,000 referrals every year.

Another important initiative that has not received much coverage is an interdepartmental group we have established on a statutory basis with representatives from every Department, chaired by Department staff. To give one example, if issues arise in sporting organisations, there will be representatives of that Department on the committee, which will examine the implementation of Children First in sporting organisations at a national level. I pay tribute to

the GAA, the FAI and the Irish Sports Council for the work they have done in child protection. They have done extraordinary work over the last few years, even before Children First was on a statutory basis. They have put in much time, energy and training. I have been to a number of events where 200 or 300 volunteers working in this area came forward for training from the organisations and agencies which are taking child protection in their services very seriously, as they should. This is very reassuring for parents.

Yesterday I launched the new child and family framework document, Better Outcomes, Brighter Futures. As I said, it takes more than one reading. Much work has gone into this whole-of-government approach to dealing with issues on children and stating Government commitments. It is the first time every commitment that is already in place for children has been articulated in one document. We have captured the obligations and commitments to children of every Department from page 127 onwards. We have also looked at the range of commitments from now to 2020. It is a very comprehensive statement of a whole-of-government approach to getting better outcomes for children and articulating the current state of Irish children and what we know now. It is very research-driven and outcomes-driven and is a very clear statement of the Government's goals for our children, working with statutory and voluntary organisations. It takes more than one sitting to grasp everything in this document. It is very comprehensive. The Taoiseach and Tánaiste launched it with me yesterday. It is a shared set of outcomes for children and young people and identifies a range of commitments that are already in place across the Government and that need to be in place.

I have updated the committee on the early years strategy before. We are working on a new high-level parenting and family support policy, which will be published this year and which will guide the work of the Child and Family Agency and the resource centres and inform grant funding. We want to give money to projects that are effective in this area of parenting and family support. There is great interest from parents throughout the country in accessing the various programmes. We hope to have most of the area-based childhood, ABC, programmes up and running. This is a €30 million commitment by the Government in 12 areas around the country to do very intensive work with families in the early stages of their children's lives. It has been researched very carefully and we have good information on what is effective in working with families in the early years and on programmes that have not worked.

Some 2,500 preschool inspections are published on the Pobal website, and that is a resource for parents who want to ensure the highest standards are being applied to their children's care. Major challenges remain regarding quality in preschools. There is a legacy of under-investment in quality and training. The sector is far from highly paid, and staff qualifications are increasing. We must put more focus on ensuring that in our early years child care settings quality is centre stage. We must build in supports for that. A total of €3 million was pledged in last year's budget for the new learner fund, which will ensure staff are heavily subsidised for training.

Regarding detention facilities, the specialist service has started. A care staff recruitment programme has been sanctioned by the Government, posts have been advertised and new staff will be employed. This is going through the Commission for Public Service Appointments.

Many concerns have been expressed regarding the state of adoption records in the country. There is a job to be done, both legislative and administrative, in managing and organising the adoption files so people can have timely access to them. It is a very big job, because the records are all over the country. We will bring in legislation to ensure it is on a statutory footing and that people who have records will have to make them available to statutory authority. I ask Deputies who are asked about adoption records to promote the adoption contact preference register.

There are still people out there who do not know it exists. An adoptee or a parent who has given up a child for adoption who wants to make contact should, in the first instance, ensure his or her name is on the adoption contact preference register. I have ongoing work to do regarding the adoption (information and tracing) Bill. As I have given much detailed information in the House about that I will not repeat it here but if people have questions I am happy to answer them.

The priorities this year include the completion of the development of the national child detention facilities. Work there is proceeding. The building of many of the units is well advanced. If anybody cares to see the facilities as they develop, I would be very happy to facilitate that. I want to support the work and development of the newly established agency. We need to give it time to breathe and settle down and find the most effective work practices. I will amend the Child Care Act in respect of aftercare, as this committee has discussed. I will launch Ireland's first early-years strategy and a policy on family support and parenting. We will continue with the quality agenda in child care.

This is complex. No one initiative will make a difference. It is not simply about more inspectors but about training, qualifications, parental involvement, management responsibility and a whole range of factors. We have taken a range of steps to drive the quality agenda and to enhance the preservation and management of, and access to, adoption records. We are also conducting a review of the current child care schemes, ECCE and CET, to consider how best to structure child care support to both support working families and incentivise labour market activation. I would like to expand those schemes as resources allow. They are resource-intensive in that they provide various subsidies to families. I hope that gives an idea of the range of work being done by the Department and myself.

Deputy Robert Troy: I thank the Minister and her officials for attending and for giving us a detailed outline of where we stand. I would like to focus on four or five issues.

The Children First Bill was launched this week, and while I welcome its publication, I wonder why there has been a U-turn on what was previously promised - when the heads of the Bill were published more than two years ago - regarding sanctions. I appreciate that we will go into more detail when the Bill goes through the various Stages in the House. The legislation has been watered down greatly. Guidelines have been in place since 1999, as the Minister mentioned, which put an onus on people to report suspicions of child abuse or child neglect. There is no major difference in the new legislation, which provides no sanction against people who fail to meet their responsibilities as outlined in the guidelines. Without sanctions, the legislation is not fit for purpose.

With regard to the early years and preschool quality agenda, one of the key elements of the Minister's eight-point quality plan is the new registration process. I tabled a parliamentary question more than three weeks ago to her, which was referred to the Child and Family Agency for answer. I am still waiting for a reply. I asked how many new services have opened since 1 January and how many of them have complied with the new registration process. I have been informed by a number of people throughout the country that the process is not in operation and they are still working under the old notification process. Will the Minister confirm this? If that is the case, are the HSE or the Child and Family Agency in breach of the legislation, which ensures all new services from 1 January 2014 will operate under the new registration process?

We are almost 12 months on from the "Prime Time" exposé. I have been contacted by someone in County Louth who says a public health nurse inspector is still awaited there. This

means there are still regions that do not have a public health nurse inspector. At the previous quarterly meeting, the Minister stated that interviews had taken place and she was in the process of appointing inspectors. Will all regions to be catered for? My information is that there are still areas in which no inspector is in place. Will she confirm whether that is the case? When will the new standards be published? They were meant to be published last year.

I, along with other members, have highlighted the issue of affordability of child care on a regular basis over the past number of years. I welcome that the Minister has undertaken to review the current systems administered by her Department. Earlier, there was a report on “Morning Ireland” about the most recent survey carried out by the Irish League of Credit Unions, which identified that the cost of child care had increased since the previous comparable survey. I appreciate that her Department has many issues to deal with, but what priority attaches to the affordability issue? When will the review of the two schemes administered by her Department be complete?

The Minister referred to adoption records and the information and tracing Bill. That is important legislation which I and many others have called for over a long period. The Minister and the Minister for Justice and Equality called for it when they were in opposition. People are frustrated and they feel let down because the legislation has not been published. We are denying human beings a basic fundamental right, which is the right to their identity. The Minister cited constitutional issues that she must grapple with, but in 1975 the UK introduced similar legislation. I acknowledge that it has a different constitution, but we need to examine this issue. If we need to go down the route of a constitutional amendment, then that is the route we must take, because these people are entitled to their identity and we have to work to ensure this right is vindicated.

I raised the vetting issue with the Minister during Question Time on 12 February. She said her officials would speak to officials from the Department of Justice and Equality about how this would be addressed. I understand it still has not been dealt with almost six weeks later and I would appreciate it if she could give an update on this issue.

Deputy Caoimhghín Ó Caoláin: I welcome the Minister and her officials. I tabled a number of questions. The Minister referred to the Children First Bill in reply to question No. 14. I am anxious to hear her definitive response to the criticisms that have been levelled regarding enforceability. Others use different language in respect of what may be required but, at the end of the day, that is what it is all about. I would like her to use the opportunity to elaborate on that.

Question No. 12 deals with early childhood care and supports. I asked about governance, regulation, registration and inspection of child care facilities and I raised a number of other issues regarding Garda vetting procedures. I have engaged with people in the sector, including the Association of Childhood Professionals, on this matter and I share a number of their concerns. The Minister referred to the initiatives that have been taken in the early years sector over the past year. What evidence is there of improving quality on the ground? As we have stated at the committee time after time, it must be about improving the quality of service provision.

Many questions are outstanding. Registration has been in place since 1 January yet there is not an awareness of the cost of registration. There is not an awareness of when re-registration is to occur. We are told it will be within three years but what does “within” mean? Is it an annual re-registration or is it every other year?

Deputy Troy spoke about public health nurses and the inspection procedure. There is a

question as to the suitability of public health nurses carrying out this inspectorate responsibility without the appropriate training or prior professional experience with regard to early childhood. Without qualifications or experience it is inappropriate that public health nurses have this responsibility foisted on them. It must of itself leave a residual question as to the standards which can be achieved if people who are not professionally trained are examining the curriculum offered and the programme of a particular facility. I ask the witnesses to address this also.

The new standards have not yet been launched and this is another issue. What time will exist between launching the standards and implementing the inspection procedures? What period of time will front-line providers have to familiarise themselves with the standards, upgrade their facilities and ensure when inspections commence they will be fit for purpose? I note the minimum requirement for all services is a deadline of September 2015, but funding will not be made available until the coming months. How will this allow providers and practitioners starting their training in September 2014 reach the required standards and meet all the requirements in this very restrictive timeframe if they are to continue to be providers? To be able to achieve it within the timeframe they would have to come out of their role and go full-time into upgrading their respective qualifications and training.

A new system of Garda vetting which is efficient and fit for purpose needs to be introduced. There can be no question but that it is essential. The current delays and backlogs of up to 14 weeks in many cases have an impact on the quality of service provided. We need to accept we cannot bring current provision and the system into a new era of highest standards and quality without the necessary investment. At the end of the day, despite all the best intentions of the Minister and the Department if the Government is not prepared to invest resources in this area we simply will not be able to reach the standards required.

I am deeply concerned about inter-country adoption. In recent months we have addressed this regarding a number of international settings including Russia. My question is focused on India. I must state there is a gap between the views of the group the Minister met in tandem with Mr. Geoffrey Shannon of the AAI early last month and the Minister's response. Why is it the case that other EU countries which are Hague signatories do not have anything like the low level of success we seem to be able to achieve? Only 11 post-Hague adoptions were effected here over the past three and a half years. This is about the children, who need access, support and providing families internationally. There seems not to be, from what these prospective adoptive parents stated to me, a sense of urgency or empathy for their cases. Why does the AAI still refuse to process the dossiers of potential adoptive parents given there is no agency to do so? When one checks the website it states it is one of the services it provides.

I will read a very worrying statement from the Ireland India support group. It states, "We are citizens that have been fooled into a process that stripped our dignity and privacy for ten years and cost us financially and emotionally for the only purpose of justifying the existence of the AAI". This is very worrying and I ask the Minister to take on board what it states and face up to the need to address any deficiencies on the part of the AAI. Will the Minister indicate to whom is the AAI accountable?

Senator Jillian van Turnhout: The Minister is very welcome. I had not planned to comment on adoption and I know the committee will examine the issue after Easter but it is important. I contacted those monitoring the Hague Convention and Ireland is at a median average for adoptions. We are not in an unusual position. If we examine the figures throughout the EU Ireland is not out of kilter. The reality, about which most people do not want to speak, is the children available for adoption have special needs and they are not being adopted. We will have

a wider discussion on adoption but we need to put some facts out there when we speak about it. I have many concerns about how we handle it. We must hold the AAI under scrutiny, which is why I suggest to the committee it be invited before it.

The committee had a very positive meeting on the issue of aftercare. The NGOs came before the committee with departmental officials and this was a very good model. Speaking to individuals afterwards everybody commented it was good to hear one another as well as have an exchange with committee members. The committee will prepare a report on this.

I very much welcome the developments on special care placements, and I thank the Minister for her answer to my questions, but I am still concerned. The Minister's response stated only one child is waiting but I will continue to monitor this. We must maintain vigilance with regard to our alternative care model because these children are most vulnerable and the State has a strong role in ensuring their safety and welfare.

I look forward to hearing the Minister's replies to the questions of Deputies Troy and Ó Caoláin on Children First. I have concerns. It is great that the Bill will move Children First to a legal basis and impose a duty to report. However, we are missing sanctions and enforcement. There is a reliance on professional bodies even though not all of those people concerned will be members of professional bodies that have procedures for taking action. In the Ombudsman for Children's 2010 report in response to the Ryan report, she examined the HSE. One of its areas was not implementing Children First because of trade union issues. I read the Bill wondering whether it would help an employer or the State if staff members refused to implement Children First. We must ensure that employers have the power to implement regardless of whether they are statutory bodies or other organisations. As the Bill goes through the Houses, we can explore these issues, but I would welcome the Minister's comments. It is a bit like setting speed limits when everyone knows no one will be checking. People will increase their speeds over time. This is my concern about the Bill. We all know what is morally right, but as humans we psychologically need to feel that, even if the chance is remote, we will be checked. This makes us more likely to keep within the lines.

I wish to ask a question about the Child and Family Agency that I raised during private session, namely, our opportunity to scrutinise and converse with it. During our quarterly meetings with the Minister for Health, we also meet the HSE. In terms of the agency, would this be an appropriate role for the committee? We should have a dialogue with the agency. How can we do that?

Yesterday saw the launch of "Better Outcomes Brighter Futures: the National Policy Framework for Children and Young People 2014–2020". It was a momentous day for children and a positive achievement. Well done to all involved. It sets out a vision and a policy. If I were just looking at the document's front part, I would comment on how visionary it was and that we could all buy into it, but the grid outlining the lead Departments, a whole-of-government approach and accountability for outcomes is welcome. As the Minister stated yesterday, this work starts now. We must grasp the thornier issues. Some need a nudge, but there are others to which everyone has an aversion or that are not easily solved. I look forward to developing the individual plans. The young people's organisations are concerned that they have not been heard. When we develop the young people's framework, we will be able to address the issues that have been raised. We have reason to be cautiously hopeful. It was positive that the Taoiseach and the Tánaiste joined the Minister when launching the document. That showed a whole-of-government approach, which is necessary for children.

I asked question No. 10 on child poverty. On Tuesday, I visited the Ballyfermot STAR project, which has a child care setting, provides drug treatment services and works with families. It is amazing. My visit showed me some of the realities of ratios in early years education. Sometimes, a staff member must go and collect a child because, if he or she does not, the child will not be able to avail of child care. This will upset the ratios. Where there are hard-to-reach children in areas, we must consider which funding model allows groups to work with families as well as children. The Ballyfermot STAR project runs a programme in which, over several weeks, it organises dinners at which families sit around a table and talk before engaging in workshops with the families. This is positive work.

In Ireland, we all have an innate belief that we value children. As suggested in Better Outcomes Brighter Futures, though, we find when we probe deeper that the reality is we do not. However, it is great to see Children First on paper. At last, we have a launchpad from which we can do better for children.

Chairman: As only two members are indicating, I will take them now. They are Deputies Fitzpatrick and Mitchell O'Connor.

Deputy Peter Fitzpatrick: Tusla, the Child and Family Agency, this year took over the HSE's remit for providing the Women's Aid refuges in Dundalk with €414,248. The housing authority is also providing €61,087 to meet accommodation and tenancy costs. The council is responsible for care costs and the housing authority is responsible for homeless accommodation. Currently, the premises on which the Women's Aid Refuge is located are owned by the HSE. Women's Aid is seeking new premises. It has funds to help it relocate and, hopefully, buy new premises, as 293 requests for shelter had to be turned away last year. It was having problems meeting its day-to-day costs for heating, lighting and bedding.

Women's Aid in Dundalk provides a range of services to women and their children who are or have experienced violence. It works in the community and voluntary sectors and addresses issues of sexual violence, accommodation, homelessness, human rights and justice. As the Minister stated, domestic violence is not a thing of the past. Given the increase in drug and alcohol abuse, we cannot close our eyes. Women's Aid in Dundalk is short €30,000 to keep its doors open this year. The Minister of State, Deputy Jan O'Sullivan, does not want any Women's Aid refuge to close. The regional management group of the North East Homelessness Consultative Forum does not want the refuge in Dundalk to close. Tusla does not want it to close.

Hopefully, Dundalk Town Council and Louth County Council will meet the €30,000 shortfall, but the refuge needs greater clarity. It needs to know that the same problem will not recur. I am asking the Minister for help. Tusla will take over budget responsibility for Women's Aid in the near future, but it needs help and clarity now.

Deputy Mary Mitchell O'Connor: I will reiterate my colleague, Senator van Turnhout's comments on yesterday's launch. It was good to see the Minister, as the first Minister for children, with the Taoiseach and Tánaiste. The document puts children first. We discussed it for years but did nothing. Speaking as a former school principal, if a complaint was received, the principal was in a grey area and did not really know what to do. He or she would report, but no one would ever respond and the principal would not know whether the complaint was in the ether, whether it had been handled, whether a follow-up call to the health board needed to be made, etc. I am glad that Children First has been put on a statutory basis.

A question about sanctions was asked of the Minister. Am I correct in believing that the Bill

is to be taken in tandem with a suite of legislation, for example, the withholding of information Act and the national vetting Bill? If so, it should not be read as stand-alone legislation. Committee members need to understand this instead of taking away with them only half the story.

I wish to raise the matter of preschool and early education. The St. Nicholas montessori group is responding, speaking with its staff members, examining issues of quality and considering what should be delivered in preschool classrooms. Work is being done on the ground. Those involved are taking the matter seriously. I attended a conference at which I was to give the keynote speech. Everyone in attendance was serious about how to deliver the best quality service. I am glad that not only the children's physical environments will be inspected. Rather, we are discussing the quality of the learning and teaching environments. As a school principal, I saw practices that were extremely worrying. Children were learning to write before they could properly hold a pen.

On parenting, I also attended a conference on childhood obesity from which I learned a great deal, including at what age a child should be weaned and so on. As a woman who has reared children and a former school principal, I thought I knew it all. Much of the information parents require is not freely available to them. This means they often find it difficult to do the right thing. I have never in my 30 years dealing with parents met a parent who did not want to do the best for his or her child. While they might not always have reached the standard they wished to reach, they always strived to do so.

I believe the Minister, Deputy Fitzgerald, is doing a good job. I welcome the opportunity provided by the Minister's attendance at these meetings to ask questions. On the adoption (information and tracing) Bill, the Minister is well aware that people want this progressed quickly. On vetting, I have tabled numerous questions on this matter to the Minister for Justice and Equality. I have previously discussed the difficulties being experienced by adoptive parents in the context of the Hague Convention. Perhaps for the benefit of members of this committee who are not aware of the issues in this regard the Minister would set out the reason the process is not as easy as it appears.

Deputy Frances Fitzgerald: I thank Deputies and Senators for their interest and questions. I will respond first to the issue raised by Deputies Troy and Ó Caoláin and Senator van Turnhout and touched on by Deputy Mary Mitchell O'Connor, namely, the Children First legislation. First, I am pleased to have delivered this legislation, which was first promised in 1997. No work on this issue had been done prior to my taking office and so my Department has done all the work on it. What I wanted was effective legislation. The committee was helpful in terms of its discussion on a whole range of issues in this regard. A number of the committee's recommendations have been taken on board. For example, I recall that Deputy Catherine Byrne and other Deputies and Senators were concerned that emotional abuse would not be included. The Bill provides for wide definitions of abuse, which includes emotional abuse. That is just one example of a recommendation from the committee which was included in the legislation.

As I said, what I wanted was effective legislation that would ensure that cases were reported and acted upon and that children were protected. That was the goal and the bottom line. I had to look to what were the best mechanisms to ensure this happened and at the role of sanctions in this regard. Deputies are incorrect that there are no sanctions provided for in the legislation. There is a whole suite of legislation applicable to reporting. The Criminal Justice (Withholding of Information about Offences against Children and Vulnerable Persons) Act 2012 provides for criminal sanctions against a person who withholds information regarding abuse. That legislation, which I reviewed the other day, deals with assault against a child, rape, incest and other

crimes against children. It is a crime not to report such offences. The Children First legislation must be viewed in conjunction with this legislation.

Sanctions are also provided for in respect of professionals. Deputy Troy in saying there is no difference between guidelines and legislation is incorrect.

Deputy Robert Troy: I asked what is the difference.

Deputy Frances Fitzgerald: Legislation provides potential for civil action. A professional is legally bound by legislation to make a report. Where this does not happen, the professional is subject to disciplinary procedures. In regard to the legislation, what I wanted was a reasonable and proportionate approach. In the course of the ongoing discussions about the Bill, it was decided that criminal sanctions were not the way to proceed because we did not want over-reporting or defensive reporting, which would narrow what would be reported. Had we provided for criminal sanctions we would have had to provide for criminal defences. Where this is done, this results in a narrow focus and, often, over-reporting. The legislation would have been much narrower than the comprehensive legislation now published. The Children First legislation must be viewed in conjunction with the Criminal Justice (Withholding of Information about Offences against Children or Vulnerable Persons) Act 2012 and the Natural Vetting Bureau (Children and Vulnerable Persons) Act 2012. For example, under the section in the Children First legislation which deals with vetting, the agency can report to the National Vetting Bureau. If the agency decides that somebody has not reported, which person is a mandated person who should have reported, this is taken on board by the vetting bureau. This has implications for people's future employment. That is a serious sanction that is built into the legislation.

I have reviewed international work in this area. New South Wales recently removed the criminal sanction provided for in its legislation in this area, which legislation is similar to ours. It removed that sanction because it was felt it was not effective. It is worth noting in terms of world wide literature regarding reporting that few cases from a criminal point of view are taken. This has happened only occasionally in Canada. The main impact of the Children First legislation is the moral, administrative and legislative pressure on professionals to report. We can tease this out further on Committee Stage. I wanted the best possible legislation to deliver the best protection for children. Much time was spent on drafting this legislation, in respect of which I received much criticism. However, this was to ensure that these important issues were teased out. At the end of the day, I believe what is provided for is reasonable and proportionate. The sanctions provided for in the legislation, in terms of the four areas outlined, will serve us better than would going down the criminal route. They are based on examinations of what happens elsewhere and on whether criminal sanctions would work in terms of professionals reporting. We made the decision as provided for in the legislation as published.

The registered bodies, fitness to practice, disciplinary hearings and so on are available options, as is employer action, which is very important. Where a person who is a mandated person, be that person a nurse, paediatrician, GP, Garda and so on, has knowledge of serious abuse and fails to report it, this will have serious employment implications for him or her. That is important. We did not want to over-burden the system with defensive reporting, thereby diverting resources from well-founded reports. The reason we focused on the professionals is because the research indicates that the best substantiation in terms of reporting comes from the professionals outlined. In terms of protecting children, if one mandates professionals to report, this provides the best opportunity of getting at the most at risk children. Professionals are the best people to identify children at risk. We have also learned from other reports that where professionals do not work together and do not carry out proper risk assessments, outcomes are

not good. I hope I have provided members with some indication of the thinking on this issue. The legislation will come before the Dáil after Easter and will then progress to committee, on which occasions we will have an opportunity to discuss this matter further.

On Deputy Troy's question regarding registration, from 1 January last all new services are required to register. I will ask the agency to respond directly to the Deputy. If he has information about services that are not registered and provides me with the details, I will follow up on the matter. New forms and processes will be introduced during May. Registration will take longer than indicated in the previous notification. It is a more thorough process based on ensuring better standards.

On the question about inspection, eight new inspectors have been appointed. Some of the money I secured in the budget was for the appointment of new inspectors; therefore, I am pleased that there are eight new appointments. Obviously, it took longer than I would have liked, but they are in place. However, there is still pressure in urban areas and there will be ongoing recruitment. The standards will be published in May and the agency is working with the sector on their introduction and guidance for providers has been developed. Inspections against the standards will commence after they have been launched, but the agency will support providers to understand and implement what is expected.

I answered the question about affordability previously. On the Deputy's point that the report of the Irish League of Credit Unions this morning states parents are spending more, the point is that as more parents are returning to work, child care costs are becoming a factor again. We are aware of this. We are maintaining the universal preschool year, which is very important, and spending €9 million this year on community employment schemes. We are reviewing the two schemes in place to see if we can deal with some of the affordability issues in order that more parents can access them.

With regard to the adoption and tracing legislation, I will bring it to the committee as soon as I can. The Deputy spoke about the right to identity, but there is a right to privacy also. As I spelled out in some recent replies to parliamentary questions, I am seeking in the legislation to ensure we will have as wide a right to access to records as is possible under the Constitution. We will ensure, for example, that there is access if a parent is deceased. We will ensure that where there is consent, systems are put in place that will make it easier for the adopted person and the biological mother to find each other. The approach has been very passive to date and must be more active, but that will require resources, which is a significant issue. Many resources are required for that type of service to develop. We will ensure that if there are special circumstances, the legislation will provide for the right of a person to go to the courts to seek information.

In cases where the birth mother has said she does not wish to have contact, unlike other countries, Ireland has a constitution and the constitutional right to privacy is well articulated. If there is an absolute refusal, it is very hard for a person to overcome it under Irish law. That is the reality. However, with a more active approach and encouraging people to sign the contact register, I hope that group will be a minority. Much of the difficulty has been due to problems with access to records and a very passive approach to the issue in the past.

Deputy Caoimhghín Ó Caoláin also asked about Children First. I hope I have given an indication in that regard. He also asked about the evidence on quality in child care. One of the points that should be made - this refers to the question asked by Deputy Mary Mitchell O'Connor regarding what she sees at local level - is that the responsibility is from the bottom

up. Providers and Early Childhood Ireland are doing a huge amount of work in developing quality. I have met many providers in the past few weeks and huge efforts are being made by them. They are concerned to ensure quality standards. They have held various conferences and many of them are implementing Síolta and Aistear. I recently attended in St. Patrick's College of Education in Drumcondra a very good showcase of quality work being done by providers around the country. Huge efforts are being made by providers. One also sees in the take-up of the new learner scheme for those who wish to obtain qualifications that the individual workers are very motivated. The cumulative effect of all of these actions, including the ones we are taking as a Government, will lead to improved quality.

There is no good baseline information available on quality in services. That is true in most European countries. In the past the focus at EU level was on structure, but now there is much discussion about examining quality. The Deputy is right to raise the issue and we must continually be alert to it. There is scope for more research and I intend to ask my Department to examine in its research programme if we can put some resources into it in respect of ensuring quality standards.

The Deputy raised the issue of public health nurses. The training of public health nurses is very strong in the area of child development. They have key skills, but I agree that there should be a broader set of skills. There are some human resources issues that must be addressed because there is a Labour Relations Commission ruling on who can be an inspector. However, I am anxious to include a broader group of professionals in inspections. I have also asked the Minister for Education and Skills to support the work of my Department in developing inspection processes focusing more on education. To take up Deputy Mary Mitchell O'Connor's point about inappropriate work with children, we wish to ensure the right work is done with children under four and five years of age and that they are not being forced into educational work that is not appropriate for children of that age, rather than into the broader opportunities presented by play and development.

The Deputy asked a number of questions about vetting. I will give the most up-to-date information I have available which has been confirmed to me by people I have met in recent weeks from the child care sector. The waiting time in having vetting applications processed has been reduced from 15 weeks in September 2013 to five weeks in April 2014. An extra 40 staff have been deployed by the Minister for Justice and Equality, Deputy Alan Shatter, and there has been a huge improvement. Previously, extra staff were deployed and the waiting lists were reduced, but they built up again. Amendments are being made to the legislation on foot of a recent judgment in the UK Court of Appeal. The Minister intends to commence the vetting Act in the autumn. In the meantime, vetting continues to be carried out on an administrative basis.

There were a number of questions about India and inter-country adoption-----

Deputy Caoimhghín Ó Caoláin: Before the Minister continues, I expressed concern about the period of time service providers would have to upgrade their personal training programmes, given the minimum requirements to be met by September 2015. With funding only becoming available in the coming months, practitioners will have very limited time and might not be able to achieve the new qualifications required, unless they extract themselves from the service.

Deputy Frances Fitzgerald: Much of it is modular and weekend work. We believe and have evidence that the sector will have time before September 2015 to upskill. We are introducing some transitional arrangements for staff who have been in the sector for a long period which will not be quite as intensive as the requirements to be met by those who are new to the

sector. Six to eight months, perhaps up to one year, generally is the training time involved. By September 2015 they will be in a position to have undertaken the training. Obviously, we can keep the position under review.

I will briefly inform the committee about the up-to-date position on inter-country adoption. When Laura Martínez-Mora from the Hague conference was in Dublin this week, she spoke about the international position on inter-country adoption. Senator Jillian van Turnhout referred to some of the figures. Ms Martínez-Mora said - this is quite startling - that inter-country adoption was about older children with special needs and that the children in institutions and orphanages around the world who needed families were older and had special needs. There is a very big emphasis in the conference on preparing adoptive parents to understand this and realise the inherent challenges involved. For many of the parents who have been assessed in Ireland, that is not what they were expecting when they started the assessment process. I agree with the Deputy that there is a mismatch between the expectations of many parents and the children who are currently available for adoption internationally. Having said that, children are being adopted into Ireland and are finding loving families. For example, an agreement was reached with Vietnam recently which means that approximately ten adoptions of children will go through. I will not comment individually on cases but I gather the process is under way. We have a very good working arrangement with Vietnam, as indeed we have with a number of other countries.

The number of children for adoption is nothing like what it was in the past. During the late 1990s and early 2000s there was a very big increase in the number of adoptions but that is not the situation now. I do not want administrative barriers or inefficiencies to delay adoptions here. I also do not want people to suffer from poor communication by the AAI or anyone else. I have said this to the authority and asked it to examine administrative delays, if any, so that cases in the system can be processed quickly and progressed, because delays are very stressful for parents.

India closed inter-country adoption for a period. I understand India is now only open to the adoption of special needs children. A number of Irish parents want to adopt from India. Over the past number of months the AAI, at my urging, has put an agency in place to deal with adoptions, and packs are on their way to India. I met the Ireland-India group, with my officials, and the adoption authority a few weeks ago in order to deal with the outstanding issues and the concerns that the group felt about delays. Internationally, everyone is agreed that inter-country adoptions now take much longer than they ever have. It is also very striking that India, Vietnam and China have far more domestic adoptions than before, which means that young babies who would previously have been abandoned are now being adopted.

One of the problems and a reason for the change in statistics - although we are at the mid-point of the year - is that the countries from which people in Ireland have traditionally adopted were non-Hague countries, primarily Russia and Ethiopia, and the countries that are Hague-compliant do not have as many children available for adoption. It was also stressed at the conference repeatedly that we must be careful about crime, child trafficking and making sure that parental consent is given. In the past Ireland was a sending country, which means we sent children for adoption, so we know the difficulties that created for some children, but many children got very good homes. Ireland is now a receiving country, so we must be careful to ensure that children really are available for adoption. This matter is difficult for the thousand families concerned because the number of children available will be low this year. However, there is an automatic right to assessment for adoption in this country. I have asked the Child and Family Agency to be clear with parents or potential adopters about the current situation with inter-

country adoption because I do not want their expectations to be raised. I also do not want them to endure an extremely stressful process if it will not lead to adoption.

I have dealt with the question on vetting.

Deputy Caoimhghín Ó Caoláin: I asked a question on the accountability of the AAI. To whom does the AAI give account of itself?

Deputy Frances Fitzgerald: In governance terms it is to the Department of Children and Youth Affairs. The authority is a quasi-judicial body. Therefore, it has a quasi-judicial responsibility towards individual cases and is accountable in how cases are handled and managed. From a governance point of view, it comes under the remit of my Department.

I have covered many of the areas mentioned by Senator van Turnhout. The first matter she raised was adoption aftercare, and I take her point about officials and agencies working together. We will shortly bring in the aftercare Bill, either as a single piece of legislation or in conjunction with other legislation.

The special care issue is being dealt with nationally by Gordon Jeyes. The Senator will have seen the figures and will know that new places are being created, which is important.

I thank the Senator for her comments on the document that we published yesterday. She had very positive observations on the approach that we are taking.

With regard to child poverty, the Department of Social Protection is conducting an ongoing social impact assessment. We are investing €30 million in the ABC projects, which are located in the most disadvantaged areas in the country. At present there are 13 areas, but I hope there will be more. The projects will make a difference.

In the document entitled Better Outcomes, Brighter Futures, we have committed to lifting 70,000 children out of poverty. The most effective way to lift children out of poverty is through job creation and employment in families. However, child poverty statistics in this country are disturbing.

Senator Jillian van Turnhout: Yes.

Deputy Frances Fitzgerald: Deputy Fitzpatrick asked about Dundalk. I understand that its two local councils have made a contribution this week which will help funding. I take the point he made about ongoing funding. I will ask the Child and Family Agency to send him a report on the funding situation going forward, which I hope will satisfy the Deputy. I know there has been a delay but this week a decision was made by the two councils to give extra funding and I will revert to him on the matter.

Deputy Mary Mitchell O'Connor raised a range of issues. I have addressed her first point about Children First when she asked whether it was a suite of legislation. Yes, it is, and it must be seen in that light.

The Deputy talked about quality in the sector. There has not been an investment in quality. Parents find child care expensive but the staff involved are not highly paid. Child care is expensive because we have a history of not subsidising it here, unlike in other countries. The sector has made huge efforts to improve quality, which we support at a national level. However, the problem will not be corrected overnight. We are talking about individual relationships between staff in crèches and relationships between management and staff and the children. Obviously

parents will be very vigilant. There is no question about parents being vigilant. It will not just be one factor that will make a difference but a combination of management, training, quality and inspection. We are working on all of those issues. I believe a lot of ground must be made up. However, I cannot rule out pockets of bad practice. This is also a legacy issue and every situation is different. I hope the focus on quality in recent months will lead to improvements. The sector is trying very hard to improve but there is a legacy of under-investment in high-quality care, which is a problem.

The Deputy also talked about parenting and childhood obesity. Recent evidence has shown that the rate of obesity is decreasing among some groups. There are educational programmes and *safe food* advertisements which give information to parents. The latter has had a very good response from the public in general and will make a difference. There is also a policy with regard to play and recreation and a focus on physical activity. All of those initiatives have made a difference. Childhood obesity is a serious epidemic and requires a whole-of-government approach. Every Department can play a role in dealing with the epidemic. This matter has huge implications for the future, not just for the health of children but economically. The approach in Better Outcomes, Brighter Futures, which we outlined yesterday, referred again to co-operation between Departments. I know that the committee has taken an interest in the topic of childhood obesity and I hope the combination of interventions can make a difference, but let us remember that we must work with very young children. The point about nutrition and feeding in the very early months and years, providing good quality information to mothers after birth, and trying to improve breastfeeding rates are important parts of trying to tackle this epidemic. Breastfeeding rates in Ireland are very low, although there has been improvement recently. It is also an issue that has had an impact on obesity levels, as was pointed out in a number of studies.

Chairman: Senator van Turnhout referred to the Child and Family Agency attending our quarterly meetings. Does the Minister have a view on it?

Deputy Frances Fitzgerald: I am responsible for accountability for the agency in legislation. I would like to continue to do that. If the committee wants to invite the agency on particular issues, I am happy for that to happen.

Chairman: At our quarterly meeting with the Minister for Health, we have the Minister, the Ministers of State and the HSE. We thought it might be appropriate to bring in the Child and Family Agency, but we can discuss it later and reflect on it.

Deputy Robert Troy: With regard to the registration process, the new system is either in place or not. I am informed that the old notification system remains in place. I specifically submitted a parliamentary question to the Department over three weeks ago and it was referred to the Child and Family Agency. I have not yet received a reply and perhaps the Minister can follow up on this.

We will have time to talk about the Children First legislation at greater length after Easter. The matter of sanction was something the Department highlighted two years ago in the heads of the Bill. The Minister talks about a suite of legislation but the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act deals with a higher threshold. It is catering for people who deliberately and recklessly conceal information, not those who might have suspicions of abuse or neglect. It involves persons who deliberately and recklessly conceal information. Perhaps the Minister can give an indication of when the vetting legislation will be enacted. I understand she has yet to sign the commencement order for the legislation. My worry is that the real reason is that the Minister does not wish to overburden the

system. She referred to this in her contribution. It is nothing less than a resource issue.

Deputy Frances Fitzgerald: We should tease out this matter because it is easy to look at legislation and say that sanctions are missing and should be included. I would like a carefully thought-out discussion on Committee Stage, and I am sure we will have it. One should not automatically jump to the conclusion that including sanctions, other than those included, is the way forward. We could arrive at the situation where there is a higher threshold for reporting than in the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act. One must think carefully about the goal of the legislation, which is to get professionals reporting in order that we can get services to the children most at risk. I feel an obligation to introduce legislation that most effectively delivers that. Our considered view, having worked on it for a number of years and taken all the legal advice available, is that criminal sanction is not the most effective way other than as part of a suite of legislation, including the thresholds that exist in the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act and the professional sanctions that we have included. The goal is to get the reports in, not to have overly defensive reporting. The goal is to make sure the services get to the child, and with the criminal sanctions the Deputy suggests and the level of defences that would be required, we could end up with a higher threshold for reporting than is the case in this legislation. It is very well articulated in the definitions of cases that need to be reported. We will return to this point.

The registration process is in place and I will ensure the Deputy gets a reply to his parliamentary question. It is a more elongated process than what existed with notification. It has started and there are not that many new child care services opening. If Deputy Troy has examples of cases where people have been told that all they have to do is notify, he should let me know. It has been in place since 1 January.

Chairman: I thank the Minister, Mr. Breslin, Ms Canavan, Ms McLoughlin and Mr. Savage for attending. I thank them for their interesting comments and analysis. I thank the committee members for their participation. I thank Mr. Evan Hackett for co-ordinating with Mr. Paul Kelly on these meetings. We hope to hold a quarterly meeting on 10 July but I am sure the offices will liaise on that point. I wish the Minister and her officials a very happy Easter. I hope she has a good break and I offer my congratulations on yesterday. I thank the Minister for inviting members of the committee to the launch yesterday, even though many of us could not attend.

The joint committee went into private session at 10.56 a.m. and adjourned at 11.23 a.m. until 9.30 a.m. on Thursday, 8 May 2014.