

Minister Zappone's opening statement in relation to Oberstown Children Detention Campus Joint Oireachtas Committee on Children and Youth Affairs on 24th January 2018

Wednesday 24th January 2018

I wish to thank the Chairman and members of the Joint Oireachtas Committee on Children and Youth Affairs for the invitation to meet with you today in relation to the recent HIQA report following the March 2017 inspection of the Oberstown Children Detention Campus. I am aware that you have already had the opportunity to hear Mr Pat Bergin, Director and Professor Ursula Kilkelly, Chair of the Board of Management of Oberstown and from representatives from HIQA in November 2017 in relation to this matter. I now welcome this opportunity to update you on the progress being made.

Introductions

I would like to introduce the officials from my Department who are in attendance with me today. You will know Dr Fergal Lynch, my Secretary General who is accompanied by officials Ms. Michelle Shannon and Mr. Tony O'Donovan from the Irish Youth Justice Service of my Department.

Reviews

I am pleased to say that in recent months there have been many positive changes in Oberstown and these changes are continuing. To address the challenges at the Campus in 2016, the Oberstown Board of Management commissioned independent reviews in a number of key areas including operations, security, health and safety and behaviour management. In addition all policies are being examined by Oberstown, including care, safeguarding and professional standards on the Campus.

There were a number of objectives for these reviews. A key objective was that the optimum care continues to be given to children residing in Oberstown following the changes which have taken place in the last 12 to 18 months. Essential to this is ensuring that the people working in Oberstown are supported through good organisation, training and development. The recommendations from these reviews as well as the Action Plan developed by Oberstown following the HIQA report will point the way forward in ensuring the highest

standards of care for the young people

To ensure the implementation of each of the recommendations in the various reviews, as appropriate, I established a Review Implementation Group in March 2017. This Implementation Group was tasked with analysing the recommendations from the Operational Review, the Security Review, the Behavioural Management Review and the two Health and Safety Reviews. I am pleased to confirm to the Committee that I have now received the final report of the Review Implementation Group and I wish to express my thanks to the group.

Having studied the report, I am confident that there is evidence that positive change is taking place, and further change is planned for the campus. The report has highlighted the work that has already taken place in implementing the recommendations and the timeframes for work on outstanding recommendations. The full implementation of the recommendations must be viewed as a long-term strategy for the Campus, while some recommendations are of course more immediate. Implementation of the recommendations of each review is underway on Campus led by the Board of Management in collaboration with management, staff and the Irish Youth Justice Service of my Department.

One of the best ways of knowing if things have changed is by hearing from the young people themselves.

Participation

I am pleased to say that I have received a letter from young people in Oberstown inviting me to visit to tell me about their accomplishments while in Oberstown. I plan to visit very soon and I will be very interested to hear what they have to say.

My Department is consulting with young people in Oberstown, through the Participation Hub, on the revised national standards that set out the rules which govern how Oberstown is run. The Hub supports implementation of the strategy through the provision of information, training and advice for Government departments and agencies and the non-statutory sector.

The consultation with the young people in Oberstown is nearing completion and involved intensive engagement since November 2017. The purpose of the process is to ensure that the new Department of Children and Youth Affairs national standards will reflect the views of young people. A child-friendly version of the standards will also be published.

Strategic Plan

In December 2017, I was delighted to launch the Oberstown Children Detention Campus Strategic Plan for 2017 to 2020. I welcome the commitment stated by the Board of Management in the Oberstown Strategy to working with me and my Department as we progress our common goal within the youth justice sector of supporting children to move away from offending behaviour and to move forward to make a positive contribution to society.

Developments at Oberstown

Oberstown has gone through considerable change in the past couple of years with the

amalgamation of the 3 detention schools into the Oberstown Children Detention Campus, the development of new buildings, the staffing issues arising and a number of serious incidents occurring at the Campus. Oberstown is now a more stable environment than it was at the time of the serious incident in 2016. The issues relating to the buildings are mainly resolved and staff are now deployed across the new units. In addition, as far as practicable and in accordance with international best practice, young people on remand are kept separate from those young people who are convicted and serving a sentence. Other developments relating to the Campus include:

- an increased focus and awareness in relation to Health and Safety and a greater focus on ensuring a safe and secure care and work environment for children and staff.
 - the ACTS (Assessment, Consultation and Therapy Service) is provided by Tusla – the Child and Family Agency – at the Campus. This is a specialist service which provides on-site multi-disciplinary therapeutic services to children in Oberstown. ACTS has been reviewed by Tusla and this is an opportunity to further develop this service, including the incorporation of the HSE mental health services;
- a Communications Plan has been adopted and launched by the Board of Management to improve internal and external communications among staff, young people and their families and all stakeholders.

HIQA inspection

As you are aware, in March 2017 the Health Information and Quality Authority (HIQA) undertook an inspection at Oberstown. A number of areas which require improvement were identified. An Action Plan to address these areas was agreed between HIQA and Oberstown. I understand that work in this regard is progressing in line with the timetable which was agreed in the Action Plan.

I think it is important to point out that the HIQA report also identified a number of positive improvements at the Campus. The inspectors observed kind, warm and appropriate interaction between staff and children in what was generally a relaxed atmosphere on the units and during activities. For me as Minister, this is really important. They also highlighted that the overall provision of healthcare had improved with dental and psychiatric services now being provided on the Campus. They also observed that the availability of nursing services had increased and other important changes in management structures were noted.

As I have mentioned, I very much welcome the comprehensive Action Plan to address the areas identified by HIQA that require improvement and I will keep the implementation of this Plan under review.

Restrictive Practices

I wish to focus now on the issues raised by HIQA in the most recent Report and indeed in previous reports in relation to restrictive practices. Restrictive Practices includes single separation and the use of physical restraint and handcuffs. It is my Department's policy that the use of any restrictive practice should only be a measure of last resort and as part of a continuum of planned interventions.

The decision to separate a young person must at all times be a proportionate response to the risk posed by the young person. A review of Restrictive Practices, including the

Separation Policy for Oberstown, took place earlier this year and a revised Single Separation Policy was approved by the Oberstown Board of Management in April 2017. I am assured by Oberstown management that a process to ensure greater monitoring of single separation has been put in place. An improved system of record keeping on the use of such practices, extension of single separation, and types of restraint used have been further informed by an audit review.

It is widely accepted that supporting and training staff in relation to behavioural management and the concerns raised in relation to the use of separation and restraint cannot be addressed in isolation. Meeting the complex mental health needs of children in detention and supporting staff to develop therapeutic relationships with children is an essential component of addressing current difficulties in relation to the use of restrictive practices.

Judicial Reviews

The Committee will be aware of the recent High Court judgement relating to single separation at Oberstown.

It was found that the constitutional rights of the applicants were breached insofar and for so long as they were deprived of daily exercise during the period of separation, deprived of any contact with their families during the period of separation, and the failure to provide the applicants with some form of opportunity to make representations. It was also found that there was a lack of procedural safeguards relating to separation. In particular the formal written recording of decisions was found to be unconstitutional.

For the sake of accuracy I would like to confirm that it was not found that the duration of the separation was unconstitutional, or that the conditions of detention during separation in their totality amounted to inhuman or degrading treatment.

Importantly, it was noted in the Judgement that while the response, and I quote, *“may have gone too far in certain respects, and failed to observe procedural safeguards, the overall context was one of trying to make safe an institution which had just been through a major upheaval”*.

I know that there has been a lot of learning in Oberstown from this incident.

Bail Supervision Scheme

I would like to take this opportunity to inform you of other measures which will impact on the detention of young people. I was happy to launch the Bail Supervision Scheme on 12th June 2017 on a pilot basis. The Bail Supervision programme provides the Dublin Children Court with the option to grant bail to a child rather than detaining the child, during remand proceedings. The option offered to the court would be to release the child on bail with conditions set by the court. This would involve intensive supports being provided to the child and his or her family. The pilot is for an initial 2 year period during which time a review and evaluation will be conducted to determine the future path of the scheme with the intention of it being rolled out nationally.

This approach is also in keeping with the principle that the detention of a child should only be imposed as a last resort. A proposal for an extension of the Scheme is currently being

examined by my Department.

All children detained in Oberstown/ closure of St Patrick's Institution

Since the 31st March of last year, no new children have been detained in adult prisons. Signing that order was one of the highlights of my time so far as Minister. Since then all 17 year old boys referred by the Courts are detained in Oberstown and now finally, the policy to end children being detained in adult facilities, which had long standing support in the Oireachtas and among organisations and people who actively promote the rights and welfare of children, has been achieved.

Oberstown Children Detention Campus

Key to achieving this policy goal to end children being detained in adult facilities was the completion of the capital development project at Oberstown and the subsequent amalgamation of the 3 children detention schools in June 2016 to establish Oberstown Children Detention Campus. While these changes have brought great advantages, they have also inevitably presented challenges. The key to overcoming these challenges and maintaining good progress has been the dedication and co-operation amongst the key stakeholders, and in particular the staff, management and the Board of Oberstown, who are supported by my Department and in particular by the Irish Youth Justice Service.

It should always be kept in mind that our paramount objective in our work is the safety and well-being of the children, the staff working in Oberstown and the people living in the local community.

Conclusion

In closing I wish to underline my commitment to the further development of the youth justice system in Ireland and particularly to Oberstown. I am very aware of and wish to acknowledge the dedication of the staff, management and the Board of Oberstown. I wish to commend them for their work in addressing the challenges which are faced daily. I would also like to thank HIQA for the valuable work they undertake in highlighting issues which in turn allows us to achieve higher standards of care for young people. The key to overcoming challenges is co-operation amongst all involved. In this regard I and my Department are fully supportive of working with all parties in ensuring the smooth operation of the system in the best interest of children and to ensuring that all necessary changes relating to Oberstown are achieved.