

CARE POLICY

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1. Purpose of Policy

This policy sets out the legal and organisational frameworks under which staff must carry out their duties towards young people.

2. Policy statement

The care and welfare of young people is of paramount importance at Oberstown. The service delivered at Oberstown is based on a model of care defined by **Care, Education, Healthcare, work on Offending Behaviour and Preparation for leaving (CEHOP)**.¹ The five pillars of this care framework are underpinned by the legislation governing children in conflict with the law, the Children Act, 2001, as amended.

Staff at Oberstown must:

- be aware of their legislative responsibilities in respect of young people and carry out their duties accordingly.
- be aware of the Oberstown's Journey through Care framework² (**JtC**) and incorporate it into their day-to-day work practices.

3. Scope of Policy

This policy applies to all staff who interact with young people on the Oberstown campus. It should be read in conjunction with Oberstown's care procedures, the Journey through Care framework and the Oberstown Safeguarding Policy. It is the responsibility of relevant staff to ensure they are following the most recent version of this policy and that they understand all elements of it.

4. Legal framework

It is the principal aim of Oberstown Children Detention Campus under s 158 of the Children Act 2001 to provide appropriate educational and training programmes for children referred to the Campus by a court and to promote their reintegration into society as persons who are capable of making a positive and productive contribution to society. This must be secured by having regard to young people's health, safety, welfare, interests; providing them with proper care, guidance and supervision; preserving and developing young people's relationships with their families; exercising proper moral and disciplinary influences on young people and recognising their personal, cultural and linguistic identity.

According to s 180 of the Act, young people in Oberstown are in the lawful custody of the Director who is 'to do what is reasonable...in all the circumstances for the purpose of safeguarding or promoting the child's... health, development or welfare'.³

These obligations are fulfilled, among other means, through the implementation by staff of Oberstown's policies and procedures.

National policy also makes it clear that young people in detention are entitled to be sent to dedicated child-specific facilities and to receive an individualised model of care and education and support to reduce the risk of their reoffending behaviour.⁴

¹This approach was developed by Oberstown's stakeholders and partners in light of the legislation, regulations, standards and best practices associated with meeting young people's needs within the detention environment. For an overview see: Bamber, J., Brolly, C., Mills, E. and Farrar, C. (2016) Lessons from the literature – Building relationships with detained young people to improve pro-social outcomes. Oberstown Children Detention Campus (Oberstown), Dublin.

² See definitions.

³Section 180(8)(b) Children Act 2001.

⁴ IYJS, Tackling Youth Crime: Youth Justice Action Plan 2014-2018, at 24.

Furthermore, national standards relating to the care of young people in detention require that children in detention receive care in a manner which safeguards their rights and actively promotes their welfare.⁵ Each young person must have a placement plan promoting their welfare, health and educational needs.

4.1 Human right standards

The United Nations Convention on the Rights of the Child (UNCRC), to which Ireland is a party, sets out the rights to which all children, including children in detention, are entitled. The Convention requires that all children are entitled to enjoy their rights without discrimination, they must have their best interests taken into account in all matters concerning children and have their views taken into account in all matters affecting them in line with their age and maturity. Under Article 40 of the Convention, every young person in conflict with the law has the right to be treated in a manner consistent with the promotion of their sense of dignity and worth, which reinforces the respect for the human rights and fundamental freedoms of others and which takes into account the young person's age and the desirability of promoting reintegration and assuming a constructive role in society.

Regard should also be had to the UN Rules for the Protection of Juveniles Deprived of their Liberty (1990) and the European Guidelines on Child-friendly Justice (2010).

More generally, Ireland is also a party to the Convention for the Prevention of Torture and Inhuman and Degrading Treatment and Punishment (CPT) and to the European Convention on Human Rights (ECHR), both of which are relevant to children deprived of their liberty. Under the *ECHR Act 2003*, 'organs of the state' (a phrase likely to include Oberstown) are required to act in a manner consistent with obligations under the ECHR.

5. Definitions

CEHOP refers to a framework that guides the development of planning through all stages of a young person's journey through Oberstown. The acronym refers to Care (C) Education (E) Health (H) Offending (O) and Preparation for Leaving (P).

Journey through Care refers to the stages, and the relevant documentation, of a young person's journey through the Oberstown Campus. The journey is split into three key phases – admission, placement, and pre-release – that a young person goes through and encompasses all areas that are included as mandatory elements of each young person's **JtC**.

6. Related Documentation

Other documents that should be considered in conjunction with this policy include:

- United Nations Convention on the Rights of the Child (1989).⁶
- UN Rules for the Protection of Juveniles Deprived of their Liberty (1990)⁷
- European Guidelines on Child-friendly Justice (2010).⁸
- IYJS, Standards & Criteria for Children Detention Schools.⁹
- Department of Health and Children, Our Duty to Care.¹⁰
- HSE, Child Protection and Welfare Practice Handbook.¹¹
- Youth Justice Action Plan, 2014-2018.¹²
- Article 42A of the Irish Constitution.¹³

⁵ Irish Youth Justice Service, *Standards and Criteria for Children Detention Schools* (Dublin: Department of Justice Equality and Law Reform, 2008).

⁶ Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

⁷ Available at

https://www.unodc.org/pdf/criminal_justice/United_Nations_Rules_for_the_Protection_of_Juveniles_Deprived_of_their_Liberty.

⁸ Available at: <http://www.coe.int/en/web/children/child-friendly-justice>

⁹ IYJS, Standards & Criteria for Children Detention Schools, 2008. Available at:

https://www.hiqa.ie/system/files/Standards_and_Criteria_for_Children_Detention_Schools_2008%20.pdf

¹⁰ Department of Health and Children, Our Duty to Care, 2002.

¹¹ This practitioners guidance document is based on *Children First: National Guidance for the Protection and Welfare of Children* (2011) and should be considered in conjunction with the relevant laws, policies, procedures and guidelines that govern their practice.

¹² IYJS, Youth Justice Action Plan, 2014-2018.

¹³ Available at: <http://www.irishstatutebook.ie/eli/cons/en/html>

