

HEALTH & WELL-BEING POLICY

Final Version, Ref no: OCDC2

Document Title	Health & Well-being, OCDC2
Version	Final Version 1.0
Owner	Deputy Director, Care Operations
Approved by	Board of Management
Date	09.05.2017 18.10.2018 (Approved Extension) 10.09.2019 (Approved Extension)
For Review	31.01.2020

1. Purpose of Policy

The purpose of this policy is to outline the steps taken to ensure that the health and well-being of all young people is at the centre of their placement plan while in Oberstown.

2. Policy Statement

At Oberstown, young people's health & well-being¹ will be provided for through a multidisciplinary approach through medical, dental, psychological, psychiatric and wellbeing services that are child-centred and collaborative.

Oberstown is a drug, alcohol and tobacco free Campus. Young people identified as having substance misuse issues will be supported to address these behaviours as part of their overall care.

To ensure that young people's health & wellbeing is protected, staff must be aware of their responsibilities as per the Journey through Care (JtC) under the CEHOP Health and Wellbeing Pillar.²

At Oberstown, an holistic approach must be taken to young people's health, and the provision of healthcare must be equal, must meet the needs and best interests of individual children, recognise their evolving development and capacity and takes account of their views.

Furthermore, staff must ensure that:

- Young people are assessed on an ongoing basis and that each young person has an Individual Health Care Plan (IHCP), and an Individual Health Care Record (IHCR).
- Young people are supported to make informed decisions about their Health & Wellbeing in collaboration with the Parents/Guardians, Campus Medical & Wellbeing Team.
- Young people are treated with dignity and privacy³ and that all healthcare issues relating to the young person will be carried out sensitively, and in a manner which seeks to ensure they are not stigmatised.
- all records are up to date for ongoing reporting and regular audits.

3. Scope of Policy

This policy applies to all staff who interact with young people on the Oberstown campus. It must be read in conjunction with Oberstown's information management policy and health & well-being procedures, including those dealing with substance misuse and self-harm among young people. 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

¹ See definitions.

² Oberstown is based on a model of care defined by **C**are, **E**ducation, **H**ealthcare, work on **O**ffending Behaviour and **P**reparation for leaving (CEHOP).

³ See the Oberstown policy on Dignity & Privacy.

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'.⁴ These obligations are fulfilled, among other means, through the implementation by staff of Oberstown's policies and procedures.

National policy makes clear that all those working with or caring for children have a role to play in promoting their health and wellbeing'.⁵

The Youth Justice Action Plan commits to 'a safe, secure environment and necessary support for detained young people to assist their re-integration into the community'.⁶ This involves the provision of specialist therapeutic services to young people in detention and a commitment to improved service provision that meets young people's education, health, mental health and social needs.⁷

Under Irish law, young people over 16 years are entitled to consent to medical treatment without parental consent.⁸ The Director acts in loco parentis for this purpose, although it is good practice to consult with parents as appropriate.

4.1 Human rights 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, the child 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 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.

Under Article 24, children have the right to enjoy the highest attainable standard of health and specific measures must be taken to ensure children in detention enjoy this and other rights. Important also are: 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.

⁴Section 180(8)(b) Children Act 2001.

⁵ Department of Children and Youth Affairs, *Better Outcomes Brighter Futures: the National Policy Framework for Children and Young People*, 2014-2020, p. 52.

⁶ Tackling Youth Crime: Youth Justice Action Plan 2014-2018, p 25.

⁷ Tackling Youth Crime: Youth Justice Action Plan 2014-2018, p 25.

⁸ *Non-Fatal Offences against the Person Act 1997*, S 23.

The CPT pays special attention to the specific medical needs of young people deprived of their liberty, particularly that the health-care service offered constitutes an integrated part of a multidisciplinary (medico-psycho-social) programme of care.⁹ Under the *ECHR Act, 2003*, 'organs of the state' are required to act in a manner consistent with obligations under the ECHR.

5. Definitions

Health is defined as 'a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity' (WHO). As outlined in the Healthy Ireland Framework, 'Health means everyone achieving his or her potential to enjoy complete physical, mental and social wellbeing'.¹⁰

Wellbeing is an integral part of health. It reflects the quality of life and the various factors which can influence it over the course of a person's life. Wellbeing also reflects the concept of positive mental health, in which a person can realise his or her own abilities, cope with the normal stresses of life, work productively and fruitfully, and be able to make a contribution to his or her community.

Journey through Care (JtC) 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

- United Nations Convention on the Rights of the Child (1989).¹¹
- UN Rules for the Protection of Juveniles Deprived of their Liberty (1990).¹²
- UN Committee on the Rights of the Child, General Comment No 10 on Children's Rights and Juvenile Justice, 2007.¹³
- European Guidelines on Child-friendly Justice (2010).¹⁴
- Department of Children and Youth Affairs, *Better Outcomes Brighter Futures: the National Policy Framework for Children and Young People, 2014-2020*.
- IYJS, Standards & Criteria for Children Detention Schools.¹⁵
- Tackling Youth Crime, *Youth Justice Action Plan, 2014-2018*.¹⁶
- Article 42A, Irish Constitution.¹⁷

⁹ CPT, Juveniles Deprived of their Liberty Under Criminal Legislation, Extract from the 24th Report of the CPT. Available at:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ccb96>

¹⁰ *Healthy Ireland, A Framework for Improved Health and Wellbeing, 2013-2025*, available at

<http://health.gov.ie/wp-content/uploads/2014/03/HealthyIrelandBrochureWA2.pdf>

¹¹ Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

¹² Available at:

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

¹³ Available at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f10&Lang=en

¹⁴ Available at: <http://www.coe.int/en/web/children/child-friendly-justice>

¹⁵ Available at:

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

¹⁶ Available at: <http://www.iyjs.ie/en/IYJS/Tackling%20Youth%20Crime%20-%20Youth%20Justice%20Action%20Plan%20FINAL.pdf>

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¹⁷ Available at: <http://www.irishstatutebook.ie/eli/cons/en/html>