



Irish Society for the Prevention of Cruelty to Children (ISPCC) Submission to the Department of Children, Equality, Disability, Integration and Youth on the Government's White Paper to end the current Direct Provision system and provide for a new International Protection accommodation policy, centred on a not-for-profit approach

November 2020

1. OPENING REMARKS

The ISPCC is pleased to be in a position to make this submission to the government's white paper on ending direct provision in a first step to realise its commitment outlined in the programme for government 2020. We have previously highlighted our child protection and welfare concerns with the current system and have called for the system to be abolished and be replaced with a much more child-centred and family-centred model of support and integration.

We have first-hand knowledge of the challenges faced by these children and their families through our Integration Support Service we deliver in Mosney Accommodation Centre.

The ISPCC has been supporting children and families availing of direct provision on a continuum and is acutely aware of their daily struggles. This submission is primarily based on the ISPCC's first-hand experience of working directly with residents in direct provision and supporting them on a daily basis, along with supporting recommendations in recent reports into the current system of protection, namely *The Working Group on the Protection Process and Direct Provision*, chaired by Dr Bryan McMahon; *Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process*, chaired by Dr Catherine Day and a report titled *Direct Provision's Impact On Children: A Human Rights Analysis* from LLM Candidates at the Irish Human Rights Centre at NUI Galway, submitted to the Minister for Children, Disability, Equality, Integration and Youth.

We recognise that replacing the current system will not happen instantaneously. We believe that in the interim protecting these children's rights and providing innovative solutions and remedies to meet their needs must be realized. We have outlined in this submission what we feel will make the most difference immediately to the children and families with whom we work. We note that some of these recommendations have already been mentioned by the Minister for Justice as areas that warrant change in the interim, and we hope to see these actioned when responsibility for direct provision moves to the Minister for Children, Disability, Equality, Integration and Youth.¹

2. INTRODUCTION

The Irish Society for the Prevention of Cruelty to Children (ISPCC) is for children.

Our purpose is to listen to them, empower them, strengthen their resilience and enable them to live their best possible lives. Resilience is '*the capability of individuals or systems (such as families, groups, and communities) to cope successfully in the face of significant adversity and risk*' (Lyons, et. al, 1998).

¹ <http://www.justice.ie/en/JELR/Pages/SP20000161>



The ISPCCC provides a range of services directly to children and families and advocates for change to enhance the lives of children in Ireland.

The ISPCCC's work is made possible through public and corporate support, as well as funding provided by government agencies for the delivery of specified services.

ISPCCC Integration Service

The ISPCCC Integration Service, funded by The Daffodil Foundation, is a developing project which works with families who seek International Protection in Ireland and, as a result, end up residing in Direct Provision while their application is being processed. This application can take many months or even years to be fully processed. This creates stress and anxiety for families who are already marginalised and vulnerable.

The service currently supports families residing in an Accommodation Centre, at Mosney, Co. Meath. The overall objective of this service is to support families in successfully integrating into Irish society by promoting empowerment, connection and resilience.

The ISPCCC Integration Service continues to evolve based on the needs of the community which it serves. This year the programme endeavoured to focus on the following three areas:

1. The Community Navigator Service
2. ISPCCC Bouncing Forward Resilience Programme
3. Individual Support Work with Children & Families

1. The Community Navigator Service

The Community Navigator Service is run by a group of residents currently residing in Mosney. The service provides friendly informal supports to families in Mosney seeking integration. The programme is aimed at families initially entering Direct Provision and promotes integration, empowerment and capacity-building at the earliest of stages.

The Community Navigator service was launched at the beginning of February 2020. There are currently nine residents from a diversity of backgrounds volunteering with the service onsite. These 'Community Navigators' are both trained and supported by the ISPCCC Integration Officer.

The Community Navigators act as a link between residents and services both in Mosney and in the wider community by providing up-to-date information on upcoming events, activities and training opportunities, signposting to available support services and offering initial support and guidance to residents in their own cultural language.

By identifying needs and understanding strengths / interests among residents, we hope to support the planning of future integration events.

2. ISPCC Bouncing Forward Resilience Programme²

The ISPCC Bouncing Forward Resilience Programme, created by two ISPCC Resilience Support Workers, has been successfully running in Dublin since 2016.

The overall aim of this group programme is to help children build resilience by increasing their self-esteem and improving their ability to self-regulate their own emotions. The course content covers areas such as self-esteem, expression of feelings and dealing with anger. The programme is aimed at primary school children and their parents.

This year, for the first time, families residing in Mosney and families living in the local community have been invited to participate. We hope this programme can also serve as an integration piece and support families residing in Direct Provision to make positive connections with the local community.

3. Individual Support Work with Children & Families

Since January, the ISPCC Integration Officer has been working individually with children, young people and/or their parents through the Childline Therapeutic Support Service. This is a child-centred service, based on a resilience model which provides children, young people and families residing in Mosney with individualised support during difficult times.

Service interventions are based on individual strengths/needs assessments and in partnership with the child, young person and/or parent, intervention plans are developed to meet the specific needs of the family.

Families can self-refer to this service or can be referred by a professional. Some families have also been identified through the Community Navigator Service. Reasons for referring to the service may include; emotional/behavioural difficulties, parenting support, child/parent relationship issues, etc.

We understand that families residing in Direct Provision face additional stressors due to the often prolonged asylum seeking process, the trauma they may have experienced in their country of origin and/or during the migration process and through separation/loss of family, friends and home.

This service takes all of these factors into consideration when working with a family, whilst also recognising the challenges migrants in Ireland face. By adopting a transcultural lens to practice, we aim to build resilience, promote empowerment and support the successful integration of new families into Irish society.

This service is also suitable for families in need of brief support in terms of accessing specialist services, advocacy and/or accompaniment.

² Due to COVID-19 government restrictions the ISPCC hopes to now deliver this programme online.

Holistic Service Delivery Model

The Integration Support Service delivered by the Integration Officer works within a holistic service delivery model, effectively being the ‘keyworker’ in the resident’s life.

They act as a critical link between the residents on site and the services in Mosney, and those services available in the wider community. The Integration Officer is available to provide therapeutic support – brief to long-term intervention – advocates on behalf of a resident; offers emotional support by building their resilience and giving them skills to equip them with life after Direct Provision. They improve their confidence and competence as they navigate their new life in Ireland, always being visible and embedded in the community.

This holistic model is what is unique about the Integration Support Service, having this skillset mix in the professional is hugely impactful on the positive outcomes of those they support. It reduces the need for many different professionals in the resident’s life and reduces the need for them to retell their story many times over to different people. The Integration Officer who has a whole picture of the person, works on empowering them, always building their trust and supporting them to a successful transition out of Direct Provision and into the community and a new life.

Future Plans for the ISPCC Integration Support Service

In 2021 the ISPCC is hoping to continue its offering to the residents at Mosney Accommodation Centre by further developing the suite of supports it can offer them, including the provision of a dedicated support line and newsletter; an enhanced Community Navigator Service; and broader parenting education and support programmes.

It is envisaged that these services outlined for 2021 will be able to be delivered to other Direct Provision centres, if the Integration Service extends beyond Mosney Accommodation Centre. This holistic model of service delivery the ISPCC has in place is easily scalable due to how the project has been designed. The role of the Integration Officer has been designed with the service user in mind and taking into consideration the broad range of vulnerabilities – and subsequent needs – they may have.

3. IMPLEMENTING THE PUBLIC SECTOR EQUALITY AND HUMAN RIGHTS DUTY

The Public Sector Equality and Human Rights Duty is a statutory instrument provided for in Section 42 of the Irish Human Rights and Equality Commission Act 2014.³

³ <https://data.oireachtas.ie/ie/oireachtas/act/2014/25/eng/enacted/a2514.pdf>

It states:

A public body shall, in the performance of its functions, have regard to the need to—

- (a) eliminate discrimination,
- (b) promote equality of opportunity and treatment of its staff and the persons to whom it provides services, and
- (c) protect the human rights of its members, staff and the persons to whom it provides services.

The human rights violations which have taken place throughout Direct Provision centres have been highlighted and debated at length, and solidify the position that the current system is not acceptable, and wholly inadequate in ensuring that one of the most vulnerable groups in our community are cared for in a manner they deserve.

LLM Candidates at the Irish Centre for Human Rights at NUI Galway have succinctly outlined in a submission to Government how children residing in Direct Provision have had their human rights infringed on.⁴ The authors tell of rights violations in terms of their rights to healthcare provision, including mental health and disability supports (attributed to a failure to conduct vulnerability assessments); a right to privacy and family life; cramped conditions infringing on their right to be heard; their right to fully participate in education due to enforced poverty, social exclusion, limited quiet space to complete homework and limited transport options.

People residing in direct provision are one of the most underrepresented groups of people in our society: they don't work alongside us; they are not teachers in our schools nor doctors in our hospitals; they are not represented in public life; we don't 'bump' into them in our local shops.

Those charged with responsibility for ensuring their rights and needs are met are failing miserably in many respects, but in particular failing to meet their legal obligations under the Public Sector Equality and Human Rights Duty.

There are various national, European and international instruments that the current and a new system should be adhering to. It is imperative that applicable public bodies who will be providing services at any stage of an asylum seeker's application process – including leave to remain – are made aware of their legal obligations under the Public Sector Equality and Human Rights Duty. This Duty is referred to in the National Standards for Accommodation Centres where under Standard 1.4 it states 'The service provider prepares a written description of how the Centre adheres to the public sector duty...' It must be noted that any existing and prospective new accommodation centres are not the only ones whose duty it is to adhere to this.

The ISPCC suggests that all public bodies who are and/or will be subject to this Duty are clearly laid out in the impending White Paper, and/or the final government accommodation policy. For

⁴ http://www.nuigalway.ie/media/irishcentreforhumanrights/files/reports/Direct-Provision-Report_-_ICHR_Final-23.09.pdf

example, should recommendations in respect of Local Authorities providing accommodation for those in the protection system and/or on leaving the system after receiving a positive decision be taken on board, they too must provide a written description of how they plan to adhere to the Duty.

4. ISPCC COMMENTS AND OBSERVATIONS ON A NEW SYSTEM OF SUPPORT AND INTEGRATION FOR THOSE SEEKING PROTECTION – KEY ELEMENTS

4.1 EARLY INTERVENTION AND MULTI-AGENCY WORKING

Recommendation 4.1 of the Day Report states that having ‘*A multi-services centre onsite should help applicants to access necessary services and entitlements, including legal aid and post reception centre housing placement.*’⁵

The ISPCC urges the use of vulnerability assessments as prescribed for in the European Union Reception Conditions Directive as a matter of priority. This allows for early detection of emerging needs and could support monitoring of same as these identified needs evolve as the applicant progresses through the process.

Many civil society organisations/NGOs have been supporting residents in Direct Provision since its inception, albeit on a somewhat ad hoc basis. A further recommendation in the Day report stating that families will have access to Tusla’s current Prevention Partnership and Family Support (PPFS) Programme is to be welcomed.⁶ A coordinated multi-agency approach would ensure children and families receive the dedicated and specialised support they need in a timely manner, avoiding duplication of supports and services. Allocating a key worker/integration worker with a suitable background in social work/psychology/mental health/trauma is imperative. Additional training in cultural competency should also be provided for.

The ISPCC believes that for integration efforts to be meaningful and successful they should be aligned with processing times with a view to integrating asylum seekers with the purpose of them staying in Ireland. Support for this approach should give impetus for the processing times to be reduced. It is imperative that both are happening complementary.

4.2 PROVISION OF POSITIVE PARENTING SUPPORT AND EDUCATION

The ISPCC supports a model of positive parenting and champions this approach with the parents and families it supports. Positive parenting is about parenting in a balanced manner. It’s about

⁵ [Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process, Day 2020](#) Pg. 208

⁶ [ibid](#) Pg. 149

developing a strong, deeply committed relationship between parent and child based on communication and mutual respect, to raise resilient children, with strong self-esteem, enhanced social supports and the ability to self-regulate.

Where our purpose is to support families to integrate into Irish society it is imperative that they are supported to support their children in a manner to which that society subscribes. Parenting is challenging in normal circumstances where Irish national parents are aware of the standards in respect of parenting, and these challenges are exacerbated when parents are confined to small living spaces where they spend excessive amounts of time in their own confined spaces and/or communal spaces with strangers from different nationalities, cultures and traumas.

A child's right to play and the parents' role in vindicating this right is greatly impacted when children have little appropriate toys to play with and are limited in accessing safe and free play areas. It is welcome to see a focus on the area of play in the Day report and the ISPCC suggests the government takes these recommendations into consideration when designing the new protection system.⁷

The ISPCC recommends that a model of positive parenting support is provided for where parents are afforded the opportunity to enrol in sets of thematic classes where they can learn how to support their child, and supports the recommendation in the Day report that at the proposed new Stage One Reception Phase that parents are offered information on '*... parenting in Ireland/family supports and life in Ireland.*'⁸

4.3 ADOPTING A TRAUMA INFORMED APPROACH TO POLICY AND PRACTICE

The ISPCC suggests that any new policies and practices on provision of international protection takes on a trauma informed approach. Children born into the current system and spending their important formative years in institutional settings is not conducive to a good start in childhood.

Vulnerability assessments are key in assessing the specific needs of asylum seekers, in particular where trauma has occurred.⁹ Some families can be more capable and aware of their needs than others, and seek out the services they require. Others can be quiet and may not feel confident in asking for such services and special attention must be paid to this probability.

Many desperately need such services and assessment for such support must be looked at through a trauma informed lens.

⁷ [Ibid](#) Pg. 148

⁸ [Ibid](#) Pg. 149

⁹

https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_justice_and_equality/report_s/2019/2019-12-12_report-on-direct-provision-and-the-international-protection-application-process_en.pdf
Recommendation 16

And, there should be equity and parity of assessment and supports across all Direct Provision centres nationally, and their future reincarnations.

4.4 GOVERNMENT FUNDED – NGO LED

The ISPCC supports recommendation 4.1 as outlined in the Day report that the government needs to own the property in which it plans to deliver its new International Protection accommodation service.

Recommendation 4.1: Stage One: In the initial reception stage, for those who need it, accommodation should be provided in State-owned reception centres for up to three months. Vulnerability assessments must be carried out within 30 days for all applicants and include special reception and procedural needs. A multi-service centre onsite should help applicants to access necessary services and entitlements, including legal aid and post-reception centre housing placement.¹⁰

The ISPCC believes there is merit in considering the proposal that the International Protection accommodation service be state-funded and NGO-led and coordinated, on a not-for-profit basis. Many of the specialised support services and networks that those seeking protection require are delivered by NGOs.

5. RECOMMENDATIONS THAT WOULD MAKE A DIFFERENCE IN THE INTERIM – IMMEDIATE CHANGES

5.1 REDUCTION IN PROCESSING TIMES

It is the experience of the ISPCC that the key issue for the children and families it has supported is in respect of the length of time it takes to process their application, echoed in the McMahon report of 2015 and again in the Day report in 2020.¹¹ While we welcome the recommendation in the Day report that provisions for education, mental health, parenting, etc. be available for these children and families, their capacity to engage with same while having the daily – hourly – worries of the process outcome hanging over them warrants serious consideration in their capacity to engage with this, and the impact of such an intervention at this stage. A path to reduced processing times will go somewhat to mitigate against this.

¹⁰ [Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process, Day 2020](#) Pg. 74

¹¹ [Working Group to Report to Government on the Protection Process, McMahon 2015](#) Pg. 10

It has been well documented that Ireland's 'unique' determination system lead to such lengthy delays in this process. Housing children and families in accommodation that was meant to be on a temporary basis where some can be resident for years continues to be hugely concerning. Reducing processing times needs to be priority number one, along with regular communications and updates for residents on their application processing status.

5.2 ENHANCED INTERPRETATION PROVISION

The ISPCC supports recommendations 3.22 and 3.23 of the Day report to improve the quality of interpretation services.¹²

3.22 An accreditation test should be introduced for anyone seeking to provide interpretation in the international protection process (from mid-2023).

3.23 Codes of conduct, similar to that used by the IPAT, should be used in the IPO and other relevant bodies which use interpretation.

The ISPCC further recommends that consideration be given to having interpreters skilled in the broader area of child protection policy and the Irish education system, and to potentially support in the delivery of family support services alongside NGO practitioners where language is a barrier to engagement.

It is critical that consideration should also be given for the provision of specialised interpretative services for emotional wellbeing and mental health support services.

It is not okay for children to be their parents' interpreters in any of these situations.

5.3 DATA SHARING PROTOCOL TO SUPPORT CONTINUATION OF SERVICES AND SUPPORTS

There are times when children and families who are availing of supports are moved to another accommodation location, for whatever reason. The services supporting them may not be made aware that they are moving and/or no conversation is held in respect of continuation of service provision. The ISPCC recommends that a data sharing protocol is put in place, respecting the personal data rights of those availing of the services to allow for continuity of support, should that be desired. Ideally this would be coordinated, to a certain standard with a purpose to ensure no one gets left behind.

¹² [Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process, Day 2020](#) Pg. 208

5.4 CHILD PROTECTION TRAINING FOR DIRECT PROVISION CENTRE MANDATED PERSONS

Direct provision is considered a relevant service under the Children First Act 2015. Any mandated person should have the appropriate training to support them to meet their obligations under this piece of legislation, as provided for in the National Standards for Accommodation Centres due to come into force in January 2021.

The UN Convention on the Rights of the Child, Article 19 states that every child has a right to be safe and to be protected from all forms of violence, abuse and neglect.¹³ Ireland in providing this system of Direct Provision has a duty to uphold this right and make provisions for same.

For the most part the current system is run by private sector personnel without a background in child protection, or similar, relevant discipline. In circumstances where such mandated persons have an obligation in identifying children at risk it can be difficult to attain the skills required to assess such risks from completing basic children first training. Using personal judgement as opposed to having that embedded learning from a professional child protection (or similar) background and training is problematic. An issue that should be resolved in a new international Protection accommodation service, but needs to be addressed in the interim.

And, such mandated person must also be cognisant of when not to become overly involved in children and families' lives – families must be engaged with empathetically with a view to empowering them and strengthening their resilience, a view echoed by Dr Muireann Ní Raghallaigh in her research on children and families in direct provision.¹⁴

5.5 ASSIGN A DEDICATED TUSLA SOCIAL WORKER TO EACH DIRECT PROVISION CENTRE

Each Direct Provision centre should have a social worker allocated to it. While Tusla has a social work manager seconded to the Department of Justice to oversee social work provision across the centres, they are not necessarily based within the centres, within the communities.

The ISPCC believes a permanent onsite social worker who can carry out assessments and build relationships with the residents could help to allay any perceived/genuine fears of 'the system'.

5.6 TRANSPORT CONSIDERATIONS FOR SCHOOL AND OTHER SOCIAL AND EDUCATIONAL BENEFITS

ISPCC CASE REFERENCE: The ISPCC worked with a family who were transferred from Direct Provision accommodation into own-door accommodation (still Direct Provision). Access to school was becoming an issue as they now lived a twenty-minute walk from their child's school. They are not able to avail of school transport and do not have access to a private car. There are days where their

¹³ <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

¹⁴

https://researchrepository.ucd.ie/bitstream/10197/9518/2/Integration%20of%20asylum%20seeking%20and%20refugee%20children_Pre%20publication%20version_N%c3%ad%20Raghallaigh.pdf

child attends school after this walk in the rain and must either remain in these wet clothes for the day, or plan to bring a change of clothes with him, which is not ideal.

It is imperative that a new system of international protection be established in communities where basic services – such as school, health centre, library – is within close proximity and/or where this is not possible that regular, accessible and suitable transport be provided.

6. CLOSING REMARKS

The ISPCCC supports the recommendation in the Day report that publishing a cross-departmental implementation plan/white paper with a dedicated lead department to coordinate will be vital for a timely, involved move to a new system of international protection.

The time is now to develop and deliver a system fit-for-purpose, one that respects the equality and human rights of all the people it is there to serve, those who have chosen another, safer country to call home, for whatever reason.

We look forward to the government's white paper and its plan to progress the end to Direct Provision and we wish them well in developing such a service that is an exemplar to countries across the world looking to do the same.

Residing in Direct Provision for lengthy, unnecessary periods has a huge impact on family dynamics. This is clearly visible as families move out of Direct Provision and embark on their new life.

A previous child we supported illustrates this perfectly: *'I am no longer the Mosney child on the Mosney coach'*.