



SPECIAL CARE DISCHARGE CRITERIA

1. INTRODUCTION

Background: The Children Acts Advisory Board (CAAB) was established under the Child Care (Amendment) Act 2007 on the 23rd of July 2007 which changed the name and some functions of the former Special Residential Services Board. Under this Act the functions of the CAAB include the provision of policy advice to the Ministers with responsibility for Health and Children and Justice, Equality and Law Reform on the placement of children in special care units and:

'In consultation with the Health Service Executive, prepare and publish criteria for the admission to and discharge from special care units of children subject to special care and interim special care orders.'

s. 227 (1) (c) Children Act 2001 (as inserted by s. 20 Child Care (Amendment) Act 2007) applies.

These guidelines have been developed by the CAAB in consultation with the Health Service Executive (and taking into account the views of other parties) to establish a baseline for the appropriate discharge of children from special care.

Rationale of special care: Special care is described as a controlled and safe environment for children who are at significant risk and whose needs cannot be met in an open placement. *'Emphasis [in special care] is placed... in terms of care, safe keeping and supervision, rather than punishment and containment. The overall aim of special care... is to provide focused care and therapy to young people so that their behaviour is stabilised and they are enabled to return to non-secure care within a short duration.'*¹

It is therefore very important to ensure that special care placements are appropriately used. It was within this context that the former Special Residential Services Board and the Health Services Executive (HSE) reviewed and agreed a set of 'Criteria for the Appropriate Use of Special Care Units' in November 2005 that outline the admission criteria for children to be placed in special care. These criteria were further reviewed and amended in 2008 and can be accessed at www.caab.ie/Functional-Areas/Special-Care.aspx

¹ *The Impact of Placement in Special Care Unit Settings on the Wellbeing of Young People and their Families- A Summary report* (2004) p5.



Discharge from special care: Given that only children who are at significant risk of harm to their life, health, safety, development or welfare are placed in special care, it is essential that they are discharged at the appropriate time in relation to their needs and potential risks.

2. CRITERIA FOR DISCHARGE FROM SPECIAL CARE

The decision to discharge a child from a special care placement must be based on a **comprehensive needs assessment** involving the child and their parent(s)/guardian(s), the social work department, the Guardian *ad Litem* and the special care unit staff, including any professionals that have been involved. The assessment must include:

- **the specifics of each case**
- **the criteria under which the child was placed in special care**
- **the presenting behaviours and risks and how these may differ from the behaviours and risks displayed by the child when they were initially placed in special care**
- **the aims and objectives of the placement in special care and if they were achieved**

Furthermore the decision to discharge from special care **must demonstrate that:**

- **it is in the best interests of the child**
- **it is consistent with the child's current statutory care plan**
- **where the onward placement is not within the same campus there must be a clear transition placement plan which includes day and overnight visits to the onward placement for the period agreed necessary to effect a successful transition.**

Given that detention of children should be a measure of last resort and for the shortest appropriate time, any decision to discharge or to continue the placement in special care must clearly demonstrate that it is necessary and appropriate to do so.

3. CHILDREN'S RIGHTS

According to the United Nations Convention on the Rights of the Child (1989), children and their parent(s) unless there are child protection concerns, should be involved in the decision making process and participate in meetings where decisions are made about their lives. All children in care are entitled to good quality planning that ensures that there is a continuity of



care and education across all placements. Therefore, it is imperative that the professionals involved in the care of the child at the point of both admission to and discharge from special care should give primary consideration to the continuity of the care experience and ensure that the long-term plan for the child is as cohesive as possible. This means in practice that the place of special care in the general continuum of care is seen as the temporary provision it is, and is not seen as a reason to exclude a child from return to mainstream residential or foster care, or from a return to home. There should be a balance between allowing the child to stabilise in special care and preparing and moving on to their onward placement. It is also important for the child to know where their onward placement is from as early a stage as possible.

Children in care, aged over 16 years are entitled to an aftercare plan that specifies the services they will receive on leaving care. This also applies to all children aged over 16 years in special care. Looking forward to the future can help to improve engagement in the services provided in special care and increase the likelihood of a shorter placement. If the onward placement meets the child's needs he/she is less likely to be readmitted to special care.

If it is determined that the placement in special care should be extended, the reasons for the decision should be fully explained to the child, and he/she is entitled to know who made the decision and the criteria used when making it.

4. INSPECTION

The Health Information and Quality Authority Social Services Inspectorate has statutory responsibility for the registration and inspection of residential services for children in need of care and protection. The Inspectorate currently inspects children's residential centres, including special care units against national standards that were developed by the Department of Health and Children. Owing to the vulnerability of the children placed in special care, inspections are carried out annually, with a follow-up inspection in between. It is intended that special care units will be designated centres under the Health Act 2007. This means that from the commencement of the relevant part of the Act special care units will be registered by the Health information Quality Authority Social Services Inspectorate. The standards for special care are under review. In the current standards there is an expectation that discharge plans are incorporated into statutory care planning at the earliest point of the placement.



5. GUIDANCE NOTES

Role of Professionals: It is the role and responsibility of all staff involved with the child's care to ensure that potential and continuing supports are identified and nurtured throughout the placement in special care, transition to follow on placement and discharge from special care. Preparation of the family/guardian (where appropriate) and the follow on placement for the child's discharge is imperative. These supports will help the child reintegrate into a community and a less secure lifestyle. All professionals must co-operate with any other agencies and professions involved in the child's care and protection by sharing information where necessary and working together towards the best possible outcome for the child and in the best interests of the child. All professionals involved in the care of children should lead by example in their day-to-day interactions with each other and the children, thus providing the children with a 'lesson for life' that will help them in moving on into society.

Special Care Staff: Transition is a time of change and can be unsettling for children. Care staff should be aware of this, should consistently support the plan, continue to promote the welfare of the child, help the child to see the positives of moving to the onward placement by helping them to reflect on their achievements and promoting their self worth. During the transition period there should be clarity of roles and expectations of staff of the special care placement and the onward placement which must be clearly defined and explained to the child.

Social Workers: It is imperative that the social worker maintains and builds on the relationship with the child while they are in special care. In conjunction with the onward placement and special care staff, social workers must ensure that a transition plan is in place at the earliest point possible to help the child achieve a smooth transition from the special care placement to the alternative living/placement arrangement.

Onward Placement: Once an onward placement has been identified, a programme of involvement should be drawn up with the special care placement. The onward placement should also be involved with any risk assessment relevant to the transition.

Guardians *ad Litem*: In practice all children who are subject to a special care order will be appointed a Guardian *ad Litem* (if not already appointed) who will be responsible for the promotion of the best interests of the child and conveying the child's views to the High Court and to other key professionals involved in the child's placement in special care. The Guardian *ad Litem* should conduct a detailed inquiry into the child's circumstances, contact relevant people (previously or currently) involved with the child, i.e. parent(s), siblings, other



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professionals, meet the child regularly, attend all special care review meetings and report to the High Court. In particular, the *Guardian ad Litem* shall ensure that the child's wishes, feelings and interests are represented to key staff and managers and to the care planning group. The *Guardian ad Litem* should also consider the child's ability to give informed consent to medical and other assessments while in special care.

Education: All children placed in special care should undergo an educational assessment, which will assist in the development and implementation of an individual educational plan (IEP). The child's education assessment will also be provided to the social work department. Prior to the child's discharge from special care a further assessment should be completed with a report on educational achievements to date to assist in the care planning and continued educational progress for the child.

Where possible an educational placement should be sourced prior to the child's discharge from special care that should enable a continuation of the education already undertaken while in special care, thus minimising disruption and breaks in the child's education. If an educational placement cannot be sought prior to discharge, this must be a priority and some interim arrangement must be made given the child's rights to education. Where appropriate the involvement of an Education Welfare Officer should be sought. If a child is in education prior to placement in special care then the child's education should continue in the same manner for the duration of the placement in special care.

Assessment: The following assessments should be made available, as required, to all children in special care: educational, medical, personal functioning, psychological and psychiatric unless a current assessment is available. All assessments should be based on the current, individual needs of the child. This list of assessment types is not exhaustive.

Mobility: Part of the intervention must be a gradual, progressive reintegration into the community. Mobility plays a huge part in this and should be gradually increased as the time of discharge approaches. Mobility should amongst other things include visits to the onward placement, eventually progressing into overnights as agreed in the transition plan. All mobilities must be based on a real time risk assessment.

High Court: All applications for a special care order, interim special care order are heard in the High Court, including third party applications for an order to detain a child for the purposes of providing special care. Similarly these orders can be varied and/or discharged by the High Court.



6. BIBLIOGRAPHY

Legislation/Regulations

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Child Care Act, 1991

Child Care (Placement of Children in Residential Care) Regulations, 1995

Children Act, 2001

National Standards for Children's Residential Centres, Department of Health & Children, 2001

National Standards for Special Care Units, Department of Health & Children, 2001

Child Care (Amendment) Act, 2007

Child Care (Amendment) Bill, 2009 (published September 2009)

National Policies

Children First, National Guidelines for the Protection and Welfare of Children, Department of Health & Children, 1999

Criteria for the Appropriate Use of Special Care Units, Special Residential Services Board (Children Acts Advisory Board) & Health Services Executive, 2006

Best Practice Guidelines for the Use and Implementation of Therapeutic Interventions for Children and Young People in Out of Home Care Settings, Children Acts Advisory Board, 2009

Giving a Voice to Children's Wishes, Feelings and Interests (Guardian ad litem), Children Acts Advisory Board, 2009

Report of the Commission to Inquire into Child Abuse, 2009 Implementation Plan, Office of the Minister for Children and Youth Affairs, 2009



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International Instruments

United Nations Standard Minimum Rules for the Administration Of Juvenile Justice 1985

European Convention on the Rights of the Child, 1989

United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990

European Convention of the Exercise of Children's Rights, 1996

Research

The Impact of Placement in Special Care Settings on the Wellbeing on Young People and their Families: A Summary Report, Special Residential Services Board, 2004

A Review of the Future Requirements of Special Care & High Support Provision in Ireland: A Strategic Response, Phase Three Consultancy, 2008

Review of Special Care Applications, Children Acts Advisory Board, 2008

Tracing and Tracking of Children subject to a Special Care Application, Children Acts Advisory Board (to be published in March 2010 – provisional findings)

Consultation

A number of individuals and organisations were consulted.

Boystown, USA

Children Detention Schools

Irish Association of Children in Care

Ombudsman for Children

Phase Three Consultancy, England

Secure Accommodation Network, England

Social Workers/HSE staff

Solicitors

Statens Institutions Styrelse, Sweden

HSE Residential Units

Queens University Belfast

University College Cork