

# Protection through inspection: An exploration of the effectiveness of Irish Inspection Services in relation to promoting a child's right to make a complaint in residential care.

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## **Abstract**

There is a clear understanding by the Irish Inspection Services of appropriate and effective safeguarding practices in relation to young people's right to complain. There are also some areas, however, where the policies and procedures of the inspection services in relation to complaints could be improved. Therefore, consideration is given as to how the effectiveness of Inspection Services could be enhanced.

## **Keywords**

Residential child care, Irish Inspection Services, complaints, children's rights

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## **Introduction**

As a social care professional, I advocate for the following concept: Respect for human rights begins with the way a society as a whole cares for all its children (Martin, 2000, p. 7). The view that children's rights should always be of paramount concern in all aspects of Irish society and that the best interests of the child should consistently be the dominant principle when decisions are being made that affect their lives is strongly endorsed. This research set out to explore the effectiveness of Irish Inspection Services in relation to promoting one specific safeguarding principle: young people's right to make a complaint in residential care. An exploration of how this safeguard fosters the development of safe and effective residential care services is considered. The approach taken is from an Inspector's perspective and applies only to mainstream residential care for young people. I found that the inspection process is an effective agent of child protection and welfare in relation to safeguarding and therefore helps to protect children in residential care. There is a clear understanding by the Irish Inspection Services of appropriate and effective safeguarding practices in relation to young people's right to complain. There are also some areas, however, where the policies and procedures of the inspection services in relation to complaints could be improved. Therefore, consideration is given as to how the effectiveness of Inspection Services could be enhanced.

## **A brief overview of the context of the Irish Inspection Services**

At the time this piece of research took place there were two inspection services in Ireland. Firstly, the Department of Health and Children operated the Irish Social Services Inspectorate that carried out the inspection of statutory children's residential centres in accordance with the Child Care Act (1991), Section 69. Secondly, the Health Service Executive operated a Registration and Inspection Service of non-statutory children's residential centres in compliance with the Child Care Act (1991), Sections 63 and 61. Both Inspection Services inspected residential centres accommodating young people in need of care and protection. The fundamental aim of both services was to ensure that all young people in residential settings receive the best quality care and to endorse the principles of good practice for the protection of children and young people. They assessed the residential environment and the care practices of residential care staff in order to ensure that residential services are safe, nurturing and appropriate to the needs of children (Northern Area Health Board, 2003).

Since this research took place the Health Act (2007) has been introduced. The act provides for the establishment of the Health Information and Quality Authority (HIQA) incorporating a single, new and independent inspectorate and registration authority for all statutory and non-statutory residential services. The remit of the Office of the Chief Inspector of Social Services has been extended from children to residential services for people with disabilities and older children. The inspection services referred to in this research are the services that were in existence prior to the Health Act (2007).

The Department of Health and Children published the National Standards for Children's Residential Centres [NSCRC] (Department of Health and Children, 2001) which defines basic standards that must be achieved by residential centres and other persons responsible for the care and protection of children in residential care, for example social workers. The ten standards are based on statutory regulations and the formats of the inspections and the reports are structured under the ten standards. They are necessary to ensure that inspections are consistent and fair. Although I understand the importance of the National Standards, the findings from the Skinner Report (1992) must also be considered. It cautioned against inspectors becoming 'so concerned with standards and performance indicators that they fail to keep their professional and human senses always alert' (Skinner, 1992, p. 85). If care is not taken it can create a legislation-driven system of inspection rather than a 'good practice' based approach. Stevenson makes the valid point that 'it is increasingly recognised that an overemphasis on procedure may mask the need for critical professional judgements within the procedural process (Stevenson, 1999, p. 6).

## **The inspection of complaints processes and procedures.**

The inspection process requires that inspectors consult with residential staff teams, children and young people, and parents, as well as all persons involved in their lives. The participation of this range of people in the inspection process is promoted in order to obtain a clear and balanced account of the quality of care provided for the young people (Hopkins, 2000). In order to maximise the child protection and welfare element of the inspection process, and to promote the clarity and quality of information gathered during

an inspection, an extensive number of records are reviewed. These include complaints and incident records.

The Irish NSCRC (Department of Health and Children, 2001) directs that structures must exist in residential centres in relation to children's right to complain. One Standard states that 'Young people in residential care are able to express concerns or complain about their care' (Department of Health and Children, 2001, p. 13). The Standard goes on to outline the requirements of residential centres regarding their complaint policies and procedures. This includes information provided to parents on their right to complain formally about any concerns they may have about their child's quality of care and to have a clear conclusion reached.

Section 7.2 of the Irish NSCRC requires residential centres to have a policy on complaints. The Inspectorate reviews these policies prior to an inspection and measures how the procedure is put into practice during the inspection. For inspectors, the assessment of complaint policies, procedures and recording systems, as well as the examination of any complaints made by young people in the centres, are important sources of information when determining if young people are safe in their residential care placements. Inspectors ask the children, their parents and the staff team to explain the complaints process in order to determine if there is clarity and transparency in relation to the issue of complaints. The Irish Social Services Inspectorate revealed that 'approximately a quarter of inspection reports found the standard on complaints was not being met...reasons given included: no action in responding to complaints; lack of feedback to young people; allegations warranting a child protection notification procedure being dealt with as a complaint; and in four centres insufficient or no recording of complaints' (Irish Social Services Inspectorate, 2002, p. 34).

## Methodology

There are numerous dimensions of safeguarding practices that need to be in place in order to protect children in residential care, such as staff recruitment, staff training, management structures and care planning. This research project explored the effectiveness of the Irish Inspection Services from an inspector's perspective and focused on one aspect: young people's right to make complaints.

If a child is to be truly encouraged to participate in their placement in residential care then they must be facilitated to take an active part in a process where they have a right to complain about any aspect of the quality of their care (Kahan, 1994). Children and young people in residential care do not find it easy to complain, whether or not they know about the complaints procedure (Cawson, 1997). A child and their parents being empowered to exercise their right to complain is a fundamental safeguard for children in residential care (Clough, 1982; Stanley, Manthorpe and Penhale, 1999). Complaints procedures have the potential to be an important safeguarding measure for children if they are devised, presented and implemented appropriately (Kahan, 1994). 'Any practice initiative that seeks to truly protect children must seek also to empower them' (Wilson and James, 2002, p. 181).

The purpose of this study was to gain the views of Irish Inspection Service inspectors on the effectiveness of inspection services in safeguarding children in residential care,

focusing particularly on complaints policies. Participants were selected from the two Inspection Services operational in Ireland at the time, the Irish Social Services Inspectorate and the Registration and Inspection Service. At the time the research took place, there were 16 Inspectors nationwide. All of these Inspectors were targeted as participants.

I carried out a semi-structured interview with a UK consultant who provides training for inspectors focusing on the issues of Inspection and Registration of children's residential centres. The main data collection tool was a questionnaire which was sent to all inspectors. The questionnaire consisted of 18 questions that were devised from a child protection and welfare perspective. The questionnaire yielded both qualitative and quantitative information.

### **Analysis of Findings**

Findings indicated that there appeared to be a clear understanding of appropriate and effective safeguarding practices by all of the inspectors. The current practice of inspectors in relation to the issue of complaints as a safeguard for children in residential care is very focused and developed. Throughout the data, all of the inspectors referred to the importance of effective complaints procedures as a significant safeguarding practice. Inspectors clearly consider the evaluation of complaints policies and procedures during an inspection to be an important aspect of the process. The reported level of focus that inspectors apply to the issue of complaints during an inspection appears to be justified when documents such as the Irish Social Services Inspectorate Annual Report found that approximately 25% of their inspection reports highlighted that the standard on complaints was not being met (ISSI, 2002).

The person interviewed as part of this study (UK consultant) expressed concern about the policy of the Irish Inspection Services in relation to complaints. Unlike those in the UK, the Irish Inspection Services do not have a policy requiring children's residential centres to notify the Inspectorate of all complaints made. The interviewee argued that if the Inspection Services are not receiving notification of complaints, they might not have access to information that would necessitate them to return to the centres. The interviewee reiterated the importance of complaints as a safeguard for children in residential care. Inspectors agreed with this view.

Inspectors reported that, due to a number of factors such as the diverse age range, needs and the abilities of children in residential care, complaints mechanisms are not always appropriate for all children who need to use them. This echoes some of the literature where the 'fear of repercussions, of getting staff into trouble, of being moved or having everything taken out of their hands are commonly cited as the reasons children prefer not to speak' (Stanley, Manthorpe and Penhale, 1999, p. 59).

Only a small number of inspectors suggested that an independent advocate may help children to make a complaint. This was surprising and somewhat disappointing. In the UK children's rights and advocacy workers are often appointed to provide independent representation and support for children in residential care (Willow, 1996). This provision fosters a complaints process that is equitable, transparent and child-friendly, thus inevitably strengthening the safeguarding mechanisms for children in care.

From the experience of carrying out inspections, only 57% of inspectors stated that they found an ethos in the centres where staff are encouraged and facilitated to question, and where appropriate, express concern about attitudes and practices of their colleagues, and only one inspector mentioned whistleblowing as a safeguarding concept that encourages transparency. Writers such as Cawson (1997), Stanley et al. (1999) and Utting (1997) have conveyed the importance of whistleblowing as a safeguarding measure for both young people and staff. I acknowledge that whistleblowing is only one way forward in developing staff transparency particularly when bringing matters of concern to the attention of the appropriate persons. Inspectors felt that specific policies and procedures on whistleblowing would be useful and should be devised by all residential centres and also by the Inspection Services. I consider this a fundamental provision for the creation of open, transparent and effective complaints procedures for children, an opinion which was also expressed by the interviewee.

All inspectors were consistent in their response about what they would do if they discovered child protection concerns in a residential centre. Three-quarters of inspectors stated that they carry out on-site inspections in pairs. They felt that this was an important safeguard for the inspectors themselves, the centre management, staff, and young people and their families as it encourages consistency of approach, transparency and accountability during and after inspections. All inspectors have identity cards that should be shown to care staff at the commencement of an inspection to confirm their identity. Only one inspector mentioned the clarification of their identity at this stage to be an important safeguarding practice. This is surprising due to the level of importance which the Irish Inspection Service give to staff being accountable for clarifying the identities of visitors to the centre and recording their contact with young people, and is contrary to Hopkins' (2000) recommendations of good practice during inspections.

Inspectors reported that children's rights were viewed with suspicion in some residential units. Some of the literature would support this finding. In the context of residential care, children's rights are often perceived negatively so that 'within social work, children's rights have become almost synonymous with complaints' (Willow, 1996, p. 69). In a UK study about issues of safeguarding in the inspection process (Anderson et al., 1998), one of the recommendations was for all staff and inspectors in child care services to undertake training in receiving and handling complaints and allegations correctly. Inspectors agreed with this.

## Conclusion

As stated earlier it can be concluded from the findings and literature that the inspection process is an effective agent of child protection and welfare in relation to safeguarding and therefore helps to protect children in residential care. There is a clear understanding by the Irish Inspection Services of appropriate and effective safeguarding practices in relation to young people's right to complain. I would suggest, however, that there are also some areas where the policies and procedures of the Irish Inspection Services in relation to complaints could be improved.

In order to promote the creation of open, transparent and effective complaints procedures for children, the National Standards for Children's Residential Centres (2001) need to be revised to include in the complaints criteria that children should have access to an independent advocate. I believe that, given the importance of complaints policies and procedures as a safeguard for children in residential care, all complaints should be notified to Inspection Services in writing. I would also recommend that the inspection service should ensure that specific policies and procedures on whistleblowing should be devised by all residential centres and also by the Inspection Services. It can be concluded from the findings of this study that the inspection process helps to protect children in residential care but is not a guarantee.

## References

Anderson, W. Furnivall, J. & Lindsay, M. (1998). *Slipping through the net? A study of issues of safeguarding in the inspection process*. Glasgow: The Centre for Residential Child Care.

Cawson, P. (1997). Who will guard the guards? Some questions about the models of inspection for residential settings with relevance to the protection of children from abuse by staff. *Early Child Development and Care*, 133, 57-71.

Clough, R. (Ed.) (1982). *Residential work*. London: MacMillan.

Department of Health and Children. (2001). *National Standards for Children's Residential Centres*. Dublin: Stationery Office.

Hopkins, G. (2000). *An inspector calls: A practical look at social care inspections*. Trowbridge: Cromwell Press.

Irish Social Services Inspectorate. (2002). *Annual Report of the Social Services Inspectorate*. Dublin: Stationery Office.

Kahan, B. (1994). *Growing up in groups*. London: Blackwell.

Martin, F. (2000). *The politics of children's rights*. Cork: Cork University Press.

Northern Area Health Board. (2003). Registration & Inspection Service - Northern Area Health Board. *Northern Area Health Board Journal*, 1(8), 19.

Skinner, A. (1992). *Another kind of Home: Review of residential child care*. Edinburgh: HMSO.

Stevenson, O. (1998). Children in need and abused: interprofessional and interagency responses. London: Blackwell. responses. In O. Stevenson (Ed.), *Child welfare in the United Kingdom 1948-1998*, (pp.100-120). Oxford: Blackwell.

Stanley, N. Manthorpe J. & Penhale, B. (1999). *Institutional abuse: Perspectives across the life course*. London: Routledge.

Utting, W. (1997). *People like us: The report of the review of the safeguards for children living away from home*. London: The Stationary Office.

Willow, C. (1996). *Children's rights and participation in residential care*. London: National Children's Bureau.

Wilson K. & James A. (2002). *The child protection handbook*. (2nd ed.) Edinburgh: Baillière Tindall.