

# Children's Rights Policy Framework

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## 1. Preamble

Oberstown Children Detention Campus has a statutory responsibility under section 158 of the Children Act 2001, as amended, to provide for the various needs of young people referred by the courts. Under section 179 of the 2001 Act, the Board of Management may make Rules, with the consent of the Minister for Children and Youth Affairs, for the management of the Campus and the maintenance of discipline and good order. In 2020, following a period of review and consultation, the Board of Management adopted this Children’s Rights Policy Framework in order to provide for a comprehensive, modern approach to the care of young people on Campus. In line with statutory requirements, with international children’s rights obligations<sup>1</sup> and with best practice, the Framework sets out the rights to which young people which are entitled, the standards of care they can expect and the responsibilities on duty bearers, including staff, the Director and the Board of Management, to fulfil these standards. In doing so, Oberstown has set out an expectation that the care provided to young people will meet the highest international standards.

The Framework consists of 12 Rules, adopted by the Board of Management on 22nd July 2020 following the consent of the Minister granted on 25th June 2020, which set out a high level statement or standard by which the performance of the Campus will be measured. For each Rule, there is an individual Policy, approved by the Board of Management on 18th June 2020, which details how each Rule is to be implemented in practice. The Board has responsibility for overseeing and reviewing these policies. Finally, a set of procedures has been developed by the Office of the Director, to support implementation of the rules and policies by staff.

In line with section 179 (3) of the 2001 Act, the Rules are provided to every young person on their admission to Oberstown and are otherwise displayed, in language easily understood, throughout the Campus.

Young people and their rights are at the heart of this Framework and they will be central to its implementation.

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1. These include the United Nations Convention on the Rights of the Child and the guidance of the Committee on the Rights of the Child and international standards like the *UN Standard Minimum Rules for Juveniles Deprived of their Liberty* (the Havana Rules), the *European Rules for juvenile offenders subject to sanctions and measures*, and the *European Guidelines on child-friendly justice*. Account is also taken of the European Convention on Human Rights and relevant case-law.

## 2. Rules

### 2.1. Care

Young people shall receive the best possible care so that their full potential can be realised. Their needs shall be individually assessed, and personalised placement plans developed to ensure their needs are met. They shall be supported to maintain contact with family as appropriate.

### 2.2. Education and Recreation

Young people shall have access to appropriate education, training and leisure activities suited to their needs and abilities and designed to prepare them for independent living.

### 2.3. Health

Young people shall have access to health, medical and therapeutic care in line with their assessed needs.

### 2.4. Offending Behaviour

Young people shall have access to a range of services, supports and programmes that address their offending behaviour and prevent further offending on release.

### 2.5. Preparing for leaving

Young people shall be prepared for leaving Oberstown through placement planning that assists their successful return to their families, communities or transition to prison. Such planning shall take account of policies and procedures for mobility trips, temporary leave and supervision in the community.

### 2.6. Safeguarding

Young people shall be protected from all forms of harm and abuse and their welfare promoted.

### 2.7. Consultation

Young people shall be supported to access information and effective complaints mechanisms, and to have their voices heard and to participate in decisions made about them.

### 2.8. Positive Behaviour

Young people shall be supported to understand and demonstrate norms of good behaviour that ensure long-term positive outcomes.

### 2.9. Restrictive Practices

Practices that interfere with the rights of young people shall only be used with approval and in exceptional circumstances.

### 2.10. Staffing, Management and Governance

The care of young people shall be provided by a suitable number of appropriately qualified staff of various grades, and effective and transparent management and governance shall be in place to deliver public accountability.

### 2.11. Physical Environment

Young people shall be cared for in an environment that is safe and secure, considering their physical, emotional and psychological well-being.



## 2.12. Authority to Suspend the Rules

In exceptional, emergency circumstances, the Director may limit the effect of these Rules to the extent that it is necessary to deal with that emergency.

# 3. Care Policy

## 3.1. Purpose

This Policy guides the implementation of the Care pillar of the CEHOP approach to care in Oberstown and sets out how young people are to be cared for while in Oberstown. It aims to ensure implementation of Rule 1, which states:

“Young people shall receive the best possible care so that their full potential can be realised. Their needs shall be individually assessed, and personalised placement plans developed to ensure their needs are met. They shall be supported to maintain contact with family as appropriate.”

## 3.2. Policy Statement

### 3.2.1. Guiding Principles

- Oberstown is committed to a child-centred approach to the care of young people placed there by court order. All decisions are taken in line with the best interests and rights of the young people concerned.
- Care is provided to each young person in a planned, tailored and personalised way, based on their assessed needs.
- A holistic, collaborative and child-centred approach is taken to providing for a young person’s needs encompassing care, health, education, offending behaviour, preparation for leaving.
- Young people who are at risk of or who have experienced trauma, abuse, neglect or harm are entitled to particular care.
- Young people are supported to participate in all decisions taken about their care.
- Parents/guardians are supported to play a meaningful role in young people’s placement planning in Oberstown.

### 3.2.2. Individual needs

- Each young person’s needs are assessed as soon as possible after admission. This includes assessment of educational, medical, mental health and care needs, as well as any special needs.
- Planning and the provision of care, services and programmes for young people involves an individualised approach tailored to their assessed needs.

### 3.2.3. Provision of Care to Young People

- The day-to-day needs of young people are adequately met.
- Positive relationships are promoted between staff and young people in the delivery of the CEHOP model of care.
- Young people receive good-quality, nutritious food that promotes their health, well-being and development and that takes into account any dietary, religious or cultural needs; young people are consulted about the type of food they prefer.

- The individuality, identity, cultural background, religious and spiritual needs, linguistic and communication needs, and any special needs of each young person are taken into account in planning for and providing care to each young person.
- Young people have access to facilities and services adequate and appropriate to meet their individual needs; young people who have particular needs, have access to specialised supports, facilities, and services where necessary.
- Relevant information about a young person is shared appropriately, in line with legislative requirements and procedure, and in a manner that protects the young person's privacy, between relevant staff – this includes care staff, health and well-being staff, clinical staff, relevant agencies and teachers on a continuous and ongoing basis.

#### 3.2.4. Contact with Family and Friends

- Young people are supported to maintain regular and meaningful contact with family, community and friends, including through phone calls and visits, in line with their views and their best interests.
- Parents/guardians of young people are encouraged to participate actively in planning for the young person while they are in Oberstown, taking account of the best interests and the views of the young people concerned
- The parents/guardians of young people receive regular information about them while they are in Oberstown.
- Young people are entitled to receive visits from family members on a regular basis in line with their best interests and views. Arrangements for visits allow young people to maintain and develop family relationships in as normal a manner as possible.
- Contact and visits with family members may, following an appropriate risk assessment, be subject to restrictions or monitoring to the extent required by the best interests of the young person and the safety, well-being and security of young people and staff on Campus and the Campus as a whole. Any restrictions applied will allow an appropriate minimum level of contact.
- Restrictions on family contact will never be used as a punishment.
- As part of the normal planning for young people, consideration is given to allowing young people regular periods of leave, to support them in maintaining a positive family life, and to help prepare them for return to their communities.

#### 3.2.5. Staff

- Staff are familiar with their responsibilities in relation to a young person's care within the CEHOP framework, the placement planning process under the Journey through Care process, and work to ensure full protection and promotion of the physical and mental health, safety and well-being of all young people in Oberstown.
- Staff are aware of the individual requirements of each young person in their care, so appropriate decisions and actions are taken.
- Staff respect the privacy of young people, and work to ensure that all matters concerning young people or their families are kept confidential; sharing of information between staff, and other professionals, should be done in line with Oberstown policy and procedure.

### 3.2.6. Records

- Each young person has an Individual Care Record held on the Oberstown Case Management System.
- All assessed needs relating to a young person’s care will be fully and accurately recorded throughout their time in Oberstown.
- Young people’s information is stored and managed in a way that ensures confidentiality and respect for privacy.
- Young people and/or their parents/guardians are entitled to access their records, in line with procedure and are supported to do so.

### 3.2.7. Oversight and Implementation

The Director has responsibility for ensuring the full implementation of and full compliance with this policy. This will be achieved by ensuring that:

- clear procedures are in place to implement the policy;
- systems are in place to safeguard that appropriate care is delivered to young people;
- a suitable number and grade of appropriately trained and qualified staff is in place to implement this policy and related procedures;
- mechanisms are in place to allow for supervision and support be provided to staff;
- all staff are familiar with policies and procedures through appropriate training;
- structured agreements, protocols, service level agreements, etc. are in place to facilitate this policy;
- internal monitoring is undertaken on the implementation of policies and procedures;
- ensuring compliance with external monitoring bodies;
- audits on the implementation of the policies and procedures are undertaken and reported;
- periodic reports are made to the Board of Management on the implementation of this policy.

The Board of Management has responsibility for overseeing the implementation of this policy, and for reviewing the policy on a regular basis.

## 4. Education and Recreation Policy

### 4.1. Purpose

This Policy guides the implementation of the Education pillar of the CEHOP model of care and sets out how education and recreational activities for young people will be provided in Oberstown. It aims to ensure implementation of Rule 2, which states:

“Young people shall have access to appropriate education, training and leisure activities suited to their needs and abilities and designed to prepare them for independent living.”

## 4.2. Policy Statement

### 4.2.1. Guiding Principles

- It is the principal object of Oberstown under s 158 of the Children Act 2001 to provide appropriate educational and training programmes for young people.
- Oberstown is committed to providing for the education, vocational and recreational needs of all young people in a way that meets their individual needs and interests, promotes their well-being and positive development, and strengthens their inherent strengths, talents and capabilities.
- An individualised holistic, collaborative and child-centred approach is taken to providing for a young person's right to education.
- Young people have the opportunity to benefit from formal and informal learning while on Campus.
- Young people enjoy meaningful activities, encompassing both education and training programmes, and a range of leisure activities.
- Young people are supported to participate in all decisions taken about their education and recreation, including the development of their individual plans. Parents/guardians of young people are encouraged to participate actively in the development of young people's education plans, taking account of the best interests and the views of the young person.

### 4.2.2. Provision of Education and Training

- Education in the Oberstown school is provided under the auspices of the Education and Training Board (ETB) in line with s 159A of the Children Act 2001, as amended.
- Young people's educational needs are assessed as soon as possible after admission.
- Each young person has an Individual Education Plan, and an Individual Education Record.
- Young people are supported to participate in the development and ongoing review of their Individual Education Plan;
- Young people have access to educational provision that is appropriate to their assessed needs and abilities, throughout their time in Oberstown.
- Formal education is delivered in line with the national curriculum as set down by the Department of Education. Young people are supported to sit State Examinations.
- Informal learning processes support the development of positive behaviour, and the interests, talents and capacities of young people.
- Young people have access to educational and training opportunities, as far as practicable, that will help to prepare them for continuing their education, training, or employment on their return to their communities, in line with their views and preferences.
- Young people have access to programmes which allow them to gain accreditation in line with national education and training standards.
- Young people have the opportunity to express their views on the types of training and programmes they want to access.
- Appropriate facilities and materials are in place to ensure that young people can effectively access educational and training opportunities.

- The continuation of educational and vocational training opportunities is addressed as part of a young person's preparation for leaving plan. Efforts are made to coordinate with external service providers to facilitate this.

#### **4.2.3. Provision of Recreation and Leisure Activities**

- All young people have access to available recreation and leisure activities addressed as soon as possible after admission as part of the planning process. An individualised approach will be taken, in line with young people's views, interests, talents and opportunities.
- Young people have access to a range of recreational and leisure activities, as far as practicable, and in line with their assessed needs and interests, such as sports, music and the arts. Where possible, young people have opportunities to gain recognition for participation in recreational or sporting opportunities.
- All young people have time in their daily programme for leisure activities, and for exercise, where possible in the open air.
- Young people have the opportunity to socialise with their peers on the Campus.
- A programme of recreational and leisure facilities is in place for each young person outside of school times.
- Appropriate facilities are in place to allow young people to participate in physical activities and to engage in other leisure activities.
- The continuation of positive recreational activities will be addressed as part of a young person's preparation for leaving plan, in line with the young person's interests. Efforts are made to liaise with external service providers to facilitate this.
- Restrictions on a young person's involvement in recreational activity are in line with procedure.
- Work performed by a young person in Oberstown is compatible with their education and training and is subject to remuneration where appropriate.

#### **4.2.4. Staff**

- Staff support young people to participate in decisions about available educational, training and leisure activities.
- Staff encourage young people to participate meaningfully in the full daily programme of activities.

#### **4.2.5. Records**

- Each young person has an Individual Education Plan, and an Individual Record, held on the Oberstown Case Management System; protocols for developing, managing and storing these records are developed in collaboration with the school.
- All records are complete, accurate and up-to-date.
- Relevant information about the programmes and supports provided to a young person while in Oberstown is shared, where necessary and appropriate, with external services providing ongoing education or training to a young person on their return to their communities, in line with legislative requirements and procedure.
- Young people and/or their parents/guardians can access their education records, in line with relevant legislation and procedure to do so.

#### 4.2.6. Oversight and Implementation

The Director has responsibility for ensuring the full implementation of and compliance with this policy and will work with the school principal and the ETB to this end. This will be achieved by ensuring that:

- clear procedures are in place to implement the policy.
- systems are in place providing education, training and recreational opportunities to young people.
- persons with responsibility for delivering education, training and recreation to young people in practice are identified.
- appropriate procedures are in place for the delivery of the various education, training and recreational opportunities for young people.
- a suitable number and grade of appropriately trained and qualified staff are in place to implement this policy.
- effective mechanisms are in place for the supervision and support of staff
- all staff are familiar with policies and procedures.
- there is liaison with external agencies to provide opportunities for education, training and leisure.
- structured agreements, protocols, service level agreements, etc. are in place to facilitate this policy.
- internal monitoring is undertaken on the delivery of policy and procedure
- compliance with external monitoring bodies.
- there is regular auditing and reporting on the implementation of the policy and procedures.

The Board of Management has responsibility for overseeing implementation of this policy, considering the statutory responsibility on the ETB under s 159 of the Children Act as amended. The Board will review this policy on a regular basis.

## 5. Health Policy

### 5.1. Purpose

This Policy guides the implementation of the Health pillar of the CEHOP approach to care in Oberstown and sets out how the health and well-being needs of young people will be met.

It aims to implement Rule 3 which states:

“Young people shall have access to health, medical and therapeutic care in line with their assessed needs.”

### 5.2. Policy Statement

#### 5.2.1. Guiding Principles

- Oberstown is committed to promoting the health, well-being and development of all young people in Oberstown.
- An individualised, holistic, collaborative and child-centred approach is taken to providing for a young person’s health needs as part of the CEHOP framework, encompassing medical, dental, psychological, psychiatric and well-being services.
- As far as possible, young people receive the highest available standard of healthcare; the healthcare provided to young people should, in principle, be of the same standard as that available to young people in the community.

- Young people are treated with respect for dignity and privacy in the provision of health and well-being services.
- Young people are supported to participate in all decisions taken about the provision of health and well-being services.
- Parents/guardians are supported to participate in young people's healthcare decisions as far as possible and in line with their best interests.

### 5.2.2. Provision of Healthcare

- All young people have their healthcare needs assessed as soon as possible after admission to allow for an individualised approach to the provision of health and well-being services.
- Ongoing assessment of a young person's health needs takes place on a regular basis as part of their care planning.
- As far as possible, young people have access to appropriate medical services, in line with their needs, in a timely fashion. This includes access to the health and well-being suite on Campus, and, where required, external services.
- Healthcare is provided in a sensitive and non-stigmatising manner that takes account of the best interests of the young person.
- Young people's parents/guardians are informed, in line with procedures, of medical assessments, treatments and significant issues relating to the health of young people
- Attention is given to young people with special needs and young people who are particularly vulnerable.
- Throughout the young person's time in Oberstown, effective liaison with external agencies, such as the HSE and Tusla, and external GPs and healthcare providers, takes place in line with protocol and procedure. The aim is to ensure, as far as practicable, that a young person has access to appropriate services while they are in Oberstown, and to facilitate information sharing with healthcare providers responsible for the young person's care before their admission to Oberstown and following release.

### 5.2.3. Consent

- The Director has 'like control over the child as if he/she were the child's parent or guardian, under section 180(8)(a) of the Children Act 2001. Accordingly, the Director is authorised to give parental consent in respect of a child's medical treatment or assessment.
- On admission of a young person, the Director seeks and records the written consent of a parent/guardian to any medical treatment necessary to safeguard the young person's life and health.
- In line with the applicable law, a young person over 16 years may give his/her consent to medical treatment and assessment. Where a person over 16 years refuses necessary medical treatment or assessment, the Director will seek legal advice, in consultation with healthcare professionals, on the need to seek court authorisation of such treatment or assessment.

#### 5.2.4. Promotion of Positive Health and Well-being

- Young people receive appropriate education on health and well-being while in Oberstown, including education on sexual health education and substance misuse.
- Oberstown is a drug-, alcohol- and tobacco-free Campus. Young people who have substance misuse issues are supported to address these behaviours as part of the overall approach to care.
- The risk of harm to young people, including the risk of suicide or self-harm, is addressed in line with policies and procedures.

#### 5.2.5. Administration of Medication

- Administration of medications is carried out to the highest safety standards and ensures full traceability and accountability.
- Administration of medication takes place in line with procedures.
- Administration of prescription and over-the-counter medicinal products is safe, effective, efficient, ethical and accountable.
- Prescribed medicines and medical products are only administered to the young person for whom they are prescribed, labelled and supplied, and are only used for the purpose for which they are prescribed.
- Medical advice is sought as a matter of priority if an adverse reaction is noted in the young person's condition following the administration of any medicines.
- All medicines are stored appropriately, safely and securely.

#### 5.2.6. Staff

- Staff will be familiar with their responsibilities in relation to a young person's care within the CEHOP framework.
- Staff have a responsibility to promote the health and well-being of young people in line with this policy.
- Staff administering medicines must be appropriately trained based on their role and responsibility.

#### 5.2.7. Records

- Each young person has an Individual Health Care Record on an electronic system.
- All assessed health needs, and all health and well-being services provided to the young person while in Oberstown are fully documented and recorded.
- All records will be complete, accurate, and up-to-date and maintained on the Oberstown case management system or the clinical records IT system.
- Young people's information is stored and managed in a way that ensures confidentiality and respect for the young person's privacy, and in line with legislative requirements and procedure.
- Young people and their parents/guardians can seek access to their medical records and have access to support in doing so.



### 5.2.8. Oversight and Implementation

The Director has responsibility for ensuring the full implementation of and full compliance with this policy. This will be achieved by ensuring that:

- clear procedures are in place to implement the policy.
- systems are in place to meet the health and wellbeing of young people.
- persons with responsibility for delivering health and wellbeing policies and procedures are identified.
- suitable number and grades of appropriately trained and qualified staff are in place.
- mechanisms are in place to allow for appropriate and effective supervision and support is available staff.
- all staff are familiar with policy and procedure, and receive appropriate training;
- there is liaison with internal and external services responsible for the provision of health and well-being services.
- structured agreements, protocols, service level agreements, etc. are in place to facilitate delivery of safe and effective health and wellbeing services.
- internal monitoring is undertaken on the delivery of policy and procedure
- compliance with external monitoring bodies.
- audit on the provision of health and wellbeing policy and procedures are undertaken and reported.

The Board of Management has responsibility for overseeing the implementation of this policy, and for reviewing the policy on a regular basis

## 6. Offending Behaviour Policy

### 6.1. Purpose

This Policy aims to ensure that young people are supported to address their offending behaviour, and the reasons for their detention, while in Oberstown, to foster their sense of responsibility and to prepare them for their return to their communities. It aims to implement Rule 4 which states:

“Young people shall have access to a range of services, supports and programmes that address their offending behaviour and prevent further offending on release.”

### 6.2. Policy Statement

#### 6.2.1. Guiding Principles

- Oberstown is committed to supporting young people to understand and take responsibility for their offending behaviour, and to providing them with skills, supports and knowledge of services that prepare them for lives free of further involvement in offending behaviour.
- An individualised approach is taken to addressing the offending behaviour of the young person in Oberstown. A holistic, collaborative and child-centred approach will be taken to addressing the reasons for the young person’s remand or detention in Oberstown as part of the CEHOP framework.

- All actions taken under this policy seek to reinforce the young person’s respect for the rights and fundamental freedoms of others, including victims and others affected by their offending.
- Actions taken to support young people in addressing their offending behaviour aim to strengthen the young person’s capacity to assume positive and constructive roles in their communities on release.
- Where appropriate, restorative approaches are emphasised in actions taken with young people in Oberstown.

### 6.2.2. Addressing Offending Behaviour in Oberstown

- Each young person has a plan to address their offending behaviour, which identifies relevant programmes, interventions and supports.
- An Offending Behaviour plan:
  - is drawn up following an assessment of the information available as soon as appropriate after admission, of the young person’s needs, and identifies interventions, supports and services that address the reasons for their detention.
  - takes account of the views and experiences of the young person.
  - is developed and revised with the involvement of the young person, and their parents/guardians, where that is in the best interests of the young person.
- Young people have access to a variety of appropriate programmes, suited to their needs, to address the reasons and causes of offending behaviour.
- Programmes support young people to understand the impact of their offending behaviour on others, including victims, the victims’ families, their own families, and the wider community.
- Appropriate supports, including mental health supports, are available to young people.
- Young people are encouraged and supported to engage in education, training and leisure activities appropriate to their needs that will assist them on their return to their communities, cease offending behaviour and to transition positively and safely to adulthood.
- Ongoing supports and programmes to address offending behaviour are an important part of planning for a young person’s return to their community and are included in their preparation for release plan.

### 6.2.3. Staff

- Staff are trained in the use of restorative approaches and will support the development of young people’s positive behaviour while in Oberstown, as set out under the Positive Behaviour policy.
- Staff engage with young people on an ongoing basis to encourage young people to participate in programmes designed to address their offending behaviour in a meaningful way.

#### 6.2.4. Records

- Each young person's Individual Offending Behaviour Plan is stored on the Oberstown Case Management System.
- Accurate and complete records are maintained detailing a young person's participation in programmes and interventions.
- Relevant information about the programmes and supports provided to a young person while in Oberstown is shared, in line with relevant legislation and procedure, with external services providing support to a young person in their reintegration into their communities on their release.
- Young people and/or their parents/guardians are able to access their records, in line with procedure. Young people and their parents/guardians are provided with information on how to do so and are supported to understand these procedures.

#### 6.2.5. Oversight and Implementation

The Director has responsibility for ensuring the full implementation of this policy and for ensuring full compliance to it. This is achieved through:

- ensuring that clear procedures are in place to implement the policy.
- ensuring that systems are in place to identify appropriate, evidence-based programmes and interventions designed to address young people's offending behaviour, and for ensuring that young people have effective access to these services.
- identifying who is responsible for the delivery of programmes to young people in practice.
- ensuring that a suitable number of appropriately trained and qualified staff are in place, and that mechanisms are in place to allow for supervision of and support to staff.
- ensuring that all staff are familiar with policy and procedure and receive appropriate training.
- liaising with internal and external services responsible for the provision of programmes which aim to address offending behaviour, and with services responsible for providing support to a young person on his or her release.
- ensuring that structured agreements, protocols, service level agreements, etc. are in place to facilitate this.
- ensuring that internal monitoring is undertaken on the delivery of policy and procedure, including on the programmes and interventions used to address young people's offending behaviour.
- ensuring compliance with external monitoring bodies.
- ensuring that internal audits take place to ensure implementation.

The Board of Management has responsibility for overseeing implementation of this policy, and for reviewing the policy on a regular basis.

## 7. Preparation for Leaving Policy

### 7.1. Purpose

This Policy guides the implementation of the Preparation for Leaving pillar of the CEHOP approach to care in Oberstown and sets out how young people are supported and prepared for leaving Oberstown and returning to their communities or transitioning to prison. It supports the implementation of s 179(1)(b) of the Children Act with regard to mobility trips, temporary leave and supervision in the community. It aims to implement Rule 5, which states:

“Young people shall be prepared for leaving Oberstown through placement planning that assists their successful return to their families, communities or transition to prison. Such planning shall take account of policies and procedures for mobility trips, temporary leave and supervision in the community.

### 7.2. Policy Statement

#### 7.2.1. Guiding Principles

- Young people are released from Oberstown in a planned way, to the greatest extent possible.
- An holistic, collaborative and child-centred approach is taken to planning for release as part of the wider CEHOP framework, in line with young people’s assessed needs, from the point of admission.
- The care provided to young people within the CEHOP framework in Oberstown, including the process of planning for release, aims to ensure that young people are provided with the best opportunity to assist them to return successfully to their communities and their families, continue their education, training or employment or transition to prison.
- Young people are supported to participate in a meaningful way in the development and ongoing review of their Individual Placement Plan, and preparation for leaving plan.
- Young people’s parents/guardians are supported to participate in planning for leaving, to the maximum extent possible, where this is in the best interests of young people. Where possible, parents/guardians should be provided with information about accessing support services in line with the young person’s needs.
- In the implementation of this Policy, full use is made of the mechanisms set out in Part 10 of the Children Act 2001, such as permitted absence, mobility trips, temporary leave and supervision in the community.

#### 7.2.2. Preparation for Leaving Oberstown

- Arrangements are in place designed to assist young people to return them to their families and or communities or to transfer them to prison when they leave Oberstown.
- Preparation for leaving begins from the first point of a young person’s admission and takes into account the expected length of a young person’s court order.
- Planning processes strive to ensure, as far as possible, that the care, education, and other services provided to young people in Oberstown provide a positive foundation that can be built upon to support a young person’s return to their communities.
- Planning for young people in Oberstown on remand orders includes a special focus on preparation for leaving, to ensure to the greatest extent possible that the necessary

supports are in place, whether the young person returns to their community, or they return to Oberstown on foot of a detention order.

- Planning:
  - for a young person's return to the community includes consideration of the type of care a young person is returning to housing, continuity of education and training, employment, continuity of healthcare, and other supports that may be necessary;
  - for a young person's transition to prison includes consideration of the continuity of education and training, employment, continuity of healthcare, preparing the young person for a different regime, and other supports that may be necessary;
  - takes into account the young person's legal status on their release.
- Planning for a young person's phased return to the community includes, where appropriate, consideration of permitted absences, mobilities and temporary release, in line with legislation and procedure.
- Effective liaison takes place with external services and supports that the young person may access on their release from Oberstown to ensure continuity of support and to promote the young person's successful return to their community.

### 7.2.3. Staff

- Staff have a responsibility to ensure, to the greatest extent possible, that young people are prepared for leaving Oberstown, and for their transition back to their communities or to prison.
- Staff engage with young people on an ongoing basis to discuss plans for their transition back to the community, including any planned access to community supports and services, and possible gaps in supports or service provision.

### 7.2.4. Records

- Relevant information and records relating to a young person will be shared, in line with relevant legislation and procedure, with external agencies – including GPs and other healthcare agencies, institutions responsible for continuation of education and training, the Probation Service, and others – to ensure adequate continuity of care.
- Young people and/or their parents/guardians are able to access their records, in line with relevant legislation. Young people and their parents/guardians are supported to do so.

### 7.2.5. Oversight and Implementation

The Director has responsibility for ensuring the full implementation of and full compliance with this policy. This is achieved by ensuring that:

- clear procedures are in place to implement the policy.
- systems are in place for effective planning for a young person's release from Oberstown.
- the person responsible for supporting the young person in planning for leaving is identified.
- a suitable number of appropriately trained and qualified staff are in place.
- mechanisms are in place to allow for supervision and support to staff.
- all staff are familiar with policy and procedure.
- effective partnerships are in place with a range of external agencies to ensure young people have access to a range of supports on their release.

- structured agreements, protocols, service level agreements, etc. are in place to facilitate this.
- internal monitoring is undertaken on the delivery of policy and procedure.
- compliance with external monitoring bodies.
- audits are undertaken to ensure implementation of the policy and procedures and reported.

The Board of Management has responsibility for overseeing the implementation of this policy, and for reviewing the policy on a regular basis.

## 8. Safeguarding Policy

### 8.1. Purpose

This Policy requires that while young people are in Oberstown, they are protected from harm, abuse and ill-treatment, and requires full compliance with statutory requirements, including the Children First Act 2015, and national policy in this area. It aims to implement Rule 6, which states: “Young people shall be protected from all forms of harm and abuse and their welfare promoted.”

### 8.2. Policy Statement

#### 8.2.1. Guiding Principles

- Oberstown is committed to a child-centred approach, to the care and well-being of young people through the CEHOP model of care.
- Safeguarding of young people is of paramount importance.
- Young people are protected from all forms of harm, abuse and ill-treatment while in Oberstown, either from staff or from other young people.
- Especially vulnerable young people, or those who have experienced harm, abuse or neglect, are entitled to special protection, including access to appropriate supports. Efforts are made to prevent secondary victimisation.
- It is the responsibility of all staff and management to ensure that young people are protected from all forms of harm, abuse and ill-treatment.
- Concerns about young people are appropriately recorded, reported, and responded to by staff and management.
- Young people are treated with dignity and respect and are encouraged and supported to make their voices heard in all matters affecting them. Young people’s views and concerns are listened to and taken into account.

#### 8.2.2. Protection from harm

- Staff and management in Oberstown take all necessary steps to ensure that young people are safe and protected from harm while in Oberstown.
- On admission to Oberstown, young people undergo appropriate assessments, including medical assessments that will help to identify any risks to their safety or well-being.
- Young people are informed of and supported to understand the procedures in place to allow them to report incidences of harm, abuse or ill-treatment.
- Appropriate anti-bullying procedures are in place; staff have a responsibility to ensure that incidents of bullying are addressed in a timely manner in line with these policies

- A child safeguarding statement is in place and is adhered to.
- Appropriate risk assessments are carried out to determine whether a young person is at risk of harm and will be subject to review on a regular basis.
- Where staff members become aware or concerned that a young person's physical or mental well-being is at risk, or is being negatively impacted, they report these concerns, in line with their statutory obligations, in a timely manner, based on the nature of the concern, and in line with relevant procedures.
- Where appropriate, staff members take steps to ensure that the young person receives immediate support, and follow-up support, including access to relevant services.

### 8.2.3. Reporting concerns

- A child protection reporting procedure is in place outlining the process for reporting a child protection concern when a staff member becomes aware or concerned that a young person has been or is at risk of harm or abuse. This includes the key responsibilities of staff, relating to:
  - Recording
  - Reporting
  - Communication with the young person and his/her parent or guardian
  - Liaison with external agencies including Tusla and the Garda Síochána Ombudsman Commission (GSOC)
  - Ensuring the participation of the young people in these processes.
- Young people have access to clear and accessible procedures to report concerns. Young people receive clear information on admission and have access to information while they are in Oberstown, in language they understand, about how they can report harm, abuse or ill-treatment. Young people are supported to understand these procedures.
- Effective complaints mechanisms are viewed as part of the overall system of ensuring that children are safe and protected from harm; therefore, clear and accessible procedures must be in place, in line with the Consultation and Information Policy, to allow young people to make complaints.
- Young people have access to support from staff and from an internal Advocacy Officer, and to external advocacy mechanisms in a timely manner should they wish to report harm, abuse, or ill-treatment.
- All steps that must be taken in responding effectively to child safeguarding issues are taken without delay.

### 8.2.4. Designated Liaison Person

- A Designated Liaison Person is appointed by the Director with responsibility for co-ordinating the reporting of child protection concerns, as set out in relevant procedures.
- The Designated Liaison Person has responsibility for liaising with the reporting staff member and providing support in the reporting of the child protection concern to Tusla, in line with relevant procedures.
- The Designated Liaison Person is responsible for ensuring that all records are fully completed and kept. This includes records relating to:

- All child protection and safeguarding concerns raised by staff and reported to the Designated Liaison Person.
- All interactions with Tusla in relation to child safeguarding concerns raised.
- All interactions with the Garda Síochána Ombudsman Commission.
- The Designated Liaison Person ensures that all incidents and reports relating to child protection and welfare concerns are brought to the attention of the Director.

#### **8.2.5. Access to supports**

- Young people who have been subject to harm, abuse or neglect, or who are suspected of having been subject to harm, abuse or neglect, have access to appropriate supports, medical treatment, and services, including clinical and specialised services where necessary.
- Access to appropriate services are arranged for a young person in a timely and effective manner.
- Personal information relating to a young person is communicated only where necessary in the best interests of the young person, and in a manner that maintains the privacy and dignity of the young person.

#### **8.2.6. Training**

- Staff are appropriately qualified and vetted, and appropriate recruitment processes and checks are in place.
- Staff understand their duty of care to young people, and receive appropriate training on child protection and safeguarding, including on the identification of signs of harm, and on their statutory responsibilities and roles as mandated persons under the Children First Act 2015.
- Staff receive appropriate training on child safeguarding, identifying signs of abuse and ill-treatment, their statutory requirements as mandated persons, national policy, and on Campus Rules, policy and procedure on recruitment, and on an ongoing basis.
- Staff receive appropriate training on the impact of abuse, neglect and ill-treatment, to ensure that they are equipped to respond appropriately to the needs of these young people.
- Awareness and understanding of child safeguarding requirements among all staff, including providing access to information, is promoted

#### **8.2.7. Records**

- Confidential, complete and accurate records are kept and stored securely of all child protection and welfare concerns which arise while a child is in Oberstown, in line with relevant procedures.
- Clear procedures are in place to ensure that information about young people is stored appropriately, and to govern the sharing of information. These procedures contain clear guidance to ensure that confidential information is kept secure and communicated only where necessary in the best interests of the young person, and in a manner that maintains the privacy and dignity of the young person.



### 8.2.8. Oversight and Implementation

The Director has responsibility for ensuring the full implementation and compliance with this policy. This will be achieved by ensuring that:

- clear procedures are in place to implement the policy.
- effective systems are in place to ensure that young people are protected from abuse, harm or ill-treatment.
- concerns are reported in line with statutory requirements.
- all child safeguarding and protection reports made are monitored.
- a suitable number of appropriately trained and qualified staff are in place.
- mechanisms are in place to allow for effective supervision and support for staff.
- all staff are familiar with policy and procedure, and receive appropriate training.
- there is ongoing engagement with external agencies including Tusla, GSOC, and both on-site and external clinical services.
- structured agreements, protocols, service level agreements, etc. are in place to facilitate this.
- internal monitoring is undertaken on the delivery of policy and procedure.
- compliance with external monitoring bodies.
- audits are undertaken on the implementation of the policy and procedure and reported.

The Board of Management has responsibility for overseeing the implementation of this policy, in line with national law and policy, and for reviewing it on a regular basis.

## 9. Participation Policy

### 9.1. Purpose

This Policy will ensure implementation of national policy on young people's participation in decision-making. It will ensure young people have access to advocacy, legal representation and effective complaints mechanisms in Oberstown. It aims to implement Rule 7, which states:

“Young people shall be supported to access information and effective complaints mechanisms, and have their voices heard and participate in decisions made about them.”

### 9.2. Policy Statement

#### 9.2.1. Guiding Principles

- Young people have a right to be heard in all matters affecting them, and to have their views given due weight in line with their age and maturity. Young people's participation in decision-making takes place at all levels, including individual, residential unit and Campus level.
- In Oberstown, young people's participation is delivered in line with Lundy's rights-based model, which has the following elements:
- **Space:** Children must be given safe, inclusive opportunities to form and express their view
- **Voice:** Children must be facilitated to express their view
- **Audience:** The view must be listened to.

- **Influence:** The view must be acted upon, as appropriate.
- Young people are entitled to adequate information about and communication with the outside world, including access to family, friends and outside organisations. Contact with family and friends is managed as part of the placement planning process. Reasonable restrictions may be placed on a young person's access to information or contact with identified friends or family members, in the young person's best interests and following appropriate risk assessments.
- Young people have the right to prompt access to legal advice and are entitled to free and confidential communication with their legal representatives.
- Young people have timely access to effective and responsive complaints mechanisms with appropriate feedback and appeals mechanisms.
- Where appropriate and in the best interests of young people, young people's parents or guardians are supported to participate in placement planning decisions.
- All information provided to young people in Oberstown is easily accessible and in a language young people can understand. Where necessary, young people are supported to understand the information provided and have the assistance of an interpreter.

### 9.2.2. Access to Information

- On admission, young people are provided with a copy of the Rules and all other necessary information pertaining to their time in Oberstown, including information about the placement planning process, expected behavioural norms, accessing records, and accessing safeguarding, advocacy and complaints procedures.
- Important information, such as information about how to complain, contact a family member or a solicitor, is prominently displayed.
- Parents or guardians are entitled to be informed of all important matters and decisions arising in relation to a young person while they in Oberstown in a timely and effective manner. Limitations may be placed on this entitlement, and reasonable delays may be allowed in informing parents or guardians, in the best interests of the young person, or in the interests of public safety, following a risk assessment.

### 9.2.3. Participation in Decision-Making

- Young people have the right to participate in decision-making in matters that affect them including at an individual, residential unit and Campus level. In line with the Lundy model, the requirements of space, voice, audience and influence will be respected meaning that: young people are supported to express their views freely in all matters that affect them, the views of young people are actively sought on all matters (but not required), active engagement with relevant decision-makers is supported and young people's views are taken seriously with feedback provided in a timely and meaningful manner. Young people are provided with clear information about any relevant appeals processes where matters raised with decision-makers are not dealt with to their satisfaction.
- Structures are in place to ensure the views of young people are taken into account in individual planning processes, (through their keyworker), in residential units (through meetings with the unit manager) and at a Campus level (via the Campus Council).
- Young people's participation in decision-making is supported by a Campus Advocacy Officer who has primary responsibility for the implementation of this Policy.

#### 9.2.4. Access to Complaints Procedures

- Young people have access to effective and timely complaints mechanisms in Oberstown that are easy-to-use and accessible.
- Complaints are responded to in a timely manner, in line with procedure. Young people, and, where relevant, their parents/guardians, receive clear and understandable feedback on how their complaint has been handled, any actions taken as a result, and the reasons for the decision.
- Young people are provided with information about the appeal processes where a complaint is not resolved to their satisfaction.
- Young people are supported to access external complaints mechanisms including the Ombudsman for Children.

#### 9.2.5. Advocacy Services

- Young people can have access to internal or external advocacy services on a regular basis and can communicate freely and confidentially with them.
- Information is provided to a young person on admission and is displayed prominently on the Campus about how to contact these advocacy services.
- The efficacy of advocacy services is kept under regular review.

#### 9.2.6. Access to Legal Representation and Court Proceedings

- Young people are entitled to contact their solicitor and communicate freely with him/her.
- Supports are in place to ensure that young people can participate in their legal proceedings.
- Young people are treated with dignity and respect when travelling between Oberstown and court, and while in court.
- Young people required to attend Court are managed safely and in a way that maintains their dignity, in line with procedure and risk management procedures
- Oberstown staff adhere to all legislative and health and safety requirements in the preparation and escorting of young people to and from Court, and while a young person is in court.
- Effective systems for liaising with external agencies – including the Garda Síochána, the Court Service, the Probation Service, etc – are in place to ensure efficient management of a young person’s case.
- Provision is made for young people to attend court by video-link where that is mandated by the court.

#### 9.2.7. Staff

- Staff support and encourage young people to express their views and ensure that they are taken seriously. Appropriate training is provided to this end.
- Staff understand the importance of an effective complaints procedure and support a culture that views complaints as the right of the young person and a positive mechanism that can contribute to the development of good practice.
- Staff have a responsibility to support young people on a continuous basis to understand all information provided to them, and to communicate with young people in a way that supports the young person’s understanding and accounts for any language or comprehension difficulties they may have.

### 9.2.8. Records

Full, accurate, and up-to-date records will be maintained in relation to each young person, including in relation to:

- All placement planning meetings;
- Young people's expressed views at placement planning meetings;
- Complaints made by young people, the response to this complaint, and feedback provided to the young person;
- All contact with the young person's solicitor.

### 9.2.9. Oversight and Implementation

The Director has responsibility for ensuring the full implementation of and compliance with this policy. It will be achieved by ensuring that:

- clear procedures are in place to implement the policy.
- effective systems are in place to consult with young people, and to ensure that all complaints and requests are considered and responded to in a timely manner, and for ensuring that appropriate and understandable feedback is given to young people about the decisions taken.
- those with specific responsibility for implementing systems of consultation and responding to complaints and requests are identified.
- a suitable number of appropriately trained and qualified staff at various grades are in place to implement these systems.
- there are effective mechanisms in place for the supervision and support of staff.
- all staff are familiar with policy and procedure and receive appropriate training.
- structured agreements, protocols, service level agreements, etc. are in place with external stakeholders to facilitate the effective consultation and engagement with young people.
- internal monitoring is undertaken on the delivery of policy and procedure
- compliance with external monitoring bodies.
- there is regular auditing and reporting on the implementation of the policy and procedures.

The Board of Management has responsibility for overseeing the implementation of this policy, and for reviewing the policy on a regular basis.

## 10. Positive Behaviour Policy

### 10.1. Purpose

This Policy aims to ensure that young people are supported to understand, develop and sustain good behaviour and sets out the agreed approaches to addressing non-compliance with these expected norms. (see 179(1)(a)).

This Policy aims to implement Rule 8, which states:

“Young people shall be supported to understand and demonstrate norms of good behaviour that ensure long-term positive outcomes.”

### 10.2. Policy Statement

#### 10.2.1. Guiding Principles

- Oberstown is committed to supporting young people to understand and develop positive behaviour, to internalise and adhere to the norms of good behaviour, and to supporting young people to sustain long-term positive outcomes.
- An individualised approach based on the well-being of all young people is taken to supporting young people to understand and adhere to the norms of good behaviour expected on Campus.
- Oberstown is committed to taking an individualised approach that respects the rights of young people to ensuring a proper balance is maintained between the individual young person’s needs and rights, and the needs and rights of other young people on Campus, staff, and the security of the Campus as a whole.
- An approach based on developing positive and mutually respectful relationships between staff and young people is central to supporting young people in understanding and adhering to the norms of good behaviour.
- Oberstown is committed to promoting a culture and environment of zero violence.

#### 10.2.2. Positive Behaviour

- As soon as possible after admission, young people, are provided with a clear statement, in language they understand, of the expectations around acceptable and positive behaviour on Campus.
- Young people are provided with information on the approach taken if they do not adhere to the agreed acceptable behavioural norms and are supported to agree with this approach.
- Young people are provided with appropriate support to ensure that they understand and fully accept these rules, expectations, and approaches, including access to programmes to support the development of positive behavioural norms aimed at developing long-term positive outcomes.
- Where a young person’s behaviour does not meet the expected norms, the approach of staff to this behaviour is based on ongoing dialogue between the staff and young person, based on the young person’s individual needs, and their individual plan.
- All responses to the inability of a young person to adhere to agreed normal behaviour or expectations around good behaviour will be reasonable, fair, proportionate, and take the least restrictive form possible in the circumstances, in line with procedure.
- Restrictive practices are used only in approved circumstances and as a last resort where other measures are inadequate, and in line with the Restrictive Practices policy.

### 10.2.3. Staff

- Staff work with young people on a continuous basis to ensure that they understand the norms of good behaviour and positive reinforcement.
- Staff are trained in methods/approaches that support the development of positive behaviour, and in the agreed approaches to be taken where young people do not comply with these agreed norms.
- Information is shared appropriately between all Oberstown staff and professionals providing services to young people on Campus, in line with procedure.
- Staff have a responsibility to fully and accurately record all engagement with their young people— including areas of concern and achievements – and the approach taken to addressing behaviours as per agreed procedure and within agreed timescales.

### 10.2.4. Records

- Each young person has an Individual Placement Plan, including an agreed approach to address shortcomings in meeting agreed norms.
- All records are complete, accurate, and up-to-date, and managed through the Oberstown Case Management System.
- Young people and/or their parents/guardians can access their records, in line with procedure. Young people and their parents/guardians are provided with information on how to do so and are supported to understand these procedures.

### 10.2.5. Oversight and Implementation

The Director has responsibility for ensuring the full implementation of and full compliance with this policy. This will be achieved by ensuring that:

- effective systems are in place to ensure behavioural norms are communicated to young people and they are supported to develop positive behaviour.
- clear procedures are in place to implement the policy.
- staff and services with responsibility for supporting young people in developing positive behaviour are identified.
- specific evidence-based programmes are identified and implemented to support young people in developing their understanding of positive behavioural norms.
- a suitable number of appropriately trained and qualified staff are in place to implement this policy.
- mechanisms are in place for supervision of and support to staff.
- all staff are familiar with policy and procedure, and receive appropriate training.
- there is engagement with external agencies, including those responsible for delivering programmes that support positive behavioural change.
- structured agreements, protocols, service level agreements, etc. are in place to facilitate this.
- internal monitoring is undertaken on the delivery of policy and procedure.
- compliance with external monitoring bodies.
- audits take place to ensure implementation of the policy and procedures and reported.

The Board of Management has responsibility for overseeing implementation of this policy, and for reviewing the policy on a regular basis.

## 11. Restrictive Practices Policy

### 11.1. Purpose

This Policy requires that restrictive practices are only used in exceptional circumstances, for the shortest period of time necessary, for the identified aim to be achieved, and in conjunction with the Campus risk management approach. It aims to implement Rule 9, which states:

“Practices that interfere with the rights of young people shall only be used with approval and in exceptional circumstances.

### 11.2. Policy Statement

#### 11.2.1. Guiding Principles

- Oberstown is committed to promoting a culture and environment of zero violence.
- Young people in Oberstown are entitled to have their rights fully protected. Any restrictions on these rights must be risk assessed, exceptional in nature and proportionate to the aim sought to be achieved.
- These restrictions may include the use of single separation, physical intervention, the use of handcuffs and searches.
- Exceptional circumstances where restrictive practices may be used are defined as circumstances where a young person’s behaviour poses a direct risk to themselves, other young people, staff or the security of the Campus and there is no alternative intervention/approach available to address the immediate risk.
- Restrictive practices are used only where it is necessary to protect a young person (or persons) from harm, to prevent injury to staff, to prevent damage to property and to protect order and security on Campus.
- Restrictive practices are only used as an exceptional measure where other normal behaviour management approaches are ineffective or inadequate to respond safely to a young person’s behaviour or to prevent risks associated with this behaviour.
- Restrictive practices are only used where a full risk assessment, including a dynamic assessment, has been undertaken of a young person’s needs and any underlying characteristics which may pose a risk to young people.
- Restrictive practices must interfere as little as possible with the rights of young people and be used proportionately to the risk identified and for the shortest time necessary.
- An individualised approach is taken to responding to the risk posed by the young person, in line with the overall approach to positive behaviour on Campus, and in line with the young person’s Individual Safety Plan. Due consideration is given to the impact of the proposed measure on the rights of the young person.
- Information is given to a young person on admission to Oberstown about the use of restrictive practices, and about the expectations around managing high level risks on Campus.
- Young people have the opportunity to express their views and have them taken into account in the implementation and review of the use of restrictive practices.

### 11.2.2. Single Separation

- The safety, well-being and dignity of young people is a paramount consideration, alongside consideration of the safety of others, in circumstances where single separation is to be used.
- Single Separation is only used as a measure of last resort and must only be used in exceptional circumstances.
- Single Separation is only used for the shortest period necessary to safely return a young person to a state of calm and self-control.
- Single Separation is used as an opportunity for a young person to reflect, with regular interaction with and support from keyworkers and staff.
- Staff must engage in communication with a young person on a frequent and ongoing basis to endeavour to ensure that the use of separation is ended as soon as this can safely be done.
- Single separation is carried out only following a risk assessment, including consideration of the impact on children's rights, and in line with the young person's individual needs and plan.
- Young people have reasonable access to medical staff in line with their assessed needs during the period of single separation. Notifications to the young person's parents, social worker and advocacy officer take place in line with procedure.

### 11.2.3. Physical Interventions

- The safety, well-being and dignity of young people must be a paramount consideration, alongside consideration of the safety of others, in circumstances where physical intervention is used.
- Physical intervention is only used as a measure of last resort and is only used by trained staff in exceptional circumstances.
- The nature of physical intervention used is the least restrictive possible in the circumstances and is only used for the shortest period necessary to safely return a young person to a state of calm and self-control.
- Young people have access to medical staff where necessary following an instance of physical intervention.
- Physical intervention is never used as a punishment, and only where the young person's behaviour poses a risk of harm to themselves or others, or where there is a risk of significant property damage.

### 11.2.4. Use of Handcuffs

- The safety, well-being and dignity of the young person are the guiding considerations in circumstances where handcuffs are to be used.
- The use of handcuffs must be used only following a full consideration of the individual needs of the young person, a risk assessment of the situation in which handcuffs are being considered, and, to the extent this is possible, after hearing the views of the young person.
- The use of handcuffs on Campus is used only as a last resort and reserved only for where this is considered strictly necessary in all the circumstances and only on the approval of the Director or designate.



- The use of handcuffs when a young person is being escorted off Campus, while not reserved only for cases of last resort, must be informed by a full risk assessment and approved by a manager as designated by the Director.
- The use of handcuffs is proportionate, reasonable and used only for the minimum time necessary.
- Handcuffs are never used as a punishment, to obtain compliance with instructions from staff, where the young person is left unsupervised by staff, or to attach a young person to a fixed object.
- Handcuffs will normally be used to comply with the security protocol of court visits.

#### 11.2.5. Searches

- All searches – both personal and environmental – must be carried out in a way that fully respects the dignity, well-being and rights of the young person.
- Personal searches will normally be carried out on admission; outside of this, personal searches must only be used as a measure of last resort, in approved circumstances, where there is reasonable cause to believe that a young person may have an item that poses a danger to the safety, health or well-being of themselves, or of other young people or staff on Campus.
- All searches are carried out by staff in a way that is proportionate, reasonable, and the least intrusive form necessary to ensure that items which may harm the health and safety of young people or staff on Campus, or threaten the security of staff, are not brought into the Campus.
- Both personal and environmental searches must be informed by a risk assessment, and by the young person’s individualised assessed needs and placement plan.
- Searches are never used as a punishment.

#### 11.2.6. Staff Responsibilities

- Staff fully and accurately record the use of any restrictive practices, and to report them in a timely way to appropriate management.
- Staff undertake a continuous process of risk assessment, with the support of management to ensure the restrictive practice ceases as soon as possible.
- Staff secure all necessary approvals for the use, continuation or repeat use of all restrictive practices.
- Staff receive training on induction and on a periodic basis: in the use of restrictive practices and in the procedures that apply to their implementation, training on alternative approaches, and how to ensure all restrictive practices are carried out with respect for the rights of the young people concerned.
- Staff are prohibited from carrying or using weapons.

#### 11.2.7. Records

- Every incidence of the use of restrictive practices is recorded, including the reasons why the use of the restrictive practice was necessary.
- All assessed needs, and all details about the care, services, programmes and interventions provided to the young person while in Oberstown are fully documented and recorded.
- All records are accurate, and up-to-date, and stored on the Oberstown Case Management system.

- Young people and/or their parents/guardians can access their records, in line with procedure. Young people and their parents/guardians are provided with information on how to access their records and are supported to do so

#### 11.2.8. Oversight and Implementation

The Director has responsibility for ensuring the full implementation of this policy, and for ensuring full compliance to it. This will be achieved through:

- ensuring that clear procedures are in place to implement the policy.
- ensuring that effective systems are in place to manage, review and monitor the use of restrictive practices on a regular and ongoing basis.
- identifying those with specific responsibility for implementing systems of using and managing restrictive practices.
- ensuring that a suitable number of appropriately trained and qualified staff at various grades are in place to implement the policy and procedures.
- ensure there are effective mechanisms in place for the supervision and support of staff.
- ensuring that all staff are familiar with policy and procedure, and receive appropriate training.
- ensuring that structured agreements and protocols are in place with external stakeholders to facilitate the safe and appropriate use of restrictive practices.
- ensuring that internal monitoring is undertaken on the delivery of policy and procedure.
- ensuring compliance with external monitoring bodies.
- ensuring there is regular auditing and reporting on the implementation of the policy and procedures.

The Board of Management has responsibility for overseeing implementation of this policy, and for reviewing the policy on a regular basis.

## 12. Staffing, Management and Governance Policy

### 12.1. Purpose

This Policy aims to ensure that Oberstown is staffed, managed and governed in a way that ensures the implementation of the policy framework with appropriate oversight to deliver public accountability. This policy implements Rules 10, which states:

“The care of young people shall be provided by a suitable number of appropriately qualified staff of various grades, and effective and transparent management and governance shall be in place to deliver public accountability.

### 12.2. Policy Statement

#### 12.2.1. Guiding Principles

- Oberstown is committed to ensuring that staffing is carried out in a way that prioritises the care, safety and positive development of young people in their care.
- Oberstown is committed to ensuring that the management and governance of Oberstown is carried out in a way that delivers accountability and transparency. Management and governance will ensure the suitability of procedures, facilities, and

services to meet the needs of young people, and ensure the security of the Campus is maintained.

- The management and governance of Oberstown will comply with statutory requirements under the Children Act 2001, and other relevant legislation, and will adhere to the Code of Practice for the Governance of State Bodies.
- The Board of Management will manage Oberstown and deliver accountability on behalf of the Minister for Children and Youth Affairs (“the Minister”).

### 12.2.2. Staffing

- In line with section 181 of the Children Act, 2001, the Campus will be staffed by a sufficient number of suitably trained and qualified staff of different grades to ensure that young people can be cared for in line with their needs through the CEHOP model, and to ensure the security and safety of the Campus.
- Staff are appointed to every grade, in line with procedure, and with due consideration to the person’s qualifications, experience and suitability. Clear roles descriptions are in place to support implementation of this Framework.
- As far as possible, an adequate number of staff are available on Campus at all times.
- Functions for staff are delegated from management to named staff in line with procedure.
- Clear information is provided to all staff on appointment relating to the performance of their functions, the policies and procedures relevant to the performance of their functions, and the professional standards required of staff.
- Appropriate structures are in place to ensure that there are clear lines of communication between staff and management, and to ensure that all reporting is carried out in a timely way.
- Consultation between staff representatives and management takes place on a regular basis.

### 12.2.3. Staff Responsibilities

- Staff carry out their duties in a professional, humane, fair and efficient manner, in line with the values and mission of Oberstown.
- Staff adhere to the Oberstown Code of Conduct.
- Staff receive training in the policies and procedures relevant to their functions in Oberstown on appointment, and on an ongoing basis.
- Staff receive and engage with regular supervision and effective line management in order to ensure performance delivery and individual accountability.

### 12.2.4. Director of Oberstown

The Director has like control over the young person as if he/she were his/her parent and must do what is reasonable, subject to specified provisions, to safeguard the education, health, development and welfare of young people.

The Director has responsibility:

- for the immediate control and supervision of Oberstown.
- to perform the functions assigned to him or her by the Board of Management.
- to delegate specified functions with the consent of the Board of Management.

- to ensure that appropriate procedures and systems are in place to ensure that young people are cared for in line with policy and with the CEHOP model of care.
- to ensure that young people are safeguarded and protected on Campus.
- to ensure that young people are consulted in matters affecting them, and to ensure that the Campus security and safety is maintained.
- to identify staff and services responsible for staffing, management and governance.
- to ensure that all staff are aware of all relevant policies and procedures, and receive suitable training, support and supervision.
- to ensure that there are agreed protocols, service legal agreements and procedures for liaising and working with relevant internal and external agencies and services.
- to ensure that systems are in place to allow for internal monitoring and audit of the delivery of policy and procedure on a regular basis.
- to report to the Board of Management via the Chairperson on a regular basis, and to supply a written report to the Board in advance of each meeting.

#### 12.2.5. Board of Management of the Campus

The Board of Management is appointed by the Minister for Children and Youth Affairs and performs its functions in line with legislative requirements, and criteria laid down by the Minister.

The Board of Management

- ensures that the Campus is managed in line with its statutory responsibilities and in accordance with criteria and policy set down by the Minister.
- complies with the Code of Practice for the Governance of State Bodies.
- has responsibility for ensuring that an appropriate policy framework is in place to govern the operation of the Campus.
- ensures that a Strategic Plan is in place for the Campus to ensure that statutory and national policy objectives are met.
- ensures that effective mechanisms are in place to oversee the implementation of the Strategic Plan and Oberstown policy.
- ensures risk management policy is in place and keeps risks under review on a regular basis.
- supports the Director in the implementation of his/her responsibilities.
- holds the Director to account in the implementation of Oberstown policy and relevant national policies.
- has the power to appoint such and so many numbers of staff to the Campus as it considers necessary, with the agreement of the Minister for Finance.
- meets on a regular basis to ensure the efficient performance of its functions.
- advises the Minister of all significant matters arising in respect of Oberstown Campus and the Director will keep the Chairperson apprised of any such matters to this end.

The Chair of the Board of Management will have powers, responsibilities and functions as set out in legislation and Campus policy, including responsibility for communications on behalf of the Board.

Members of the Board of Management carry out their duties and functions in line with the highest standards of good governance.

#### 12.2.6. The Minister/Department

Under the Children Act 2001, as amended, the Minister

- appoints a Board of Management, and may assign specific functions to the Board of Management, in line with legislation.
- appoints a Chairperson of the Board of Management.
- may remove a member of the Board of Management.
- may give directions to the Board of Management and/or the Director in relation to the management of the Campus.
- presents copies of annual accounts and reports before each House of the Oireachtas, in line with legislation.
- is responsible for making funding available, in line with legislation.

#### 12.2.7. Transparency and Accountability

- An Oversight Agreement is in place to govern oversight and consultation arrangements between Oberstown and the Department of Children and Youth Affairs.
- The inspection of Oberstown, by independent external bodies, judges, or as set out in ss.185-192 of the Children Act 2001, is facilitated by the Board of Management and management of Oberstown.
- Oberstown publishes policies, statistics and other data on a regular basis.
- Oberstown has a strategy to guide internal and external communications, to ensure that communications are in line with the mission, vision and values of Oberstown.
- Oberstown has a research strategy to guide research and data collection in Oberstown.

#### 12.2.8. Records

- The Board of Management is required to keep full, complete and accurate accounts in line with their statutory responsibilities and directions from the Minister.
- The Board of Management approve audited accounts on an annual basis and submit them to the Minister for Children and Youth Affairs in line with legislation and the Code of Practice for the Governance of State Bodies.
- Minutes are kept of all Board of Management meetings.
- The Board of Management submits an Annual Report to the Minister for Children and Youth Affairs in line with s 179 of the Children Act 2001.
- Risk Registers are maintained and are kept under review.
- Records relating to the governance and management of Oberstown are available for inspection by internal and external monitoring groups.
- Clear procedures and systems are in place to ensure the proper storage and management of young people's records, in compliance with systems of good governance and relevant statutory requirements (including GDPR); clear procedures will govern the length of time that these records will be held for, and protocols for information sharing with relevant professionals.

## 13. Physical Environment Policy

### 13.1. Purpose

This Policy aims to ensure that the physical environment in Oberstown Children Detention Campus is appropriate to support the implementation of national legislation and Oberstown policy. It aims to implement Rule 11, which states:

“Young people shall be cared for in an environment that is safe and secure, considering their physical, emotional and psychological well-being.

### 13.2. Policy Statement

#### 13.2.1. Guiding Principles

Maintaining a safe and secure environment for young people and staff is of paramount importance.

- Young people live in an environment that meets their individual needs, and which takes their physical, emotional and psychological well-being into account.
- Young people have a right to privacy while in Oberstown; this right may be subject to limitations to ensure that young people are monitored appropriately to ensure that young people are safe and protected from harm, and to maintain the security of the Campus and the safety of young people and staff.
- Where limitations are placed on the right to privacy, the dignity of young people should be maintained at all times.
- Oberstown is part of the wider community, and appropriate measures are taken to ensure good relations with residents of the local community surrounding Campus.
- The physical environment maintains an appropriate balance between the need to care for young people, and the need to ensure that the Campus is secure and safe for all young people and staff.
- Oberstown will promote environmentally sustainable practices.

#### 13.2.2. Environment – Care

- The environment supports the delivery of care to young people, based on their assessed individual needs, through the CEHOP model.
- The physical environment in Oberstown is appropriately maintained, kept clean and complies with statutory fire, and health and safety standards.
- The environment in which young people live is designed and decorated in a way that is suitable for young people.
- Each young person has their own bedroom and they have the opportunity to personalise their bedrooms, as far as possible.
- Young people live, where possible, in small groups. Where appropriate, young people on remand and detention orders are accommodated separately.
- The mix of young people living in residential units is planned with reference to the individual needs and circumstances of young people, to ensure that all young people in a group are cared for safely and in line with their physical, emotional, and psychological needs.
- The environment allows young people’s day-to-day needs to be met and meets statutory health and safety requirements.

- Arrangements for monitoring young people will maintain an appropriate balance between respect for the privacy of young people and the need to ensure their personal safety.
- All young people have access to the facilities and services on Campus they need to be cared for in line with their needs.
- The environment provides opportunities for young people to socialise and interact with their peers.

#### **13.2.3. Environment – Security**

- Young people live in a safe and secure environment.
- Emphasis is placed on developing positive relationships between staff and young people in maintaining security on Campus.
- Movement by young people and staff around the Campus is appropriately controlled and managed, in line with procedure.
- The security arrangements on Campus are only as restrictive as necessary to keep young people safe and secure, prevent an escape and to protect them from harming themselves, staff, others.
- CCTV surveillance on Campus maintains an appropriate balance between safety, security and privacy.
- Security arrangements, including Closed Circuit Television, personal alarm systems and closed communication systems, are in place and operated in line with legislative requirements and must be adhered to by all staff.

#### **13.2.4. Staff**

- Staff work in a safe and secure environment.
- Compliance with security arrangements on Campus is a priority for all staff and management.
- Staff understand the requirements to ensure that the Campus is kept secure, and receive training on procedures around Campus security and safety.
- Deficits in the physical environment or maintenance needs are communicated by staff to management in a timely way, in line with procedure.

#### **13.2.5. Records**

- A written inventory of young people’s personal possessions is maintained.
- Full, complete and accurate records are maintained on checks carried out on the physical environment, security arrangements and any maintenance carried out.

#### **13.2.6. Oversight and Implementation**

The Director has responsibility for ensuring the full implementation of and compliance with this policy. This will be achieved by ensuring that:

- clear procedures are in place to implement the policy.
- staff and services who are responsible for the delivery of suitable environment are identified.
- a suitable number and grade of appropriately trained and qualified staff are in place to implement this policy and related procedures.
- there are effective mechanisms in place for the supervision and support of staff.

- all staff are familiar with policy and procedure.
- there is liaison with internal and external services responsible for the provision of a suitable environment.
- structured agreements, protocols, service level agreements, etc. are in place to facilitate this policy.
- internal monitoring is undertaken on the delivery of policy and procedure
- compliance with external monitoring bodies.
- audits on the implementation of the policy and procedures are undertaken and reported.

The Board of Management has responsibility for overseeing implementation of this policy, and for reviewing the policy on a regular basis.

## 14. Authority/Exceptional Circumstances Policy

### 14.1. Purpose

This Policy aims to define the circumstances in which the Director may limit the effect or suspend the Rules and set out the checks and review process that will apply in such situations.

It aims to implement Rule 12, which states:

“In exceptional, emergency circumstances, the Director may limit the effect of these Rules to the extent that it is necessary to deal with that emergency.”

### 14.2. Policy Statement

#### 14.2.1. Definitions

In this Policy, and in all related procedures, the following definitions apply:

“Exceptional, emergency circumstances”, are defined as an incident or situation which poses a serious threat to the safety of young people or staff, or to the security of the Campus as a whole, which requires an immediate response, and which is not covered by normal policies and or procedures on Campus.

#### 14.2.2. Guiding Principles

- The Director has the power to suspend the Rule(s) and policies, where there is a basis for believing that the circumstances reach the threshold of exceptional, emergency circumstances, as defined in this Policy.
- Suspension of these Rules will only apply as a last resort, for the shortest length of time and to the extent reasonably necessary to respond to the exceptional or emergency situation and to return the Campus to a state of safe operation.
- In circumstances where the Rules are suspended, the Director, management and staff have a responsibility to take steps to end the exceptional, emergency situation as soon as is reasonably practicable in the circumstances.
- In all circumstances, the Director, management and staff will adhere to all relevant legislation and regulations relating to the operation of Campus and every possible care will be taken to safeguard the rights and interests of young people to the maximum extent possible.



### 14.2.3. Exceptional and Emergency Situations

- Emergency plans and a risk register set out the procedure and the escalation process to be followed in emergencies, such as a threat to the security of Campus, unforeseen weather incidents, etc.
- Where the Director suspends the operation of the Rules in part or in full, the Director will notify the Board and the Minister without delay, providing clear reasons for this decision.
- Any decision to suspend the Rules in part or in full must be justified with reference to the ongoing exceptional, emergency situation, and the measures which are necessary to end this situation as soon as is reasonably possible in the circumstances.
- Where the Director suspends the operation of the Rules, updates in relation to the developing situation, and measures being taken to end the emergency, will be provided to the Chairperson of the Board of Management and the Minister on a frequent and regular basis. These updates will include information on why the continuation of the limitation of the Rules in part or in full continues to be necessary with reference to the developing circumstances.
- The Director will seek advice from the Chairperson of the Board of Management and the Minister during the period when the Rules are suspended, and will seek appropriate approvals for ongoing action,
- Full, complete and accurate records will be kept of the rationale for the suspension of the Rules and any authorisations, review processes, and decisions made during the time the Rules were suspended.
- Procedures will detail the steps that should be taken in an emergency or exceptional circumstance with a view to ensuring that the emergency/exceptional situation is ended as quickly as possible in the circumstances.

## 15. Appendix

### 15.1. DEFINITIONS

This section sets out key definitions, applicable throughout the policy framework, unless otherwise specified.

- The term “young people” instead of “child” is used in line with the expressed wish of young people in Oberstown.
- “Harm”, “neglect”, and “ill-treatment”, have the definitions assigned to them under the Children First Act 2015.
- *External Services* means any consultant, company or agency (agent) providing services to young people in the care of the Director including teachers, members of ACTS or NFMHS, EPIC, YAP and Le Cheile.
- *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”.
- *Medication management* is the facilitation of safe and effective use of prescription and over-the-counter medicinal products
- *Offending behaviour* is understood to refer to the involvement or alleged involvement in criminal offences that led to a young person’s detention in Oberstown. The policy acknowledges the need to recognise the other contributing factors that led to the young person becoming in conflict with the law.
- *Over-the counter medicines and medicinal products* are those that can be purchased without prescription in a shop and/or pharmacy, which are intended to meet the recognised need to treat minor ailments without necessarily having consulted a doctor.
- *Physical intervention* is defined as “A last resort physical emergency response to an individual in crisis displaying risk behaviour posing an imminent or immediate risk of harm to self or others. Physical interventions include disengagements and or restrictive holding skills that are reasonable and proportionate to the level of risk behaviour presented.”
- *Prescription medicines and medicinal products* are those that require a valid and legible, original prescription by a doctor, to be presented to the pharmacist before
- *Single separation* is defined as “when a young person is separated from his or her peers to a room designated for separation, for as short a period of time as is necessary, due to one or both of the following reasons: 1) where a young person is likely to cause significant harm to her/himself or others; 2) where a young person is likely to cause significant damage to property that would compromise security and impact on the safety of others”. This definition is in line with the definition adopted by the Department of Children and Youth Affairs.
- “*Staff*” means all employees of Oberstown, including members of the Board of Management.
- *Wellbeing* is an integral part of health and 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 (Healthy Ireland: A Framework for Improved Health and Wellbeing 2013-2025).

## 16. Revision History

<b>Version</b>	<b>Date of Issue</b>	<b>Description of Change</b>	<b>Owner</b>
1	July 2020	Initial Release	Director