

Alcohol Action Ireland is the national independent advocate for reducing alcohol harm. Silent Voices is an initiative of Alcohol Action Ireland which seeks to raise awareness of the issues around parental alcohol misuse and to put forward policy solutions to address them.



## **Operation Encompass and WHY not in Ireland**

### **Context to proposal**

Experiencing domestic abuse as a child is child abuse and a child protection issue. Children have the right to an alcohol-free childhood. They have the right to be protected from domestic abuse. Child protection is everyone's concern, not just parents. A mature and civilised society must protect its children and have their welfare at its core.

Frederick Douglass said – "It is easier to build strong children than to repair broken adults".

It is well recognised that during the coronavirus Covid 19 pandemic there has unfortunately been a huge increase in domestic abuse incidents. This has occurred not just in Ireland but across the world. Children experiencing domestic abuse have been trapped in unsafe homes. They have no voice, and no language to express their anxiety or distress. They are conflicted, with parents whom they love, fighting, shouting, being violent with each other or with the other, creating tensions, silences and terror. Childline has commented on the increase in calls, with many children sobbing on the line with no words or understanding to describe their predicament. Childline provides a listening service but does not advise or give direction to the child callers. The service is anonymous. No details are recorded. Nevertheless, it provides an essential and valuable lifeline for those children who can access its service.

As a consequence of the pandemic schools have been closed since 13th March 2020. The playing of sports and play dates with friends in other households have been prohibited in order to curtail the spread of the coronavirus. There is no access to teachers or other family members, such as grandparents. The harm to these children is enormous.

Whilst services encourage notification of any child abuse concerns to TUSLA or An Garda Síochána resources are so stretched that only in the most serious of cases where there is active risk are Social Workers gaining direct access to children. There will undoubtedly be a tsunami of mental health problems when schools re-open in September 2020 or whenever. Currently, it would appear that many Social Workers are working remotely but with their hands tied behind their backs. Home visits are only happening for high risk cases.

All interactions with children are important. Every interaction must be availed of and used to maximum advantage. Early intervention however is the key to getting better outcomes for the child. This is about safeguarding children. One kind word to a child in a time of crisis is a lifeline and can make all the difference.

With the restrictions imposed by Covid 19 the impact on children growing up with parental alcohol misuse in the home ie domestic abuse will be significant and have long-term adverse consequences for the child. Their homes are and continue to be unsafe places. They experience domestic abuse with no escape. Such experiences are internationally accepted as causing physical, emotional and psychological harm/damage and recognised as hidden harm necessitating supports and interventions. Many professionals active in the field of ACEs believe that trauma-informed services and supports are essential to rescue the child. Unless schools are equipped and teachers are trained in awareness of the impact of domestic abuse on children, school may also let these children down. Teachers need to understand the child's lived experience. If they don't schools may become unsafe places too if a punitive attitude is applied to behaviours stemming from the home experience. How can the child, who has experienced domestic abuse, learn and reach his or her full potential?

### **The legal position**

Ireland ratified the UN Convention on the Rights of the Child in 1992. Having done so Ireland has an obligation under international law to respect, protect and fulfil the rights of children under the Convention.

Following a referendum, children now have rights under the Irish Constitution with the enactment of the Thirty-First Amendment of the Constitution (Children) Act 2012 signed into law in April 2015. The State now has a role where parents "fail in their duty towards their children to such an extent that the safety and welfare of their children is likely to be prejudicially affected".

Child welfare and protection policy is based on a legal framework provided by the Child Care Act 1991 and the Children First Act which became law on the 19 November 2015. The latter's main purpose is to provide for the care and protection of children. Providers of services to children have certain obligations. Certain persons are required to make reports to TUSLA, which became a separate legal entity to the HSE in January 2014. TUSLA has responsibility for child welfare and protection services, and a range of other services including those relating to domestic, sexual and gender-based violence. Mandatory reporting of harm to children became the law. The 2015 Act outlined the roles of TUSLA and An Garda Síochána, who have the primary responsibility for child welfare and protection. This 2015 Act was followed by the National Guidance for the Protection and Welfare of Children launched in February 2018.

The definition of "harm" under the 2015 Act is clear.

In relation to a child it means-

(a) assault, ill-treatment or neglect of the child in a manner that seriously affects or is likely to seriously affect the child's health, development or welfare, or

(b) sexual abuse of the child,

whether caused by a single act, omission or circumstances or a series or combination of acts, omissions or circumstances, or otherwise. “

There is no minimum threshold on “harm”. It is not restricted to obvious or apparent harm. Any act or omission that affects the child in an adverse way is harm.

“Neglect” is defined in relation to a child as meaning –“to deprive the child of adequate food, warmth, clothing, hygiene, supervision, **safety** or medical care”. The emphasis on “safety” is mine.

“Welfare” is defined, in relation to a child, -“the moral, intellectual, **physical, emotional and social** welfare of the child”. Emphasis on “physical, emotional and social” is mine.

Professionals and all those caring for children must be alert to the harm that can befall a child. Harm is harm whether it’s visible or hidden. Child protection is everyone’s duty. It must be top priority. We are obliged as a society to put children first and recognise by our actions that we do. There should be no turf wars.

If it is the case that TUSLA has resources issues and certain thresholds before preventative action can be taken then we need to find another way to put children who are at risk at the centre and on a professional’s radar. By adapting the Operation Encompass programme not only will this put the child involved in the domestic abuse incident on the radar of the teacher, it can serve to enlighten and educate parents as to the damage and harm being caused to their child or children by his /her /their actions. How can children who experience domestic abuse learn or absorb lessons after the trauma of domestic abuse? How can teachers connect and enable such children to reach their full potential if the children are traumatised by such an environment, most of which is fuelled by the alcohol and substance misuse of parents. Teachers need to be aware of the impact these lived experiences have on the developing child and his/her ability to learn. A child’s behaviour in school may reflect what is happening in the home. Often school is the only safe place for these children.

An Garda Siochana has primary responsibility to protect the community and to bring offenders to justice. Where a crime has been committed AGS has overall responsibility for the direction of the criminal investigation. Incidents of domestic abuse are often scenes of crimes. Children may or may not be physically or sexually harmed, but they are harmed. If they are physically or sexually harmed then undoubtedly AGS will take appropriate steps to prosecute. Regardless, these children have experienced trauma associated with witnessing the domestic abuse crime and indeed may have been involved if seeking to protect the parent being assaulted. This is harm which impacts the child’s health, psychologically, emotionally and developmentally. In the UK this harm is given immediate attention via the Operation Encompass programme. The teacher, another professional, is alerted to create an intervention for the child. No child falls through the cracks. This is a child protection issue and treated accordingly by both the police and the school. The teacher interacts with the child. Every interaction is an intervention. The child is on a professional’s radar. More serious cases go to the UK’s Social Services. No child’s health is ignored and further lifelong damage can be avoided or minimised. Child protection and welfare are to the fore, front and centre. And for the child who has experienced such trauma, the child’s health is first and paramount.

**What can we do now?**

We need to take the necessary steps now to have the Operation Encompass programme operational so that when the schools reopen in September every effort can be made to identify the children most seriously at risk whose development has been hugely impacted as a consequence of the 6 month lockdown restrictions imposed on society to deal with Covid 19. Children are going to need every help and support they can get to enable them survive what they have been through in the previous 6 months and to recover and reach their full potential.

We must be able to share information with those who have a mutual interest in the child's life and development. Teachers are those persons. The only information that is shared is the name of the child and the words "Operation Encompass".

Having this programme operating between AGS and schools ( with the support of TUSLA and the Department of Education and Science) will go a long way to addressing the substantial harm caused to children living with domestic abuse during these vital developmental stages of their lives. Their lives and futures must matter. Early intervention is key and getting these children at risk on the radar of a responsible adult is the first action required. Their childhoods could be saved. And their futures helped.

Co-operation between TUSLA, An Garda Siochana and the Department of Education and Science is critical for the health and welfare of children impacted by domestic abuse. There is no impediment under Irish law, that could not be surmounted, to AGS alerting the Designated Liaison Person in schools about the domestic abuse incident framed as Operation Encompass and giving the child's name.

We need to actively, by our actions, demonstrate that we do have regard to the best interests of the child at the heart and that they are given paramount consideration. We know enough about harm to children for well over 20 years and do not need more research or statistics. We owe this to the next generation.

**Carol Fawsitt**

Co-Founder Silent Voices and Chair of Alcohol Action Ireland

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