

Concerns at complaints mechanism in schools



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THE CHILDREN'S ombudsman has expressed concern at the absence of any mechanism to deal with teachers who engage in inappropriate behaviour towards children in schools.

Speaking at the publication of her fourth annual report yesterday, Emily Logan said her concerns related to the lack of any framework to deal with "professional conduct issues" among teachers when issues about discipline and how they spoke to and treated children were raised.

Over the past year she said her office has continued to be contacted by parents regarding allegations of "inappropriate behaviour" by school staff towards children and the response by the authorities concerned to such allegations.

She contacted the Department of Education and the Teaching Council to bring the concerns to their attention and discovered that legislation which has not been implemented would solve the problem.

"The non-commencement of Part V of the Teaching Council Act has left a legislative and administrative lacuna in relation to the handling of complaints regarding professional misconduct."

She has urged the department to expedite the implementation of this section of the Act.

Ms Logan said legal gaps like this, as well as the lack of independent inspections of some residential care settings for children, and gaps in the law on the use of so-called "soft information" where allegations of abuse against staff in education and healthcare settings fall short of prosecution but where managers still have concerns about reinstating them, mean children remain vulnerable.

She also reiterated her concerns about the lack of independent inquiries into deaths of children in State care. There have been 20 such deaths in the past six years.

Her latest annual report indicates her office dealt with 810 complaints in 2008, a 10 per cent increase on 2007. The majority of complaints were in the areas of health and education, and professionals, such as social workers and teachers, were now bringing more issues of concern to her

attention.

Parents and extended family made 72 per cent of complaints last year, while professionals made 15 per cent of them.

Already this year there has been a further 23 per cent increase in complaints to her office, she said, much of the increase driven by the recent Ryan report into institutional child abuse and the sentencing in January of a Co Roscommon mother to seven years in prison for incest, sexual assault, ill-treatment and neglect of her children.

Many of the complaints to her office last year revolved around child protection, adequacy of services including housing for children with special needs, waiting lists for speech and language therapy, no social workers being allocated to children in care, and access by children in care to their siblings.

It was very traumatic for children in care to be separated from their siblings, Ms Logan said, adding that she had recently spoken to a 16-year-old who had not seen her baby brother for over 18 months.

Case studies

SCHOOL TRANSPORT

Some 23 children in Co Wexford were at risk of losing out on school transport until the children's ombudsman Emily Logan intervened.

The 2008 annual report from her office, published yesterday, states that an investigation by her office found confusion over boundary maps for different post primary school catchment areas had led to the threat to withdraw their transport.

The VEC, which was responsible for administering the school transport system for post primary students in Co Wexford and Bus Éireann, which provides the service, were operating on the basis of different maps. And a map provided by the Department of Education was unclear and appeared to be incomplete.

Ms Logan found the combined actions of the Department of Education, Bus Éireann and the VEC in relation to the administration of the school transport scheme in this case was "contrary to fair or sound administration".

She recommended the Department of Education undertake a complete nationwide review of the mapping of post-primary catchment boundary areas. This has been taken on board by the Department and the issue of catchment boundaries is to be considered in the value for money review of the school transport scheme, which is to be completed by the end of this year.

Meanwhile school transport continues to be provided for the 23 Wexford children.

LOCAL AUTHORITY TENANCY

The ombudsman found a local authority acted outside its remit when it indicated to a man it would not transfer tenancy of a local authority house, in which his children lived, to him after their mother died until he proved he had recently been given full-time custody of the children. The father had in fact full custody of the children, before their mother died and had produced that to no avail. While the matter has since been resolved the local authority did not accept it acted outside its remit.

SCHOOL BULLYING

A school agreed, in the past year, to review the steps required to invoke its anti-bullying policy after a parent complained to Ms Logan that the school had not taken her concerns in relation to the bullying of her teenage daughter seriously.