

## 'Deficiency' in system, says child watchdog:

**REACTION:**THE OMBUDSMAN for Children has criticised the Government and HSE for their failure to implement an independent child death review system capable of improving child protection and boosting public trust.

Emily Logan has also called for greater transparency and public accountability from the HSE when it reviews the deaths of children, which occur while under its care following publication of the report into the death of Tracey Fay.

“What’s obvious about the way the [Tracey Fay] report came into the public domain via the media and an Opposition politician illustrates the serious deficiency of the current review system,” she said.

She said there was a lack of a uniform approach, systematic method or independence to the investigation of child deaths. She said the HSE currently set up ad hoc inquiries, which were not fully independent and did not provide systematic reviews that could be compared with other inquiries to produce robust recommendations.

Ms Logan said the system compared unfavourably to the one in place in other jurisdictions such as Northern Ireland or Wales.

“Look at what happened in Omagh when Arthur McElhill burnt down his house killing his partner and five children. The authorities in Northern Ireland completed their investigation, published a report within seven months and held a press conference,” said Ms Logan, who criticised the long delay in publishing reports conducted by the HSE.

“To build public confidence in the child-protection services, we need transparency and accountability,” she added.

Ms Logan said it was important not to scaremonger about the level of protection currently provided to children in State care. She said international studies showed not all deaths could be prevented.

However she said the report published this week demonstrated the current child-protection system was guided by crisis management and there was a lack of early intervention by health authorities.

She said rebalancing the constitutional rights of the child and the family through the proposed referendum on the rights of children may facilitate early intervention.

Ms Logan advised the Government to implement an independent child review mechanism in February 2009.

In July 2009, Minister for Children Barry Andrews announced a partial implementation of its recommendation. The HSE has also said it would introduce reforms when the Health Information and Quality Authority published guidance on how to conduct investigations and publish reports on child deaths while in State care. This guidance is expected shortly.

Tracey’s uncle Damien Fay said yesterday he supported the decision by Fine Gael TD Alan Shatter to publish the report and criticised the HSE for not contacting the family. “I commend Alan Shatter for this. There is a political issue in children dying when in care.”

“I’ve had no contact at all with the HSE, which is disappointing. Obviously I hope publication of the report can change the system. That it can make positive changes and children can get better care.”

Mr Fay said he had spoken to Tracey's mother about the report and she was "very upset".

He said he thought some of the material in the report may be misleading but that it did not take away from the fact that there had been neglect in the childcare system.

Noel Howard, spokesman for the Irish Association of Social Care Workers, said there needed to be protocols to enable care workers to intervene physically to place children in secure units. He said workers were in an ethical and moral dilemma because they could not stop children leaving residential centres even when at risk.

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