



**Health  
Information  
and Quality  
Authority**

An tÚdarás Um Fhaisnéis  
agus Cáilíocht Sláinte

Regulation of  
Health and Social  
Care Services

# Assessment Judgment Framework for Oberstown Children Detention Campus

September 2021

*Safer Better Care*

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# About the Health Information and Quality Authority (HIQA)

The Health Information and Quality Authority (HIQA) is an independent statutory authority established to promote safety and quality in the provision of health and social care services for the benefit of the health and welfare of the public.

HIQA's mandate to date extends across a wide range of public, private and voluntary sector services. Reporting to the Minister for Health and engaging with the Minister for Children, Equality, Disability, Integration and Youth, HIQA has responsibility for the following:

1. **Setting Standards for Health and Social Care Services** — Developing person-centred standards and guidance, based on evidence and international best practice, for health and social care services in Ireland.
2. **Regulating Social Care Services** — The Office of the Chief Inspector within HIQA is responsible for registering and inspecting residential services for older people and people with a disability, and children's special care units.
3. **Regulating Health Services** — Regulating medical exposure to ionising radiation.
4. **Monitoring Services** — Monitoring the safety and quality of health services and children's social services, and investigating as necessary serious concerns about the health and welfare of people who use these services.
5. **Health Technology Assessment** — Evaluating the clinical and cost-effectiveness of health programmes, policies, medicines, medical equipment, diagnostic and surgical techniques, health promotion and protection activities, and providing advice to enable the best use of resources and the best outcomes for people who use our health service.
6. **Health Information** — Advising on the efficient and secure collection and sharing of health information, setting standards, evaluating information resources and publishing information on the delivery and performance of Ireland's health and social care services.
7. **National Care Experience Programme** — Carrying out national service-user experience surveys across a range of health services, in conjunction with the Department of Health and the HSE.

## Section 1 — Introduction

The Health Information and Quality Authority (HIQA) monitors the safety and quality of services provided by inspects Oberstown Children Detention Campus under section 185 and section 186 of the Children Act 2001, as amended by Criminal Justice Act, 2006.

This assessment judgment framework sets out rules and lines of enquiry that can form part of an assessment of compliance and should be applied in conjunction with the Oberstown Children Detention Campus Children’s Rights Policy Framework (2020).

## Section 2 — Rules

The Oberstown Children Detention Campus Children’s Rights Framework contains the ‘rules’ against which the service is inspected by HIQA, and a link to these rules is available at: [Oberstown Children Detention Campus-Children's Rights Quality Framework 2021](#).

This assessment-judgment framework is organised into two sections, called dimensions:

### 1. Capacity and Capability

### 2. Quality and Safety.

Under each of these dimensions, the rules are organised for ease of reporting.

The **Capacity and Capability** dimension include:

1. **Leadership, Governance and Management** — arrangements put in place by a children’s detention service for accountability, decision-making, risk management as well as meeting its strategic, statutory and financial obligations.
2. **Workforce** — planning, recruiting, managing and organising staff with the necessary numbers, skills and competencies to respond to the needs of children and families that are referred to the service.
3. **Use of Resources** — using resources effectively and efficiently to deliver best achievable outcomes for children.
4. **Use of Information** — actively using information as a resource for planning, delivering, monitoring, managing and improving care.

The **Quality and Safety** dimension include two elements:

1. **Child-Centered Services** — children’s rights are recognised, including their right to be listened to and to participate in decisions about their lives. Children and families are communicated with in an open, honest and effective manner. Children’s safety and welfare is promoted, and supports are identified and provided early in their involvement with the service. The service is responsive to the changing needs of the child/young person.
2. **Safe and Effective Services** — how services protect young people from the risk of harm and promote their welfare. Safe services also avoid, prevent and minimise harm and learn from things when they go wrong.

## Judgement on Compliance

In assessing the rules, the extent to which a provider has complied with them will be considered. A judgement of compliance will be made against each rule inspected. The judgment descriptors are:

- **Compliant:** a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant rule.
- **Substantially compliant:** a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the rule but some action is required to be fully compliant. This finding will have a risk rating of yellow, which is low risk.
- **Not compliant:** a judgment of not compliant means the provider or person in charge has not complied with a rule and that considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk-rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a significant risk to the safety, health and welfare of residents using the service, it is risk-rated orange (moderate risk) and the provider must take action within a reasonable time frame to come into compliance.

## **Section 3 — Assessment-Judgment Framework**

### **Capacity and Capability Dimension**

This section focuses on the overall delivery of the service and how the provider is assured that a quality, safe and effective service is provided to children.

It includes how the service provider:

- is assured that there are effective governance structures and oversight in place
- has arrangements in place for clear accountability, decision-making, risk management and performance assurance, which is underpinned by effective communication among staff. This includes how responsibility and accountability for service provision is integrated at all levels of the service.
- plans, manages and organises their workforce to ensure enough staff are available at the right time with the right skills and expertise to meet the service's needs.
- Effectively manages resources to deliver the service.

<b>Dimensions: Capacity and Capability</b>	
<b>Rule 10</b>	<p><b>Staffing, Management and Governance</b></p> <p>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.</p>
<b>Line of inquiry</b>	<ol style="list-style-type: none"> <li>1. Is the life, health, safety, development and welfare of each young person who is detained in the Campus promoted and protected?</li> <li>2. Is there a clearly defined management structure that identifies the lines of authority and accountability, specific roles, and details responsibilities for areas of detention provision?</li> <li>3. Are there systems in place to provide public accountability for the delivery of the service?</li> <li>4. Are management systems in place to ensure that the service provided is safe, appropriate, consistent and effectively monitored?</li> <li>5. Are there effective arrangements in place to facilitate persons working in the Campus to raise concerns about the quality and safety of service provided generally or the care provided to any specific young person detained in the Campus?</li> <li>6. Is the Campus managed and governed in a transparent and accountable way?</li> <li>7. Is risk well managed in the service?</li> <li>8. Does management and governance of the Campus ensure the suitability of operational policies and procedures, facilities, and services to meet the needs of young people?</li> <li>9. Are operational policies and procedures available to staff in writing and implemented?</li> <li>10. Does management and governance of the Campus ensure the security of the Campus is maintained?</li> <li>11. Does management and governance of the Campus ensure the Campus complies with rules, statutory requirements, relevant legislation, and national policy?</li> <li>12. Is the Campus staffed by a sufficient number of suitable,</li> </ol>

	<p>trained, experienced and qualified staff, having regard to the number and needs of the young people detained there?</p> <p>13. Are there appropriate numbers of staff members present in the Campus at all times to supervise each child detained in accordance with Campus policy and legal requirements?</p> <p>14. Are staff provided with an appropriate level of professional supervision and support?</p> <p>15. Do staff members have access to appropriate training, including refresher training, as part of a continuous professional development programme?</p> <p>16. Have staff members been provided with a copy of relevant Acts of the Oireachtas and any regulations, rules and guidelines made thereunder?</p>
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Dimensions: Capacity and Capability	
<b>Rule 12</b>	<b>Authority to Suspend the Rules</b>
	In exceptional, emergency circumstances <sup>1</sup> , the Director may limit the effect of these Rules to the extent that it is necessary to deal with that emergency.
<b>Line of inquiry</b>	<ol style="list-style-type: none"> <li>1. Where the Director used their power to suspend the Rule(s) and policies, was it only where there was a basis for believing that the circumstances reach the threshold of exceptional, emergency circumstances, as defined in this Policy?</li> <li>2. Has a suspension of these Rules only been applied 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?</li> <li>3. In circumstances where the Rules were suspended, did the Director, management and staff fulfil their responsibility to take steps to end the exceptional, emergency situation as soon as was reasonably practicable in the circumstances?</li> <li>4. In all circumstances, did the Director, management and staff adhere to all relevant legislation and regulations relating to</li> </ol>

<sup>1</sup> “Exceptional, emergency circumstances”, are defined in the Children’s Rights Policy Framework 2020, 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.



	<p>the operation of Campus and was every possible care taken to safeguard the rights and interests of young people to the maximum extent possible?</p>
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## Quality and Safety Dimension

The Quality and Safety dimension relates to standards that govern how services should interact with children and ensure their safety. The standards include consideration of communication, safeguarding and responsiveness and look to ensure that children are safe and supported throughout their engagement with the service.

<b>Dimensions: Quality and Safety</b>	
<b>Rule 1</b>	<p><b>Care</b></p> <p>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.</p>
<b>Lines of inquiry</b>	<ol style="list-style-type: none"> <li>1. Is there a child-centred approach to the care of young people placed in the Campus?</li> <li>2. Are all decisions about young people taken in line with their best interests and rights?</li> <li>3. Is care provided to each young person in a planned, child centred way, based on their assessed needs and risks-encompassing care, health, education, offending behaviour, preparation for leaving?</li> <li>4. Is a multi-agency and multi-disciplinary approach taken to planning for young people?</li> <li>5. Are plans for young people reviewed regularly and as required, to ensure each young person is supported to reach their full potential?</li> <li>6. Is a full care record maintained for each young person detained in the Campus?</li> <li>7. Are young people supported to participate in all decisions taken about their care?</li> <li>8. Are parents and or guardians supported to play a meaningful role in young people's placement planning and decisions?</li> <li>9. Are young people supported to maintain appropriate contact with their family?</li> </ol>

<b>Dimensions: Quality and Safety</b>	
<b>Rule 2</b>	<b>Education and Recreation</b>  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.
<b>Line of inquiry</b>	<ol style="list-style-type: none"> <li>1. Does each young person have access to educational and training facilities, and educational supports and services appropriate to their assessed needs?</li> <li>2. Does each young person have access to leisure and recreational facilities and opportunities 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?</li> <li>3. Are young people supported to participate in all decisions taken about their education and recreation, including the development of their individual plans?</li> <li>4. Are parents and or guardians of young people 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?</li> <li>5. Where appropriate, are young people prepared for independent living?</li> </ol>

<b>Dimensions: Quality and Safety</b>	
<b>Rule 3</b>	<b>Health</b>  Young people shall have access to health, medical and therapeutic care in line with their assessed needs.
<b>Line of inquiry</b>	<ol style="list-style-type: none"> <li>1. Is the health, well-being and development of all young people promoted?</li> <li>2. Is an individualised, holistic, collaborative and child-centred approach taken to providing for a young person's health needs as part of their care framework, encompassing medical, dental, psychological, psychiatric and well-being services?</li> <li>3. Do young people receive the highest available standard of healthcare?</li> <li>4. Are all young people treated with respect for their dignity and privacy in the provision of health and well-being services?</li> <li>5. Are young people supported to participate in all decisions taken about the provision of health and well-being services?</li> <li>6. Are parents and or guardians supported to participate in young people's healthcare decisions as far as possible and in line with their best interests?</li> <li>7. Are there appropriate systems in place for the safe administration, storage, and disposal of medication - in line with national legislation and guidance?</li> </ol>

<b>Dimensions: Quality and Safety</b>	
<b>Rule 4</b>	<b>Offending Behaviour</b>  Young people shall have access to a range of services, supports and programmes that address their offending behaviour and prevent further offending on release.
<b>Line of inquiry</b>	<ol style="list-style-type: none"> <li>1. Are young people supported to understand and take responsibility for their offending behavior?</li> <li>2. Are young people provided with appropriate services, supports and programmes to address their offending behavior and prevent re-offending on release?</li> <li>3. Is an individualised approach taken to addressing the offending behaviour of the young person?</li> <li>4. Is a collaborative and child-centred approach taken to addressing the reasons for the young person's placement as part of the model of care?</li> <li>5. Is the young person's respect for the rights and fundamental freedoms of others, including victims and others affected by their offending reinforced?</li> <li>6. Are actions taken to support young people in addressing their offending behaviour which aim to strengthen the young person's capacity to assume positive and constructive roles in their communities on release?</li> <li>7. Where applicable, are restorative approaches emphasised in actions taken with young people?</li> </ol>

**Dimensions: Quality and Safety****Rule 5****Preparation for Leaving Care**

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.

**Line of inquiry**

1. Is planning for young people's release commenced from the point of admission, is it holistic, collaborative and child-centred and in line with the young person's assessed needs?
2. Does the care provided to young people within the model of care, including the process of planning for release, 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?
3. Are young people supported to participate in a meaningful way in the development and ongoing review of their individual placement plan, and preparation for leaving plan?
4. Are young people's parents and or guardians supported to participate in planning for leaving, to the maximum extent possible, where this is in the best interests of young people?
5. Are parents and or guardians provided with information about accessing support services in line with the young person's needs?
6. Is there full use made of mechanisms such as permitted absence, mobility trips, temporary leave and supervision in the community?

<b>Dimensions: Quality and Safety</b>	
<b>Rule 6 Standard 6</b>	<b>Safeguarding</b>  Young people shall be protected from all forms of harm and abuse and their welfare promoted.
<b>Line of inquiry</b>	<ol style="list-style-type: none"> <li>1. Are young people protected from all forms of harm, abuse and ill-treatment?</li> <li>2. Are young people placed in the Campus assisted and supported to develop the knowledge, self-awareness, understanding and skills needed for self-care and protection?</li> <li>3. Where there has been an incident, allegation or suspicion of abuse or neglect in relation to a young person, have the requirements of national guidance for the protection and welfare of children and all relevant statutory obligations been complied with?</li> <li>4. Are staff and management aware of their responsibility to ensure that young people are protected from all forms of harm, abuse and ill-treatment?</li> <li>5. Is there a record of any incident, allegation, suspicion or investigation of abuse or neglect?</li> </ol>

<b>Dimensions: Quality and Safety</b>	
<b>Rule 7</b>	<b>Participation</b>  Young people shall be supported to access information and effective complaints mechanisms, and have their voices heard and participate in decisions made about them.
<b>Line of inquiry</b>	<ol style="list-style-type: none"> <li>1. Is the right of each young person to be heard in all matters affecting them promoted and considered in line with their age and maturity promoted?</li> <li>2. Does young people's participation in decision-making take place at all levels, including individual, residential unit and Campus level?</li> <li>3. Is young people's participation delivered within a rights-</li> </ol>

	<p>based model?</p> <ol style="list-style-type: none"> <li>4. Are young people provided with adequate information about and communication with the outside world, including access to family, friends and outside organisations?</li> <li>5. Do young people have prompt access to legal advice, and to free and confidential communication with their legal representatives?</li> <li>6. Do young people have timely access to effective and responsive complaints mechanisms?</li> <li>7. Is all information provided to young people easily accessible and in a language young people can understand?</li> <li>8. Are young people supported to understand the information provided and have the assistance of an interpreter if required?</li> </ol>
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<b>Dimensions: Quality and Safety</b>	
<b>Rule 8</b>	<p><b>Positive Behaviour</b></p> <p>Young people shall be supported to understand and demonstrate norms of good behaviour that ensure long-term positive outcomes.</p>
<b>Line of inquiry</b>	<ol style="list-style-type: none"> <li>1. Are young people supported to understand and develop positive behaviour?</li> <li>2. Are young people supported, based on individual needs, to understand the rules and expectations of good behaviour in the campus?</li> <li>3. Is the approach to supporting young people based on developing positive and mutually respectful relationships between staff and young people?</li> <li>4. Are young people supported, based their individual needs, to understand the approaches taken if they do not adhere to the norms of good behaviour?</li> <li>5. Is an individualised approach taken in responding, when a young person’s behaviour does not meet the expected norms, that respects the rights of young people, considers their needs, and the rights and needs of other young people, staff, and the security of the Campus as a whole?</li> <li>6. Does the service approach support young people to adopt and adhere to the norms of good behaviour?</li> </ol>



<b>Dimensions: Quality and Safety</b>	
<b>Rule 9</b>	<b>Restrictive Practice</b>  Practices that interfere with the rights of young people shall only be used with approval and in exceptional circumstances.
<b>Line of inquiry</b>	<ol style="list-style-type: none"> <li>1. How does is a culture and environment of zero violence promoted?</li> <li>2. Are young people’s rights fully protected during the use of restrictive practices?</li> <li>3. Are any restrictions (such as the use of single separation, physical restraint, handcuffs and searches) on young people’s rights risk assessed, exceptional in nature, proportionate to the aim sought to be achieved, and in line with campus policy?</li> <li>4. Are restrictive practices only used as a response to immediate risk?</li> <li>5. Are there systems in place to authorise, monitor and review the use of restrictive practices?</li> <li>6. Are restrictive practices only used following a full risk assessment, having consideration of the young person’s needs?</li> <li>7. Do restrictive practices interfere as little as possible with the rights of young people?</li> <li>8. Is an individualised approach 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?</li> <li>9. Is information given to a young person on admission about the use of restrictive practices, and managing high level risks on Campus?</li> <li>10. Do 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?</li> </ol>

<b>Dimensions: Quality and Safety</b>	
<b>Rule 11</b>	<b>Physical Environment</b>  Young people shall be cared for in an environment that is safe and secure, considering their physical, emotional and psychological well-being.
<b>Line of inquiry</b>	<ol style="list-style-type: none"> <li>1. Is a safe and secure environment for young people and staff maintained?</li> <li>2. Do young people live in an environment that meets their individual needs, and which takes their physical, emotional and psychological well-being into account?</li> <li>3. Are young people supported to understand that they have a right to privacy, and that this right may be subject to approved limitations?</li> <li>4. Where limitations are placed on the right to privacy, is the dignity of young people maintained at all times?</li> <li>5. Are appropriate measures taken to ensure good relations with residents of the local community surrounding the Campus?</li> <li>6. Is there an appropriate balance maintained, within the physical environment, 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?</li> <li>7. Are there adequate fire safety precautions in place?</li> <li>8. Are all vehicles used to transport young people roadworthy, regularly serviced, insured, equipped with appropriate safety equipment and driven by persons who are properly licensed?</li> </ol>

## Glossary of Terms

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

1. *Young people*: This term, instead of “child”, is used in line with the expressed wish of young people in Oberstown.
2. *Physical intervention*: 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.
3. *Single separation*: “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” \*Department of Children and Youth Affairs, National Policy on Single Separation Use, Nov. 2016.