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Department of Children, Equality,
Disability, Integration and Youth

**Building a Europe
for and with children!**



Inception Report

Joint EU-Council of Europe project

Support the implementation of the Barnahus project in Ireland

April 2023

The project is co-funded by the European Union via the Technical Support Instrument, and co-funded and implemented by the Council of Europe, in cooperation with the European Commission, Directorate-General for Structural Reform Support (DG REFORM)

Table of Contents

1. Project Summary.....	3
2. Implementation Dynamics.....	3
3. Aim of the inception report	4
4. Account of stakeholders consulted during the inception phase	5
5. Key issues identified during inception phase.....	6
5.1. Legal and policy gaps in ensuring child-friendly justice.....	6
5.2. Challenges in Interagency coordination, information sharing and management of child abuse cases	6
5.3. Training needs.....	7
5.4. Operation of the three Barnahus sites	7
5.5. Children participation and children consultations.....	8
6. Account of the consultations	8
6.1 Legal and policy context.....	8
6.2 Interagency coordination, information sharing and management of child abuse cases	10
6.3. Training needs.....	12
6.4. Operation of the three Barnahus sites	12
6.5. Children participation and child consultations	13
7. Root causes of the gaps identified.....	15
8. Core issues to be addressed by Ireland with the support of the project	16
9. Conclusion.....	16
Appendix I: Updated risk analysis and mitigation efforts.....	19
Appendix II: Updated workplan	20

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1. Project Summary

The joint European Union – Council of Europe project “**Support the implementation of the Barnahus project in Ireland**” is implemented by the Council of Europe in close collaboration with Irish Department of Children, Equality, Disability, Integration and Youth (DCEDIY) from 12 August 2022 to 11 February 2025 (30 months), and is co-funded by the European Union’s Directorate General for Structural Reform Support (DG REFORM) with a total budget of 666,667 EUR. Barnahus is the leading European model for a child-friendly multidisciplinary and interagency response to child sexual exploitation and abuse.

The goal of the project is to strengthen the country’s response mechanism to child sexual abuse, to ensure that undue delays in the treatment of such cases are diminished, and that all children who are victims of sexual violence benefit from a child-friendly access to justice.

In 2017, Ireland successfully implemented the [Children First Act 2015](#), which introduced mandatory reporting for suspected cases of child abuse. It was followed by the development of a pilot Barnahus project in Galway in 2019, which began receiving referrals in November 2020 with the name of “Barnahus West”. The goal of the project is to address the challenges encountered during the pilot project and to contribute to the establishment of two additional centres: Barnahus South in Cork and Barnahus East in Dublin.

The European Union – Council of Europe project is divided into two main components/outcomes:

1. The three Barnahus sites are initiated. The design and operations are set up, well-coordinated and standardised to respond to and manage child sexual abuse cases in a child-friendly manner and in line with promising European practices
2. The model is integrated into practice and staff is confident in its use and in applying interagency processes

As laid out in the detailed project description (DPD), prior to the implementation of the outputs and activities of the project, an inception phase was implemented. During this period, the Council of Europe set to take stock of the starting point of the project, review all relevant documents produced to date, and organise consultations with key stakeholders to identify concrete needs. The result of these consultations and research is the inception report of the project and an updated DPD and workplan. The report is to be shared with the beneficiary authorities and DG REFORM and presented at the kick-off meeting, which will be the first time the Advisory Group gathers for this project.

2. Implementation Dynamics

The project is co-funded by the European Union via the Technical Support Instrument of DG REFORM and co-funded and implemented by the Council of Europe’s Children’s Rights Division with the support of the European Commission.

The national authority that requested technical support and will benefit from this project is DCEDIY, which coordinates the nation-wide Barnahus project in Ireland.

In January 2018, the Minister for Children and Youth Affairs established an Interdepartmental Group (IDG) to co-ordinate policy on the implementation of the Barnahus model in Ireland. DCEDIY, the Department of Health and the Department of Justice are the key Departments represented. In 2021, a Barnahus National Agency Steering Committee (BNASC) was established to oversee and co-ordinate the operational implementation of the model.

The European Union-Council of Europe project will adopt the national Interdepartmental Group (IDG) as the project Advisory Group in order to avoid duplication. The Advisory Group is composed of the following Government Departments and Agencies and will include the Chair of the BNASC:

- DCEDIY (Members of the already established IDG)
- Department of Health (IDG members)
- Department of Justice (IDG members)
- Health Service Executive (IDG Members)
- Children's Health Ireland (IDG members)
- Tusla, the Child and Family Agency (IDG members)
- An Garda Síochána (IDG members)

Civil society organisations and the academia will also be involved in the work carried out to identify existing shortcomings of the justice system for child victims of violence in Ireland in light of existing needs to formulate concrete potential solutions.

3. Aim of the inception report

The aim of this inception report is to offer a preliminary exploration of the views of the different actors involved in the functioning of Barnahus in Ireland. The views of the different agencies and professional groups that participated in the bi-lateral consultations informed the contents of the inception report. The challenges identified and potential areas of improvement should be viewed as informed opinions based on the work experience of each professional group.

This exploration has the goal of informing which areas that the EU-Council of Europe project needs to address as a priority in order to support the national Barnahus project in Ireland and should be viewed as a first step of exchanging views and identifying challenges amongst agencies, as one of the pillars of the Barnahus model is to enhance interagency coordination and the exchange of information.

This initial exploration carried out in the creation of the inception report is followed by two activities of the project as described in the Detailed Project Description (DPD):

- Activity 1.1.1 Conducting desk review and stakeholder consultations to carry out an analysis of the legislative, policy and regulatory framework
- Activity 2.1.1 Carrying out a training needs analysis additional to what was identified in the application for funding

These two activities will be carried out with the support of national expertise in order to develop 1) an in-depth analysis of the existing legal and policy situation at national level, defining the existing practices and identifying current issues, including information sharing protocols among all agencies involved in Barnahus services, and 2) the training needs analysis. Each of these analyses will offer

concrete recommendations based on consultations with all relevant Agencies and stakeholders working in the Barnahus context in Ireland.

4. Account of stakeholders consulted during the inception phase

During the month of November and December 2022 ten **bi-lateral meetings** took place with:

- Department of Health, the Health Service Executive (HSE) and Children’s Health Ireland (CHI)
- Department of Justice and An Garda Síochána
- DCEDIY and Tusla
- Nominated staff from Barnahus West
- Nominated staff working on implementation of the Barnahus model in the East
- Nominated staff working on implementation of the Barnahus model in the South (two groups)
- Children's Rights Alliance
- Ombudsman for Children
- Chair of BNASC and Project Management Officer of Barnahus East and support to BNASC

Prior to the bi-lateral meetings, the Council of Europe shared a **questionnaire** with the participants, and their answers were discussed in the meetings. The questionnaire was composed of the following questions:

1. Do you think there are legal and policy gaps in ensuring children who are victims of sexual abuse are supported when appearing as witnesses or participating in Court proceedings. ? If yes, which are the most pressing areas that would need review?

2. What are, in your opinion, the gaps in ensuring effective interagency coordination, information sharing, management of child abuse cases and participatory methods among the agencies working with Barnahus?

3. Do you think more training opportunities are necessary for staff working in Barnahus and other implementing agencies? If yes, can you name a few areas where specific intervention is needed.

4. What actions do you think are needed to ensure the operation of the three Barnahus sites in a coordinated and standardised manner?

5. Are you aware of specific child participation practices in Ireland? If yes, can you name the frameworks and organisations that guide child participation in policy and service delivery in Ireland?

Questionnaires were filled in by and received from DCEDIY's Child Protection Policy and Legislation Unit, DCEDIY Youth Reform, Strategy and Participation Unit, Tusla's National Support Services, and staff working on implementation of the Barnahus model in the South.

5. Key issues identified during inception phase

5.1. Legal and policy gaps in ensuring child-friendly justice

- There is a need for more robust policy regarding **data protection and data sharing among agencies**. Not all agencies need access to all information of a case, but the information sharing procedures should be clearer and swifter.
- The Good Practice Guidance interview protocol used in Ireland dates from 2003 and needs to be updated in line with international standards.
- There can be **long delays in the judicial process**
- **Cross-examination of a child's testimony** takes place at the time of the hearing in Court, instead of at the time of reporting or in Barnahus.

5.2. Challenges in Interagency coordination, information sharing and management of child abuse cases

- The interpretation of the law regarding information and data sharing needs to be improved, and the agencies need to receive guidance on GDPR policies and data protection.
- There is a need to further define a Focal Point figure to coordinate agencies as well as the three Barnahus sites.
- **Each agency has a different IT system**, harmonising them would save time and facilitate information sharing.
- Staff in Barnahus West note that proceedings could take 2-3 weeks in court, however children are waiting between 2 and 9 years for a court date. The Ombudsman for Children noted that cases take between 12 and 36 months before being taken to Court and children go through multiple interviews during the evidence gathering process because there is no clear approach among agencies, which has potential to be traumatising and creates huge delays.
- **Need to update the Good Practice Guidance interview protocol for specialist interviewing of children that stems from 2003.**
- The best practice guidelines for An Garda Síochána (Police) on how to interact with children were published 20 years ago and need updating.
- There is no policy or legislation in place mandating a referral to Barnahus, while there is a referral pathway established in Barnahus West. Referral to Barnahus is at the discretion of the social worker/clinician involved, with Tusla currently determining who is referred to Barnahus. A Barnahus National Referrals model is being developed in partnership between all regions and Agencies.

- There can be **delays in the justice system**, and also that **resources are a major concern, particularly for first respondents: police officers, nurses, social workers**.
- Anyone accused of a criminal offence, for which they are presumed innocent, are entitled to trial in due course of law, in accordance with the Constitution. In certain circumstances, this may involve the legal team of the accused and/or the accused having access to their accuser or witnesses' medical or therapeutic records. .

5.3. Training needs

- Training would be needed regarding referral mechanisms, information sharing and interagency cooperation within the Barnahus structures for all four agencies involved in Barnahus and for Barnahus staff that will be implementing the Barnahus model from the three sites/regions.
- Joint training on forensic specialist interviewing for Tusla, CHI and Gardaí is needed, as well as an update of the forensic specialist interviewing Protocol. Professional development support for specialist interviewers should also be available, in order to continue to develop their skills after the first training.
- There are currently a small number of medical examiners. There is currently no formal training available to doctors in Ireland to become paediatric forensic examiners. The qualification is currently through the Faculty of Forensic and Legal Medicine, which is based in the UK.
- Training for judges and legal professionals to provide a framework on how to seek information from a child victim of sexual abuse, raise awareness on how sexual abuse can influence disclosure, and how to communicate in a child-friendly manner.
- Training on child participation, in order to gather feedback about the services provided in Barnahus and improve them, and training in and use of the National Participation Framework across all services provided by Barnahus.
- Training for all professionals on working with children with additional needs, i.e. disabilities, migrant background, care institutions or situations of custody and parental disputes. These cases are overrepresented in Tusla.

5.4. Operation of the three Barnahus sites

- Terms of reference, checklists, glossaries of terms and guidance documents for the operation of Barnahus should be developed to ensure the standardisation of services and to offer benchmarks to measure their quality.
- **Information sharing protocols**, to include all agencies involved, should also foresee data sharing among the three Barnahus services and a **harmonisation of IT systems**. Referral pathways, social services and therapeutic services should be standardized, and a clear and defined **Governance Structure** as to where Barnahus sits in reporting structures within the different agencies should be put in place.

5.5. Children participation and children consultations

Child participation mechanisms are advanced in most relevant organizations and institutions working on child protection in Ireland. One gap that was identified was how to consult children that go through the child protection system and/or the judicial process, either as a victim or witness of any form of violence against children, in a meaningful manner without exposing them to secondary victimisation.

6. Account of the consultations

6.1 Legal and policy context

The Irish judicial system is rooted on Common Law, meaning that an adversarial system is used rather than an inquisitorial system, which is used in Civil Law systems. In the Irish system, legal representatives present their parties' cases or position before a judge, who will determine the case and pass judgement. In order for a jury to convict in a criminal prosecution, the **threshold must be beyond reasonable doubt, which is hard to reach in cases of child sexual abuse.**

The [Child Care Act 1991](#) is the primary piece of legislation regulating childcare policy (alternative care) in Ireland and public family law that falls under this act somewhat differs from Ireland's criminal law system. It is still largely based on an adversarial system – but more inquisitorial than criminal law, and thresholds, e.g. for care orders, are different than for criminal law.

The legal framework guaranteeing an interagency response mechanism for child abuse is defined in the [Children First Act 2015](#), which introduced mandatory reporting of suspected child abuse above a threshold of harm, and also defines what constitutes “harm”.

The Children First Act 2015 provides a legal basis for elements of the [Children First: National Guidance for the Protection and Welfare of Children](#).

The guidance was first published in 1999 and was fully revised and updated in 2017. This version incorporated information on the Children First Act 2015 and set out the specific child protection statutory obligations imposed on certain categories of persons and organisations under that Act. In January 2019 the Guidance was amended by way of an [addendum](#) to ensure that online safety is specifically accounted for in child safeguarding statements.

The [Review of Protections for Vulnerable Witnesses in the Investigation and Prosecution of Sexual Offences \(The O'Malley Review\)](#) was published in 2020 and examines the experiences of vulnerable witnesses in criminal proceedings for sexual offences, including children. The O'Malley review offers recommendations to improve such experiences, which have started to be implemented, most notably the establishment of the Barnahus system. The consultations revealed that **there is still room for greater integration and alignment between the O'Malley recommendations and the implementation of the Barnahus model.**

DCEDIY is currently finalising a Heads of Bill following an extensive review of the Child Care Act of 1991. The review has identified a number of key issues in relation to ensuring children who are victims of sexual abuse are supported when appearing as witnesses or participating in Court proceedings:

- **Best interests and voice of the child:** An amendment was included in the Child Care (Amendment) Act 2022, with a section placing an explicit requirement on the court to regard the best interests of the child as the paramount consideration in proceedings under

the 1991 Act. This was commenced in September 2022. This Act also included an amendment so that where a child is capable of forming their own views, the court must determine how to facilitate the child in expressing those views. During the consultations, views were expressed that the “voice of the child principle” is not implemented in all Family Court proceedings. However, ensuring that the ‘voice of the child principle’ is fully implemented in all relevant Family Court proceedings is an ongoing priority for the Irish State.

- **Guardian ad litem:** create a presumption in favour of appointment of a guardian ad litem (GAL) in court proceedings. GAL reform has already been legislated for, with the Child Care (Amendment) Act 2022.

In addition to the above, in a letter of formal notice to the Department of Justice, the EU Commission has contended that by not providing for an explicit presumption of childhood to victims who require care and support measures outside of the context of a criminal trial, Ireland has failed to fulfil its obligations under Article 18(3) of Directive 2011/93. The obligation imposed by Art.18(3) of the Directive is on Member States “to ensure” that a person is presumed to be a child in certain circumstances. While the wording of section 32 of the Child Care Act implies that a court may presume that a relevant person is a child until the contrary is proven, it is not required to do so. Given that in other legislation, for example section 256 of the Children Act 2001, the State has deemed it necessary to make such a presumption explicit, it would appear that the surest way of addressing the Commission’s concerns is to amend section 32 to make the presumption of child status explicit. On this basis, a Head will be included in the 2023 General Scheme to amend the Child Care Act to provide for an explicit presumption of childhood in applications under the relevant section of the Principal Act.

One of the main issues identified during the consultations is **that children need to testify about traumatic events in a court setting that is not child friendly**. Attempts towards improvement are ongoing, however the process is quite complex and has a number of challenges:

- There is the possibility to have an **intermediary** in the hearing to support the child during the process and help them understand what is being asked of them, but the judge ultimately has the power to accept this figure in their court. The only way to challenge a judge’s decision to not use an intermediary would be to adjourn the session and carry out a judicial review, which would create further delay in the case.
- **Recorded specialist interviews** have been operational since the launch of the Good Practice Guidelines in 2003. However, participants in the consultations shared that they are not used in all cases and that children still need to be available for cross-examination by the defence. The specialist interviews are currently conducted by child protection specialist (Tusla) or specialist trained Gardaí. Lawyers or other professionals are not present in the adjacent room when the interview takes place. Joint interviews are operational in Barnahus West where a Specialist Interviewer from An Garda Síochána interviews with a Specialist Interviewer from Tusla.

The Irish justice system is mindful of the vulnerabilities of children to some extent. During the investigation, the police provide special centres for the interviewing of children, the interviews are conducted by specifically trained Gardaí (Police). During trial, the public is excluded from court, and

the court may give directions regarding the questioning of the private life of the victim unrelated to the offence¹. Interviews by video link are being introduced as well.

There is a need to further clarify the issue of the conflict between children’s rights and the rights of the parent regarding **single / double consent**: children that are attending Barnahus but are not going through a judicial process are required to have the consent of two parents. Based on the Data Protection Impact Assessment(DPIA) completed by Tusla for Barnahus West, just one parent (the non-offending caregiver) can provide consent to refer a case to Barnahus. Separate consent is required for any investigations undertaken in Barnahus including forensic medical examination. For a child **to go through medical examination, consent of only one parent is needed**, except for cases of children aged 16 years and over, as they are capable of giving their own consent as per the Non-Fatal Offences Against The Person Act 1997, and for situations where concerns of possible child sexual abuse arise in the context of custody and access cases and where the consent of the parent who is accused of possible CSA may not be forthcoming. The DPIA completed by Tusla for Barnahus West advises that consent is not a valid lawful basis for the processing of personal data by Tusla in relation to Barnahus, and recommends that all references to ‘consent’ must be explained in Barnahus documentation in a manner which clearly distinguishes between any consent or agreement that Tusla might seek, for example, from a parent to provide interventions and supports in relation to a child and ‘consent’ under GDPR. An information booklet is provided to the child and/or legal guardian regarding the Barnahus process by the Child Protection Social Worker. The legal guardian is then requested to sign the Barnahus consent form, which also requests them to sign to confirm that they have read and understood the information booklet.

6.2 Interagency coordination, information sharing and management of child abuse cases

There are four agencies involved in the functioning of Barnahus at a national level:

- **Tusla, the Child and Family Agency**, who has statutory responsibility to assess all child abuse cases
- **An Garda Síochána (AGS)**, who may bring a case to court
- **The Health Service Executive (HSE)**, who provides an allied service which has statutory power on health service provision
- **Children’s Health Ireland (CHI)**, who governs and operates acute paediatric services for the greater Dublin area and all national paediatric services, some of which are on an all-island basis.

Up to the end of 2022, Barnahus West in Galway had 255 child sexual abuse cases since opening referral pathways in November 2020. Interagency strategy meetings are organised twice a week in Barnahus West where all relevant agencies providing services in the region are represented, and each referral is assessed. The organisation of these meetings within Barnahus West is innovative as it offers a different possibility to treat child sexual abuse cases than what is currently done outside the Barnahus system.

¹ Section 21 of the 2017 Act provides: “In any proceedings relating to an offence, where a court is satisfied that – (a) The nature or circumstances of the case are such that there is a need to protect a victim of the offence from secondary and repeat victimisation, intimidation or retaliation, and (b) It would not be contrary to the interests of justice in the case, the court may give such directions as it considers just and proper regarding any evidence adduced or sought to be adduced and any question asked in cross examination at the trial which relates to the private life of the victim and is unrelated to the offence.”

An interagency Data sharing Agreement relating to services in Barnahus West is being developed, which could later on in the project be used at national level with the aim to further facilitate interagency coordination between Tusla, CHI, HSE and the Gardaí.

The Child Care Act 1991 is fairly silent on interagency cooperation as it stands but enhancing inter-agency collaboration is an important objective of the review of the Child Care Act. The forthcoming General Scheme of a Bill to amend the Child Care Act will propose the introduction of a legislative duty to promote the welfare of children and to co-operate with Tusla, in line with stakeholder submissions and similar proposals for other pieces of legislation. Legislative provisions are not intended to replace but rather provide the foundations for a range of necessary policy and operational measures ranging from training and case conferences to co-located services and liaison mechanisms.

Barnahus in Ireland currently only has a remit for child sexual abuse, but legislation states that all child abuse (sexual, neglect, physical and emotional) need to be reported to Tusla social workers, who may then refer child sexual abuse cases to Barnahus. There is a joint working protocol in place which outlines how An Garda Síochána and Tusla work together when investigating child sexual abuse, while the HSE and CHI have no statutory basis in this matter.

The Data Protection Commission's position is that child protection/ welfare measures should always take precedence over data protection considerations affecting an individual. The GDPR, and data protection in general, should not be used as an excuse, blocker or obstacle to sharing information where doing so is necessary to protect the vital interests of a child or children².

Views expressed during the consultations were that where there are criminal cases and child protection assessments occurring simultaneously, there is lack of clarity about the sequencing of these activities and there is a possibility that each process may conflict with the other. It was also found that the HSE and CHI do not have the same statutory powers as Tusla and An Garda Síochána.

The referral pathways need to be further defined, and a Barnahus National Referrals model is being developed in partnership between all Agencies and regions. While the consultations brought out that information sharing between the agencies works well at ground level, if an issue were to arise, they would need to justify their working methods, which are not defined clearly enough.

Resourcing was highlighted as a challenge. There is some turnover of staff, particularly nurses and administrative secretarial support. Comprehensive medical services are provided under the Barnahus model by consultant paediatricians and specialist nursing staff who are employed by the HSE or who will be employed by CHI, when current services transition to the new model of service. While Divisional Protective Services Units (DPSUs) have been established nationally by An Garda Síochána and all members employed by DPSUs have accessed specialist training in engaging with vulnerable victims, during the consultations participants mentioned the need for more training for police officers, particularly on child-friendly communication. The Accompaniment Support Service for children offers accompaniment for children through the process and the implementation of an intermediaries service is underway in parallel: funding is being provided to civil society organisations to accompany children through the process. A new **Sexual Offence Unit** is being set up by the Gardaí, and the first batch of intermediaries are being trained in Limerick.

² Please refer to the Data Protection Commission Guidance, 'Fundamentals for a Child-orientated approach to data processing' pp.23-24,: Under Article 6(1)(d) on Vital Interest of the GDPR, processing is lawful where it "is necessary in order to protect the vital interests of the data subject or of another natural person".

During the bi-lateral meetings, there was an agreement on the fact that information sharing and interdisciplinary coordination between the four agencies should be clarified and improved. This is echoed in the O'Malley report, which identified the gaps in interagency communication between the services each agency provides.

6.3. Training needs

During the inception phase, training needs were identified in the following professional groups and topics:

Professional groups	Topics
<ul style="list-style-type: none"> - Barnahus staff - Judges and legal professionals - Tusla: child protection case workers social workers - Police involved in child abuse cases, and particularly those present in specialist interviews - Therapy professionals - Medical professionals - Teachers, day care teachers, youth workers - Frontline professionals 	<ul style="list-style-type: none"> - Information sharing and data protection - Referral pathways and interagency cooperation structures of Barnahus - Joint specialist interviewing training - Training for legal professionals on child sexual abuse and the nature of disclosure - Therapy services and trauma response - Best practices and study visits, particularly of other “adversarial” justice systems - Awareness raising on the services provided by Barnahus, for professionals, families, and children - Child-friendly communication - Child participation

6.4. Operation of the three Barnahus sites

The national Irish Barnahus project is being developed in phases as funding and services develop. Barnahus West in Galway is operational, while the Barnahus in the South (Cork) and East (Dublin) are being set up. Barnahus West was established as a pilot service, and it is planned that the services will be reviewed in 2023. Services in the West may need to be developed further based on the outcome of this review, particularly in relation to the therapy services it provides. This review will also inform the development of services nationally.

It was agreed during the consultations that **the Barnahus services should be standardised as much as possible in the three sites**. The development of a Barnahus National Referrals model and a Barnahus Therapeutic Framework will form an important part of the final model proposed, and these are being developed in partnership between all regions and all agencies involved.

However, it was also noted that in this process of harmonisation there should not be a backsliding of service already available in some parts of the country even outside Barnahus, e.g. Dublin has had a more robust set of therapy services even before the Barnahus model was explored by Ireland, hence the level and quality of services should in no way decrease. In addition all three Barnahus sites should follow the Promise ‘European Barnahus Quality Standards’³.

³ <https://www.barnahus.eu/en/the-barnahus-quality-standards/>

BNASC supports the requirement to develop standardised models for Barnahus, with standardised practice wherever possible in the three Barnahus sites. BNASC held two **National Alignment Workshops** in 2022, with BNASC members, regional Chairs and agency representatives of the three Barnahus sites participating. Professionals working in different regions came virtually together to discuss how each of the sites is operating and have reached a consensus on the core issues that need to be aligned. Through these national alignment workshops, questions such as who can be referred and what are the referral pathways in Ireland are being further specified. The group reviewed and agreed on the following Barnahus design areas, also called the “**15 Barnahus building blocks**” that together, once aligned, would represent a national Barnahus model:

1. Referral pathways
2. Criteria and thresholds
3. Catchment Areas
4. Specialist Interview Model
5. Barnahus Therapeutic Framework
6. Forensic Medical Examination Model
7. Staffing
8. Key Performance Indicators
9. Inter-Agency Governance
10. Data Sharing
11. Estates and Location
12. Training
13. One Barnahus File
14. Policies, Protocols and SLAs
15. Budgets and Funding

Resources to ensure that the Barnahus services can function smoothly at national level is paramount. There was a need identified for a national Strategy for Barnahus with time specific targets, key performance indicators (KPI) for reporting, which is what the 2020 “Roadmap for the development of the Barnahus/One House service nationally” set out. It is intended that the Roadmap will be reviewed, and when this is complete it should be disseminated and used as a tool by people working within the Barnahus structures and related agencies. It was noted that a **national Strategy for Barnahus/National Roadmap with time specific targets, key performance indicators (KPI) for reporting, and prioritisation of resourcing by Government** and agreed by each agency would support this endeavour.

The need for **regular meetings and or trainings/workshops between staff from all three Barnahus sites and BNASC and IDG** was highlighted in order to create good relationships, exchange best practices on working methods, and respond to common challenges in an informed manner. An Annual Conference was also suggested, as well as clear lines of communication across regional and national forums.

Trainings for staff working in Barnahus and for the agencies involved should be organised within a **national training plan** to ensure consistency and to create a pool of trainers.

6.5. Children participation and child consultations

During the consultations it was revealed that child participation mechanisms in Ireland are strong and well defined. The main child participation mechanisms in the country are:

- [National Strategy for the Participation of Children and Young People in Decision-Making 2015-2020](#): Ireland was the first country in Europe to have a dedicated Participation Strategy for Children and Young People, the National Strategy for Children and Young People's Participation in Decision making for the years 2015 – 2020. The Strategy set out actions for all Government Departments and Agencies who provide or oversee services which have an impact on children and young people, to ensure that their voices are heard and influence decisions of relevance to their lives. The Final Review of the National Strategy for the Participation of Children and Young People in Decision-Making was recently published and is available here - [gov.ie - Final Review of the National Strategy on Children and Young People's Participation in Decision-making 2015 – 2020 \(www.gov.ie\)](#). A Participation Action Framework is being developed under the new National Children and Young People's Framework, to guide the further development of participation in Ireland.
- [Hub na nÓg](#) provides support to Government departments, State Agencies and Non-Governmental Organisations in giving children and young people a voice in decision-making. Hub na nÓg is the national centre for excellence and best practice on children's participation and on the participation of seldom heard children and young people. It provides training, capacity building, collaborating on research and engaging with the third level sector to improve education to relevant sectors on children and young people's participation in decision-making.
- [National Framework for Children and Young People's Participation in Decision-making](#): Hub na nÓg published the National Framework for Children and Young People's Participation in Decision-making in collaboration with **Professor Laura Lundy**. This Framework supports departments, agencies and organisations to improve their practice in listening to children and young people and giving them a voice in decision-making. The Framework is the strategic foundation from which Hub na nÓg develops targeted policy and practical guidance. To date implementation actions of the Framework include the delivery of a capacity building grant and training programmes across sectors including seldom heard organisations, youth services, early years and arts organisations in 2021.
- [National Participation Office](#): DCEDIY has established the National Participation Office (NPO) to work across local and national Government to build, develop and sustain structures to enable the meaningful participation of children and young people in decision making at local and national level.
- [Tusla's Child and Youth Participation Strategy](#): The Child and Youth Participation Strategy 2019 - 2023 aims to ensure that every time a decision is taken, which directly affects a child or young person or children and young people collectively, their views are taken into consideration in the decision making process.
- **Barnahus West Participation Strategy**

The main Irish participation of these structures are:

- DCEDIY, with overall responsibility for ensuring that children and young people have a say in matters that affect them and supports other Government Departments and agencies in seeking the views of children and young people through youth consultations.
- The **National Youth Assembly of Ireland**, established 2022, is an overarching structure which includes the National Youth Assembly on Climate, the National Rural Youth Assembly among others, to allow young people consider issues of national importance and to feed their views into Government policy on an on-going basis.

- **Comhairle na nÓg** (youth councils), established 2002, are child and youth councils (12 – 17 years) that operate in each of the 31 Local Authority areas across Ireland. Comhairle na nÓg is the primary youth participation structure for including the voice of children and young people in decision-making locally and at national level including in the National Youth Assembly.
- Dáil na nÓg, established 2001, is a biennial national youth parliament for young people (12 – 17 years), with 200 delegates elected through local Comhairlí.
- Each **Comhairle na nÓg** (youth council) elects representatives to the Dáil na nÓg National Executive to take action at a national level on the topic young people vote for at Dáil na nÓg.
- **Seanad na nÓg** (youth senate) was held for the first time on November 10th, 2022, to mark the centenary of the Seanad.

7. Root causes of the gaps identified

- Specificities of the Common Law system and the obligation of cross-examination by the defence in the court room present a considerable challenge to ensuring children may be interviewed/cross-examined outside of a traditional court setting in a child-friendly and non-imposing environment. It should be noted that the project does not aspire to change the whole legal system of Ireland, but instead to find ways to make the child's path through child protection frameworks and judicial processes with the least possible damage and victimisation.
- Lack of joint training for agencies involved in interagency response mechanisms to child sexual abuse cases. The inception phase showed that the lack of these trainings has been recognised and a joint specialist training is going to be held already in March 2023 by the Irish authorities. The project will explore in more detail in the course of implementation what are the urgent training needs and how the existing training materials can be improved.
- Outdated protocols on specialist interviews which are not in line with current practices and evolved international standards.
- Lack of guidance on the interpretation of the concept of the best interests of the child during practical application of relevant laws and regulations
- Difficulties of combining GDPR rules with robust child protection system and Barnahus practice especially on information sharing.
- Undue delays in accessing the justice system for child victims of violence in Ireland. These delays might bring to the fore a number of challenges, e.g. a child may no longer be a child at the time of the hearing; a child cannot move on with their lives before the case is closed, years of carrying the victim "hat", etc.
- Lack of standardised and harmonised Barnahus services across the country at the current stage. It should be noted that caution should be applied in harmonising the services so as not to downgrade a more comprehensive system, but rather to improve the others and to keep the high standards of services provided to children in all parts of the country.
- Staff and resourcing of Barnahus, including qualified professionals and enough financial resources. It should be mentioned that a turnover of professionals might be observed given the complexity of the work in an interagency environment. A proper structure and budgeting should be envisaged to mitigate this risk.

8. Core issues to be addressed by Ireland with the support of the project

- Adequate recommendations to improve the existing legal and policy situation at national level based on a comprehensive analysis defining the existing practices and identifying current issues, including information sharing protocols among all agencies involved in Barnahus services (Output 1.1)
- Development of Strategy and Action Plan to scale-up Barnahus-type services (Output 1.2)
- Development of a Communication Strategy and Communication Action Plan for Barnahus (Output 1.3)
- Development of check-lists, guidance documents and tools to support the implementation of Barnahus nation-wide, including the carrying out of an assessment of children's medium to long term therapy needs who were referred to Barnahus to inform future provisions of the service (Output 1.4)
- Harmonisation and scaling-up of Barnahus services in Ireland as a whole, without compromising the good quality of some services provided in parts of the country. (Output 2.1, Output 2.2)
- Training programmes, including joint trainings, implemented for staff and professionals working in Barnahus-units and other implementing agencies, including Gardaí and social workers (Output 2.1)
- Review and update of the specialist interviewing protocol (Output 2.1)
- Recommendations on staffing arrangements for the three Barnahus (Output 2.2)

9. Conclusion

During its inception phase, the European Union – Council of Europe project **“Support the implementation of the Barnahus project in Ireland”** set out to identify the main needs and challenges of the existing national Barnahus project in order to assist the Irish government in addressing its gaps.

One of the main findings of the inception report is that in some areas, particularly data and information exchange and interagency coordination, different agencies have differing and even opposing views on the functioning of the Barnahus model. This is a valuable finding as it shows the EU-CoE project that there is a need for further exchange in order to find a common understanding amongst different professional groups working in the context of child sexual abuse in Ireland.

It is detected that there is a difference of opinion between agencies that interact on a regular basis on how interagency coordination functions. This will be explored and analysed in more detail when carrying out activities 1.1.1 (review and analysis of the legal, policy and regulatory framework) and 2.1.1. (training gap analysis), followed by recommendations on how to address the existing gaps.

After the organisation of consultations with the stakeholders the project team has been able to identify legal and policy needs, interagency coordination, information sharing and case management needs, and training needs. There was no specific need related to child participation and child consultations. The main needs identified are:

Legal and policy needs:

- Need for a wider interpretation of the current legislation, an amendment of the law, or development of a new law regarding a more-child centred approach to proceedings, including cross examination of children, child-friendly language, regulation of speediness of proceedings involving children, use of pre-recorded specialist interview with the input of all relevant professionals, and avoiding cross-examination during the hearing in Court. Better defined rules regarding the duration, timing, subject areas and nature of questioning are needed, as well as the use of the special provisions when required, such as the figure of the intermediary. Pre-recording of cross examination occurring before the trial would mitigate the secondary trauma and could support more victims to come forward and go through the criminal justice system. This would also be more time efficient.
- Guidance documents and clarification of existing legislation on data protection, data sharing and GDPR among agencies is needed.
- Need to update the Good Practice Guidance interview protocol dating from 2003 in line with international standards. Need for a special Court for sexual offences with a co-located children's court. Its design would be trauma informed and adjusted to the needs and best interests of the child.

Interagency coordination needs:

- Need for a wider interpretation of the law, development of a new law, or development of guidelines and checklists regarding information sharing, GDPR policies and data protection. The Children First Act allows too much flexibility and is vague on the procedural requirements for joint working. The legal position on data / information sharing is too open to interpretation and has little focus on the best interest of the child.
- Need for a national policy requiring and defining interagency coordination between An Garda Síochána, Tusla, CHI and HSE and the development of a joint agency approach to service improvement focused on the best interest of the child and on mitigating delays.
- Harmonization of IT systems among agencies.
- It was identified that during the joint specialist Interviews, consent needed to be updated for Barnahus so that information from the interview can be utilised to inform the screening and assessment of therapeutic need. Since the initial consultations this issue has been addressed.

Training needs:

- Trainings for a variety of professionals working with and for children, including Barnahus staff, judges and legal professionals, social workers, police officers and front-line respondents.
- Need for the creation of a national network of trainers and for continuous training opportunities.

Needs regarding the operation of the three Barnahus sites:

- Need to further define the specificities of the 15 Barnahus building blocks of a standardised Barnahus model through the organisation of more National Alignment Workshops.
- Need for standardized services across Barnahus sites
- Need for a national Strategy for Barnahus and specific funding allocated to its functioning
- Need for a national training plan
- Need for regular meetings between staff from all three Barnahus, BNASC and IDG.
- Need for information sharing protocols among Barnahus sites in addition to agencies.

The project team in collaboration with the Irish counterparts have been able to formulate recommendations in these areas that will serve to guide the future project activities and will be reflected in the updated DPD and work plan.

Appendix I: Updated risk analysis and mitigation efforts

There are a number of risks associated with the implementation of the project, which the CoE will take steps to identify and mitigate. The table below provides for information regarding external risks and proposed mitigating measures.

Risk	Mitigation measure
<p>Lack of effective co-operation by Irish or government bodies. Ireland and other stakeholders might refuse meetings, provision of expertise or relevant information that is needed to advance in the analysis of policies and the production of recommendations.</p>	<p>The project has been structured in response to a request from the authorities and closely matching their needs and the country's priorities. The scope of the work has been discussed and agreed with the authorities. These risks are mitigated by government-wide obligations with EU institutions and by close co-operation with the coordinating DCEDIY, DG REFORM and the CoE.</p>
<p>Lack of cooperation from Ireland and the other stakeholders in participating in the workshops.</p>	<p>Ireland will take the lead in proposing and selecting the participants in the workshops/trainings, for discussion with the project team at the CoE.</p>
<p>Delays or otherwise low quality of CoE's contractor(s) work.</p>	<p>The CoE will undertake the selection of the contractors(s) and will also closely monitor the contractor(s)'s work, including by reviewing the outputs as needed.</p>
<p>Negative perception of recommendations. The media, and some segments of the government or parliament, may be led to oppose recommendations, in part because of opposition from strong interest groups that feed potentially biased information.</p>	<p>The CoE is committed to ensure understanding and acceptance of the recommendations to the greatest extent possible, while recognizing that there will always be interest groups that will oppose reforms. In addition to working closely with responsible government bodies, the CoE will work throughout the project to engage stakeholders in the public and private sectors, conducting workshops and seeking the views of businesses and civil society associations. Final recommendations will be presented at a dissemination event. The CoE will communicate its recommendations in a clear and simple summary. Throughout the project, the CoE will work closely with DG REFORM and Ireland to achieve consistency of the messages put out to the public via media.</p>
<p>Lack of applicants to national consultants tender.</p>	<p>The CoE has relaunched the tender with a higher daily fee to fit to the Irish market rates. The tender will further be disseminated amongst Advisory Group members and their professional networks</p>

Appendix II: Updated workplan

Project Name	Barnahus Ireland: Support the implementation of the Barnahus model in Ireland
Period	12/08/2022-11/02/2025
Project Manager	GASPARYAN, Zaruhi
Project Officer	GIL-RICOL, Teresa

Activities			
Logframe ref.	Activity Name	Start Date	End Date
0	Project event Steering Committee Meetings	01/01/2023	11/02/2025
1.1.1	Analysis of the legislative, policy and regulatory framework	01/01/2023	11/02/2025
1.1.1	Conference to present and discuss the results and recommendations of the legislative, policy and regulatory framework analysis	01/01/2023	11/02/2025
1.1.2	Development of a Strategy to scale up Barnahus services in Ireland	01/01/2023	11/02/2025
1.1.2	Organisation of study visits	01/01/2023	11/02/2025
1.1.2	Study/survey on perceptions of children and adolescents on the quality and child-friendliness of judicial services available for child victims and witnesses of violence	01/01/2023	11/02/2025
1.1.2	Development of a Communication Strategy	01/01/2023	11/02/2025
1.1.2	Development of an Action Plan to implement the Communication Strategy		
1.1.2	Production of child-friendly and other materials	01/01/2023	11/02/2025
1.2.1	Analysis of current practices and identification of training gaps and needs of target groups	01/01/2023	11/02/2025
1.2.1	Conference to present and discuss the results and recommendations of the training gaps analysis	01/01/2023	11/02/2025
1.2.1	Development of training materials, programmes and strategies		
1.2.1	Delivery of training sessions	01/01/2023	11/02/2025

