



**Health
Information
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Authority**

An tÚdarás Um Fhaisnéis
agus Cáilíocht Sláinte

Regulation and Monitoring
of Social Care Services

Safeguarding assessment- judgment framework for statutory children's residential centres

February 2025

Safer Better Care

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Introduction

Safeguarding is one of the most important responsibilities of any professional working with children and young people. All children have the right to be safe and to live a life free from harm. It is fundamental to high-quality health and social care.

Safeguarding is more than just the prevention of abuse. It is also about promoting children's human rights, health, development and wellbeing. It is about empowering them to exercise appropriate choice in their lives, and giving them the tools to protect themselves from harm.

The skills and knowledge necessary to safeguard children are some of the most important competencies for professionals working in children's residential centres. Governance and management arrangements must ensure accountability and effective systems for safeguarding children in care within these services. This means ensuring professionals are doing all they can to support children to fully meet their future potential. It also means ensuring safe and fully informed practice which prevents harm, as well as ensuring appropriate and timely responses to all concerns about the safety and welfare of children as they arise.

Safeguarding also relies on staff and services working together to ensure that children and young people are treated with dignity and respect. It is also about creating a culture of openness where safeguarding concerns are discussed, reported and investigated. Providers must ensure appropriate procedures are in place in line with legislation and national guidance to identify, report where appropriate and respond to safeguarding concerns.

Effective safeguarding procedures are underpinned by access to training for staff to support better understanding and awareness of safeguarding and abuse. Providers must ensure there is awareness among staff about what constitutes safeguarding concerns and know what to do if children are at risk of further harm and or exploitation. Staff also have a professional responsibility to be aware of their responsibility as a mandatory reporter — a person who has a legal duty under the Children First Act 2015 to report child protection and welfare concerns to the Child and Family Agency (Tusla) and where necessary to An Garda Síochána.

Effectively safeguarding children in care can be especially complex as they may have experienced significant trauma which can increase their vulnerabilities to certain types of harm, including:

- an increased risk of being targeted for exploitation
- a greater risk of engaging in self-injurious or self-harming behaviour and
- an increased likelihood to suffer social, emotional and mental health

difficulties.

Safeguarding children in care is about protecting them from harm by taking action before harm occurs through good quality care, support and interventions designed to promote their welfare. It is also about creating an environment which enables children and young people to grow and to develop. This programme of inspection is focused on the safeguarding of children and young people living in children's residential centres.

Authority Monitoring Approach (AMA)

HIQA has adopted a common 'Authority Monitoring Approach' (AMA) in order to carry out its functions as required by the Health Act 2007 (as amended).

All HIQA staff involved in the assessment and or monitoring of services against regulations and standards adhere to this approach and to any associated procedures and protocols. HIQA's monitoring approach does not replace the professional judgment of its staff. Instead, it provides staff with a range of procedures, protocols and tools to assist them in carrying out their functions. This combined assessment-judgment framework is one of these tools.

Applying AMA and using this assessment-judgment framework will ensure that the provider is treated fairly and that the assessment of compliance is timely, consistent and responsive to risk identified within the centre. It also provides transparency to providers and the public on how HIQA assesses and makes judgments of compliance and non-compliance.

The application of AMA does not replace or take away from the provider's responsibility to ensure that they are in compliance with the standards and or regulations, and to provide safe and high-quality services for children who use their services.

Assessment-judgment framework

There are three purposes to this assessment-judgment framework:

- to support inspectors in gathering evidence when monitoring or assessing a provider's performance in respect of safeguarding and to make judgments on compliance
- to set out examples of the lines of enquiry to be explored (questions to be asked) by inspectors
- to support providers to self-assess their own services in respect of safeguarding.

Judgments on compliance with standards

Inspectors judge whether the provider has been found to be **compliant**, **substantially compliant** or **not compliant** with the standards. These judgments are called 'compliance descriptors' and are used to describe compliance against the standards. The levels of compliance are defined here as follows:

Compliant	A judgment of compliant means the service is meeting or exceeding the standard and is delivering a high-quality service which is responsive to the needs of children.
Compliant: Substantially compliant	A judgment of substantially compliant means the service is mostly compliant with the standard but some additional action is required to be fully compliant. However, the service is one that protects children.
Not compliant	A judgment of not compliant means the service has not complied with a standard 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 children 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 children 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.

Once a judgment on compliance is made, inspectors will review the risk to children of the non-compliance or substantial compliance. Inspectors will report on this risk as:

- Red: there is high risk associated with the non-compliance¹
- Orange: there is moderate risk associated with the non-compliance
- Yellow: there is low risk associated with the non-compliance
- Green: there is no risk.

¹ Where a non-compliance judgment presents an immediate risk to the safety, health or welfare of children using the service, the inspector may issue an urgent compliance plan on the day of inspection.

The assessment-judgment framework should be applied in conjunction with the following:

- The Health Act 2007 (as amended)
- Child Care Act, 1991
- Child Care (Amendment) Act 2015
- Child Care (Amendment) Act 2011
- Child and Family Agency Act, 2013
- Child Care (Placement of Children in Residential Care) Regulations, 1995
- Children Act, 2001
- National Vetting Bureau Act 2012 to 2016
- Children First Act, 2015
- Protected Disclosures Act 2014
- Guidance on safeguarding for statutory children's residential centres (January 2025)
- Guidance for the assessment of statutory children's residential centres: January 2019
- National Standards for Children's Residential Centres (2018)
- Children First: National Guidance for the Protection and Welfare of Children (2017)

The assessment-judgment framework is organised into two sections, called the dimensions of:

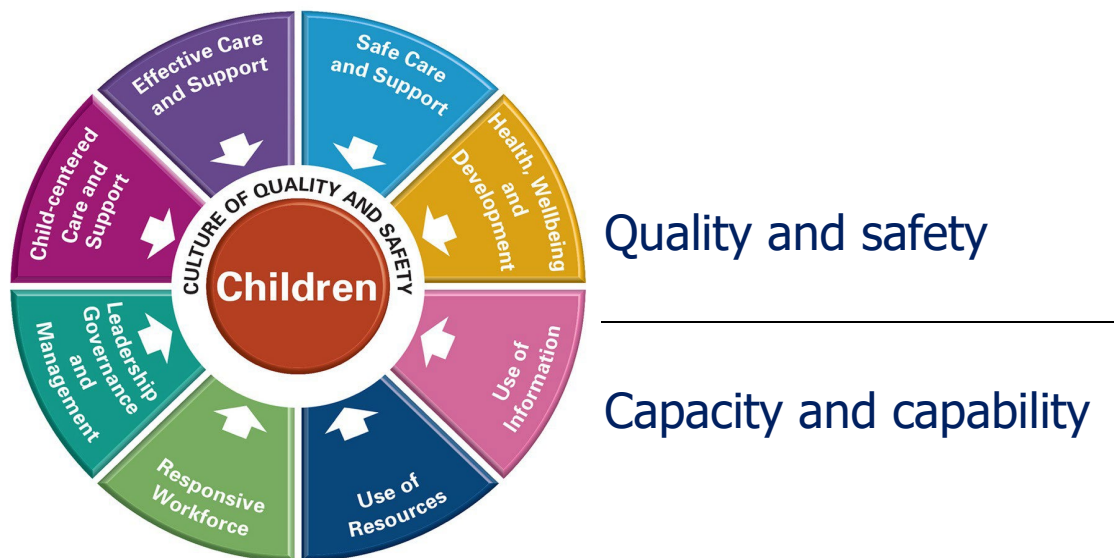
1. Capacity and capability.

2. Quality and safety.

These dimensions are illustrated in the chart on the following page. In each dimension are what we call 'themes', or aspects of care, such as 'Responsive Workforce'. The **quality and safety** themes are in the top half of the chart and the **capacity and capability** themes in the bottom half. These sections are reflected in our inspection reports. Under each of these dimensions, the regulations and standards² are organised for ease of reporting.

² The regulations are aligned to one standard only, as a 'best fit' simply for the purpose of reporting.

Figure 1: Themes in the *National Standards for Children's Residential Centre*



Section 1 – Capacity and capability

This section focuses on the overall delivery of the service and how the provider determines whether an effective and safe service is being provided.

It includes how the provider:

- makes sure there are effective governance structures in place with clear lines of accountability so that all members of the workforce are aware of their responsibilities in respect of safeguarding and who they are accountable to
- ensures that the necessary resources are in place to safeguard children and supports the effective delivery of quality, safe care and support to children using the service
- designs and implements policies and procedures that will make sure the children are safeguarded.

Dimensions: capacity and capability	
Standard	Standard 3.3 Incidents are effectively identified, managed and reviewed in a timely manner and outcomes inform future practice.
Regulation	Regulation 15: Notification of significant events
Line of enquiry	<ol style="list-style-type: none"> 1. Has the provider ensured that there are policies and procedures for the notification, management and review of incidents that help to safeguard children? 2. Are all incidents which impact a child's safety effectively identified, reported, recorded and managed? 3. Does the centre manager ensure that incidents are notified to the child's social worker and other relevant parties in the required format and within the specified time frame, and that all necessary information is submitted? 4. Are there appropriate mechanisms in place for review of incidents that ensure that any safeguarding concerns are identified, reported, recorded and effectively managed? 5. Are all episodes of missing in care reviewed in the context of safeguarding risks, and are there effective safety measures put in place to promptly address these risks, as and when required? 6. Are there adequate arrangements for external oversight of incidents, including audits which effectively consider safeguarding risks and concerns, such as child trafficking for criminal or sexual exploitation? 7. Is learning from audits and reviews effectively communicated to all staff in the centre?

Dimensions: capacity and capability	
Standard	Standard 5.1 The registered provider ensures that the residential centre performs its functions as outlined in relevant legislation, regulations, national policies and standards to protect and promote the welfare of each child.
Regulation	Regulation 5: Care practices and operational policies
Line of enquiry	<ol style="list-style-type: none"> 1. Has the provider ensured that the residential centre is operated in compliance with all the relevant child protection legislation, regulations and national standards? 2. Does the provider have systems in place to review new legislation, regulations and standards to ensure compliance? 3. Do staff demonstrate an understanding of legislation, regulations, policies and standards with regard to promoting the safety and wellbeing of each child, and is this reflected in all aspects of their safeguarding practice? 4. Are all staff aware of their responsibilities as mandated persons under Children First, and are there clear mechanisms in place to ensure child protection concerns are reported as required? 5. Has the provider arrangements in place to manage safeguarding concerns that do not meet the threshold for intervention by Tusla's social work department? For example, bullying within the residential centre or concerns about professional competencies. Are these situations appropriately managed?

Dimensions: capacity and capability	
Standard	Standard 5.2 The registered provider ensures that the residential centre has effective leadership, governance and management arrangements in place with clear lines of accountability to deliver child-centred, safe and effective care and support.
Regulation	Regulation 6: Staffing
Line of enquiry	<ol style="list-style-type: none"> 1. Does the provider ensure that there is an effective leadership, governance and management system in place that promotes safeguarding practices? 2. Does the provider ensure that there is adequate training and supports in place for centre managers and staff which support effective safeguarding practices? 3. Is staff recruitment (including agency staff) in line with relevant legislation; for example, Garda Síochána (police) vetting requirements, references and any relevant registration obligations required by CORU, Ireland's multi-profession health regulator? 4. Does the provider ensure that the service's approach to safeguarding is appropriate, consistent and effectively monitored? 5. How does the provider ensure that staff are aware of and are implementing local and national safeguarding policies as they relate to the protection of children? 6. Are the systems for communication and oversight effective at ensuring safe, child-centred and individualised care for each child? 7. Is there a culture of learning, quality and safety to ensure good safeguarding practice in the service? 8. Are actions resulting from learning implemented effectively and in a timely way to ensure safeguarding measures are appropriate and effective? For example, are learning opportunities from the assessment and review of complaints and or allegations effectively shared to inform improvements in practice? 9. Does the risk management framework and supporting

	<p>structures effectively consider the identification, assessment and management of safeguarding risk? For example, risks of bullying and peer abuse?</p> <p>10. Has the provider ensured that the number and skill-mix of staff is appropriate to meet the safeguarding needs of the children living in the centre?</p> <p>11. Is there a culture of openness and accountability that supports children and staff to raise concerns, including safeguarding concerns?</p> <p>12. Is there an annual review of the quality and safety of care and support, including safeguarding practices, in the centre?</p>
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Section 2 — Quality and safety

The focus of this section is about the lived experience of the people using the service. This includes how young people:

- make choices and are actively involved in shaping the services they receive
- are empowered to exercise their rights, achieve their personal goals, hopes, and aspirations
- receive effective person-centred safe care and support, at all stages of their lives
- are able to live in a safe, comfortable environment
- are protected from any harm or abuse and
- are provided with education, information and support to keep themselves safe.

Dimensions: quality and safety	
Standard	Standard 1.1 Each child experiences care and support which respects their diversity and protects their rights in line with the United Nations (UN) Convention on the Rights of the Child.
Regulation	Regulation 10: Religion Regulation 14: Welfare of Child
Line of enquiry	<ol style="list-style-type: none"> 1. Are all staff in the centre aware of and promote and protect the children's rights to be protected from harm as prescribed in the United Nations (UN) Convention on the Rights of the Child and in Irish law? 2. Is there a culture of respect for each child in the residential centre, specifically in terms of their diversity, their right to participate in decision-making and freedom of expression? 3. Do safeguarding arrangements have due regard for each child's social, cultural and religious beliefs, gender and values, and the views expressed by the child and

	<p>their parents?</p> <ol style="list-style-type: none"> 4. Do safeguarding arrangements have due regard for the dignity of each child? Are the cultural and first language background and communication needs of children effectively considered? Is this reflected in children's care records? 5. Does the provider identify and address any breach of rights promptly and systemically to ensure opportunities for improvement are captured? 6. Has the provider ensured that approaches to managing behaviours that challenge uphold children's rights and do not in themselves pose a safeguarding risk to children? 7. Has the provider ensured that children are not subjected to any unnecessary, disproportionate or prolonged use of restrictive practices? 8. Where restrictive practices are deemed necessary, has the centre manager ensured that these are approved, reviewed and at all times the least restrictive option used for the shortest duration necessary.
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Dimensions: quality and safety

Standard	Standard 1.3
	Each child exercises choice, has access to an advocacy service and is enabled to participate in making informed decisions about their care.
Line of enquiry	<ol style="list-style-type: none"> 1. Is each child, in accordance with their wishes, encouraged and supported to exercise choice and have opportunities to participate in and contribute to decisions made about their day-to-day activities which are in line with their safeguarding needs? 2. Are there appropriate systems in place to encourage and facilitate children to express their views and opinions through different forums in order to inform safeguarding policies, practices and the daily running of the centre? For example, are children

	<p>involved in the development of safety plans and or consulted on the use of restrictive practices in the centre?</p> <ol style="list-style-type: none">3. Is each child assigned a key worker with whom they can establish a relationship of support and trust? Is careful consideration given to determining the key worker for each child to facilitate a positive relationship?4. Is each child provided with all relevant safeguarding information, in a format that is appropriate to their age, stage of development and communication needs, which will support them to exercise and understand their rights and to enhance their participation in decision-making?5. Are staff in the centre aware of their role in supporting children to access the complaints process?6. Is each child informed about advocacy services to ensure they understand the role of advocacy services and are supported to access such services as necessary?7. Is each child provided with all relevant information and support for self-advocacy to promote their understanding of risks to enhance their ability to protect themselves, appropriate to their age and circumstances? For example, are children educated on the risks associated with the use of social media and or understanding of vulnerabilities which place them at greater risk of exploitation or coercion?
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Dimensions: quality and safety	
Standard	Standard 2.2 Each child receives care and support based on their individual needs in order to maximise their wellbeing and personal development.
Regulation	Regulation 23: Care Plan Regulation 24: Supervision and visiting of children Regulation 25: Review of cases Regulation 26: Special review
Line of enquiry	<ol style="list-style-type: none"> 1. Is there a copy of an up-to-date care plan for each child? Does the care plan reflect assessment of all possible safeguarding concerns and risks, and are these adequately addressed in the care plan? 2. Are there effective mechanisms in place to ensure the safeguarding needs of each child placed in the centre are assessed prior to their admission? 3. Where safeguarding risks emerge after a child has been placed in the centre which call into question the placement suitability, is this escalated and managed appropriately and in timely manner? 4. Is there an up-to-date placement plan in place for each child which sets out arrangements to meet the specific safeguarding needs of each child? 5. Is each child facilitated to participate in the placement planning process, and are the views of the child taken into account regarding arrangements to meet their safeguarding needs? Where it is in the best interest of the child, is the child's family also provided with opportunities to input into the safeguarding plan? 6. Is each child supported to develop the skills, awareness and knowledge of how to protect and promote their own social development as well as their physical, mental and emotional health and wellbeing and protect themselves from harm? For

	<p>example, are children supported to understand risks associated with topics such as substance misuse, sexual health or online grooming, as appropriate to their individual circumstances?</p> <p>7. Do health promotion initiatives within the residential centre prioritise the importance of good physical and mental health and wellbeing, and detail what supports are available to children? For example, does each child's key worker promote and support the child's health and wellbeing in all relevant areas as required, including smoking prevention and cessation, self-care, safe relationships and physical, sexual and mental health and wellbeing?</p>
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Dimensions: quality and safety	
Standard	<p>Standard 2.3</p> <p>The residential centre is child centred and homely, and the environment promotes the safety and wellbeing of each child.</p> <p><i>Note: This standard will not be routinely examined as part of this inspection programme but will be an option for inclusion by inspectors, if required.</i></p>
Regulation	<p>Regulation 7: Accommodation</p> <p>Regulation 12: Fire precautions</p> <p>Regulation 13: Safety precautions</p> <p>Regulation 14: Insurance</p>
Line of enquiry	<ol style="list-style-type: none"> 1. Is the design and layout of the residential centre in line with the statement of purpose? 2. Has the provider considered safeguarding in ensuring that the premises of the centre are appropriate to the number and needs of the children of that centre and in accordance with the statement of purpose? 3. Is there suitable heating, lighting and ventilation in the premises? 4. Does each child have their own bedroom?

	<ol style="list-style-type: none"> 5. Is the communal space for children suitable for social, cultural and religious activities? 6. Is there adequate space, laundry facilities and suitable storage available for the personal use of children? 7. Are there enough toilets, bathrooms, showers, with hot and cold running water, to meet the needs of children? 8. Has the provider ensured that the physical environment, indoor and outdoor spaces, and facilities effectively contributes to promoting each child's safety, health and wellbeing? For example, do the bathroom facilities ensure privacy? 9. Is best practice used to achieve and promote accessibility? 10. Does the layout of the residential centre promote the safety of children, staff and visitors? Are all reasonable measures taken to prevent accidents? 11. Is the physical environment clean and kept in good structural and decorative repair, with adequate furnishings and suitable to meet the needs of children? 12. Has the provider ensured that any consideration of refurbishment of a service's facilities or buildings considers how the physical environment can contribute to promoting children's rights, health and wellbeing? For example, having the least restrictive environment that is required to keep children safe.
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Dimensions: quality and safety	
Standard	Standard 2.5
Line of enquiry	<p>Each child experiences integrated care which is coordinated effectively within and between services.</p> <ol style="list-style-type: none"> 1. Has the provider put arrangements in place to allow for communication and cooperation within and between services to deliver effective safeguarding and better outcomes for each child? 2. Where a child is preparing to leave care, are there effective arrangements in place to ensure that any safeguarding needs of the child will be adequately addressed before and during their transition to their onward home? Is each young person listened to and involved in the decision-making process about the transition from childhood to adulthood? 3. Where a child is moving to a different service, is this planned and managed in accordance with each child's safeguarding needs, and are supports effectively coordinated during the transition? 4. Has the centre manager ensured that safeguarding information about the child, including their needs, vulnerabilities and risks is shared with the new service in consultation with the young person? Are appropriate safeguards in place prior to the child being discharged from the centre, taking into consideration their age and legal status?

Dimensions: quality and safety	
Standard	Standard 3.1
Line of enquiry	<p>Each child is safeguarded from abuse and neglect and their care and welfare is protected and promoted.</p> <ol style="list-style-type: none"> 1. Does the provider have policies and procedures in place to protect children from all forms of abuse and neglect, in line with Children First and relevant legislation? Are these implemented? 2. Are all safeguarding concerns properly documented, taken seriously, investigated thoroughly and reported to relevant authorities as appropriate, in line with Children First? 3. Are there adequate and effective supports available to children who have experienced abuse? 4. Does the provider have policies and procedures in place to prevent and address issues such as bullying, online harassment and abuse, and exploitation of children? 5. Do all staff in the centre understand and implement safeguarding policies and procedures, and receive regular training in safeguarding children and in the prevention, detection and response to abuse? 6. Do staff in the centre work in partnership with children, families and the child's allocated social worker to promote the safety and wellbeing of children? 7. Is adequate consideration given to the appropriateness of networks of people involved in each child's life, and is appropriate action taken whenever risks relating to children's associations or relationships present? 8. Is each child assisted and supported to develop the knowledge, self-awareness, understanding and skills needed for self-care and protection that is sensitive to age, ability, personal history and stage of development? Are children supported to speak out

	<p>when they are feeling unsafe or vulnerable?</p> <p>9. Are the learning opportunities from risk management and complaints monitored and actioned and used to ensure safeguarding measures are appropriate and effective?</p> <p>10. Is there a policy and procedure on protected disclosures? Are staff in the centre aware of who they report a protected disclosure to and can do so without fear of adverse consequences to themselves?</p>
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Appendix 1 — Revision history

Publication date	Title	Summary of changes
February 2025	Safeguarding assessment-judgment framework for statutory children's residential centres	First published



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