A Critical History of Child Protection and Welfare Services for Disabled Children in the Republic of Ireland 1960 - 2023

Existing research demonstrates at least three-fold higher rates of maltreatment for disabled children above non-disabled peers. The situation is compounded by pervasive impediments to effective safeguarding practice for disabled children. Whilst scholarly attention to this area is growing, one aspect remains thoroughly neglected in the Irish context. Namely, historical accounts of disability and child protection are stark by their absence. This article presents key historical changes in child protection and welfare practice for disabled children, from 1960 to 2023, in the Republic of Ireland. The account illustrates how discourses of risk aversion, rights and inclusion have collided with increased bureaucratisation and state regulation. Toward achieving a critical theoretical exposition of history, conceptual conventions of the 5-P child protection model are applied. Key lessons for policy makers and practitioners about the socio-cultural construction of child protection and disability are then extracted, and with respect to informing future practice, critically explored.

Keywords: History; disability; child protection and welfare; Ireland

Introduction

Higher rates of maltreatment for disabled children above non-disabled peers have been persistent. This problem occurs alongside established practical and attitudinal impediments to effective child safeguarding work related to disability (Flynn, 2021a, 2021b; Jones et al., 2012; Stalker & McArthur, 2012; Stalker et al., 2010). Compounding the problems that lie at the intersection of child protection and disability has been a stark and persistent absence of historical accounts of disability in Ireland (Conroy, 2018; Kelly, 2010; Sweeney & Mitchell, 2010). This leaves practitioners without fodder to fuel future learning for practice, by reflecting upon the mistakes and successes of an imperfect past.

Specifically, the intention of this article is to present a critical history of child protection and welfare services for disabled children. The intention is not to offer a distanced and utterly objective reading of historical facts, which arguably, is never epistemologically nor practically possible. Rather, across three distinct phases of recent Irish history, a critical and conceptually informed reading of the intersection of disability and child protection is declared. Thereafter, socio-legal conventions derived from The Children (Northern Ireland) Order 1995 (O'Hagan, 2005) are applied toward extracting key points of learning. Ultimately, this provides the necessary context from which present policy and practice inadequacies, as well as enduring social inequality issues alluded to in contemporary research (Flynn & McGregor, 2017; Jones et al., 2012; Stalker & McArthur, 2012; Stalker et al., 2010), may be properly understood.

The article will begin by addressing its method. Thereafter, it proceeds by presenting an overview of relevant legislative, societal, policy and practice changes. Three distinct sub-phases of history are covered here. These are: 1960 to 1990, followed by 1990 to 2000, leading to an examination of events spanning 2000 to 2023. After this, discussion is presented under subheadings, which reflect five conceptual conventions of the seminal 5-P child protection model (O'Hagan, 2005; Vissing, 2023). Whilst evidently simplistic, the model is predicated upon core aspects of child protection that are arguably universal across time and space (O'Hagan, 2005). As such, the model permits an open consideration of the subject matter, along with rigour and depth in the critical comprehension of history. The article concludes by sharing some parting reflections about Irish history. In particular, this is a history that reveals oftentimes different trajectories of safeguarding practice on the ground level for disabled children, interspersed by a long and wearying journey toward more inclusive and effective safeguarding work (Flynn & McGregor, 2017; Redmond & Jennings, 2005).

Methodology

The aim of this research is to present a critical account of historical changes in child protection and welfare in Ireland for disabled children. The account is underpinned by two research questions. The question for phase one is, "What are the key historical changes in child protection and welfare practice for disabled children, from 1960 to 2023, in the Republic of Ireland?" In this phase, the method involved the development of an a priori search strategy with a subject librarian. This entailed inclusion and exclusion criteria, search strings and electronic databases, grey literature searches as well as physical searches undertaken through Ireland's largest research library. Once a final sample of historic documents and literature was available, these were read, and hand coded to highlight key historical changes as per the research question. Information was extracted and inputted chronologically into an Excel spreadsheet. Finally, this was read to determine if any broad historical phases were visible.

The research question for phase two is, "What are key lessons for future practice from the socio-cultural construction of child protection and disability in Irish history?" Here socio-legal conventions of prevention, paramountcy, partnership, protection and parental responsibility (O'Hagan, 2005) were deductively applied to the sample through coding. Overarching the method was the ontological approach aligned to social constructivism. This means that accounts of history are viewed as socially constructed and subjectively understood through shared meaning, rather than there being only one objective truth about a given phase of history. This fits with the epistemological approach of the paper which aligns to a critical social model perspective. Here, disability is not an entirely biological issue but rather it is about socially constructed barriers to equality in society (Conroy, 2018).

Phase one: De-institutionalisation and integration from 1960 to 1990

Having established a methodology, the first phase of history to be considered is 1960 to 1990. This is entitled 'de-institutionalisation and integration' with respect to its depiction of the inward movement of disabled children's lives, from the very marginality of society, toward more inclusive positions alongside majority population peers. In particular, watershed moments prior to 1960, which impinged on the circumstances of child protection and welfare services in the Republic of Ireland, included the establishment of Health Boards through the Health Act, 1953. Thereafter, early State managed, dedicated child protection and welfare services began operating under Health Boards. The Act made provisions for child protection and welfare within this system, including instrumental provisions for fostering and placement of children in approved schools (Buckley et al., 1997; Skehill, 2004). By 1954, the Boarding Out of Children Regulations had also begun embedding contemporary practices like maintenance of records and appropriate matching of placements that are central to modern child protection.

The Adoption Act 1952 provided for powers for the adoption of children. By 1956, the Irish Society for the Prevention of Cruelty to Children (ISPCC) had also been established (Buckley et al., 1997; Buckley, 2013). Following this, in 1959, the appointment of the first inspector for special education marked the start of a new era, which Swan (2000) refers to as the era of the special school. Thereafter, disabled children would benefit from key policy and practice developments in special education spanning between 1960 to 1980 such as the provision of professional training and resources for special needs educators (Swan, 2000). With all these changes underway by the 1960s, it is unfortunate that old patterns of medicalisation and segregation were far from extinguished.

Religious, individualised and bio-medical perspectives had monopolised social services for disabled children in the Republic of Ireland. Thankfully, the pervasive and exclusive application of these perspectives in guiding services and policy, was increasingly being viewed as reductive and inappropriate (Flynn, 2021c). Yet, due to enduring residuals of these discourses, alongside the centrality of religious charitable service provision in Ireland (Skehill, 1999; Power & Kenny, 2010), disabled children oftentimes were admitted to residential care facilities without clear recording or acknowledgement of the presence of any child maltreatment and neglect concerns (Flynn & McGregor, 2017). From the 1970s, across Britain and Ireland, there was increased recognition that adoption and

foster care could be viable options for disabled children who could not live with their parents due to risk of abuse or neglect. Accordingly, fewer disabled children were consigned to residential care (Hill et al., 2017). Nonetheless, disabled children still experienced care patterns that would not be tolerated for their non-disabled peers. Nonetheless, better recognition that with adequate supports, non-residential care placements for disabled children could work, was leading to specialised supports becoming more available (Morris, 1995).

From 1960s onwards, child protection and welfare work for disabled children was also limited by an absence of relevant research (Stalker & McArthur, 2012). There was no proper recognition of the vast variance in service and support provision for families with a disabled child depending upon where in Ireland they were living (Health Service Executive and National Reference Group, 2009). Certainly, unique challenges were associated with raising a disabled child in Irish rural settings (McConkey et al., 2023). Poverty was a formidable adversary, for instance. Considering that child welfare and neglect concerns can be tied to material deprivation issues like food poverty, unclean clothing, lack of heating or electricity, it is notable that poverty was particularly pronounced for families with a disabled child due to disability related financial strains (Cullinan et al., 2016; Emerson et al., 2010; Flynn, 2019, 2021b). Meanwhile, statutory provisions around childcare were opening space from the 1960s, for social workers to take up the position of centrality and expertise in Irish child protection and welfare that they occupy today. A variety of professionals, to varying extents, were conducting child protection work with increasing space for social workers to take on a central statutory role (Skehill, 1999).

Perhaps most central to the historical management of child protection and welfare concerns for disabled children between 1960 and 1980, however, were changes resulting in rapid onset of de-institutionalisation. The 1950s was a time when Ireland was characterised by staggeringly elevated rates of institutional care for populations such as intellectually disabled children (Power & Kenny 2010; Redmond & Jennings, 2005). In 1958, the highest number of patients living in psychiatric hospitals was reached (Prior, 2017). The 1960s, however, marked the end of the era of institutionalisation. Industrial and reformatory schools scattershot across the Irish landscape began closing (Rafferty & O'Sullivan, 1999). Published in 1966, the Investment in Education report by the OECD, as well as the Committee of Inquiry into Industrial and Reformatory Schools of 1970, signposted a less segregated approach to schooling. This coincided with seminal inquiries and reports around the deficits of residential care. In 1966, the 'Some of Our Children' report, also known as 'the Tuairim report' characterised industrial and reformatory schools across Ireland as untenable and involving unwarranted reprimands of children and harsh conditions of living (Tuairim, 1966).

In 1970, the Reformatory and Industrial Schools System report, colloquially known as the 'Kennedy Report' due to chairing by District Justice Eileen Kennedy, affirmed that residential care ought only to be a measure of last resort (Kennedy, 1970). This report emphasized that the purpose of child protection and welfare services should be "preventing family breakdown" rather than the prevalent practices of segregating children in institutions away from community and family life (Kennedy, 1970, p.6). After this, in 1980, the Task Force Report was published, which opened conditions of possibility for "a specially trained worker" to support deprived children to remain at home where possible (Department of Health, 1980, p.21). The report also referred to society depending on "residential establishments to divest itself of responsibility for deprived children and delinquent children" (1980, p.182).

Whilst a welcomed departure from heavy institutionalization of children was played out after the 1960s, the continued authority of medical approaches to disability meant that the social conditions of many disabled children's lives were overlooked in favor of an individualizing and pathologizing view. Flood (2013) demonstrates that between 1919 and the 1990s, disabled children had regularly lived in 'schools' and institutions. This did not change until public awareness increased about brutal conditions of institutional life, prompting services for disabled children to be more aligned to mainstream children's social and educational services (Flood, 2013). Between 1960 and 1980, Governmental policy placed better emphasis on personalising services, as well as inclusivity, participation and recognition of rights (Flynn, 2019). Meanwhile, in child protection and welfare, the

main approach to out of home care of children was moving toward foster care, whilst the core legislation governing practice was the increasingly outdated 1908 Children Act (Burns & McGregor, 2019).

All of these changes laid the foundation for an era of rapid transformation, which in some ways offered a welcomed departure from the heretofore unstandardised and unregulated nature of child protection. Specifically, a period of change lay around the corner. The 1990s would be a decade which ushered in an era shot through with shockwaves. These would unsettle the dust concealing hidden atrocities of the past, so that their visibility to the public eye could help to drive reactive and expansive child protection and welfare legislative and policy development. It is toward this era of rapid development, that we now turn our attention.

Phase two: Scandal and transformation throughout the 1990s

The second phase of Irish history spans the length of the 1990s. The title given to this phase is 'scandal and transformation'. Perhaps foremost among reasons for this naming, is the reactive nature of changes during this time. Certainly, by the end of the 1980s, a defining decade of transformation was upon the Irish public. This decade would dramatically and irrevocably change child protection and welfare for disabled and non-disabled children alike (Buckley et al., 1997; Buckley & Burns, 2015). One centrepiece change within the legislative landscape of child protection was the introduction of the Child Care Act 1991. It replaced the role of the Children Act, 1908 as the primary legislation governing child care services in Ireland for much of the 20th century (Buckley et al., 1997). This key legislation would make significant changes to how child protection and welfare work was executed. Within its varied scope included provisions for placement of children in various forms of alternative care, for the removal of children both with and without parental consent, as well as measures for the supervision of children in the community who are deemed to be at risk (Hamilton, 2012). The Child Care Act 1991 led also to the Placement of Children in Foster Care Regulations 1995; the Placement of Children in Residential Care Regulations 1995; and, the Child Care Placement of Children with Relatives Regulations, 1995. The regulations were instrumental due to provisions for the management of placements, including children's welfare within placements. Specifications for access of parents to children and frequencies of visitation of children were indicative of the key issues addressed (Hamilton, 2012).

Concurrently, the 1990s was a time when there was increasing drives to inclusion and equality for disabled children. Disabled children were now being accommodated in mainstream classes (Swan, 2000) rather than largely consigned to institutional care in the guise of special 'schools' (Flood, 2013). Disabled children featured on child protection caseloads in recognition of them holding the same protection rights as non-disabled peers. Yet still, at times, they received a different service in practice than non-disabled peers. The 1990s was also attributed to the discovery of child abuse by the Irish public at large. As Kilkelly (2012, p.8) articulates, *"Ireland's modern history is littered with high profile stories about the physical, sexual and emotional abuse of children. National inquiries have played an important role in telling the stories of children abused and neglected and they represent an important vindication of the rights of individual children".* High profile and shocking cases of the abuse and neglect of children were not just confined to the 1990s, but certainly a suite of such cases happened in this decade, and rapid expansion of child protection services was also visible within the flurry of change (Buckley et al., 1997; Buckley & Burns, 2015; Kilkelly, 2012). The media spotlight shone on inadequacies of the existing child protection system, and this spurred on intense and reactive legislative, practice and policy change. Arising inquiry reports made many recommendations, from introducing mandatory reporting, to erecting monuments in memory of victims, to developing practice protocols (Kilkelly, 2012).

Among cases of child abuse in the community that were publicised during the 1990s was the West of Ireland Farmer Case which was renowned due to on-going failures of authorities to identify and prevent the abuse, as well as the severity of the abuse perpetrated by domineering and intimating father Joseph McColgan toward his children. Joseph pleaded guilty in February 1995 to 26 charges against him and was sentenced to 12 years imprisonment (McKay, 2004). Highly publicised also was

the Kilkenny Incest Investigation. This pertained to the 16 years of systematic and profound abuse of a daughter by her father that led to major judicial inquiry by Government (South Eastern Health Board, 1993). A further example took the form of the Kelly Fitzgerald Case. The inquiry report referred to the death of 15-year-old Kelly Fitzgerald and criticised the Western Health Board actions including ineffective case conferences (Government of Ireland, 1996). Presented to the public eye was a litany of unresponsiveness and inaction that had characterised the case. Indeed, showcasing such ineptitude was a feature of other publicised cases of the time (Government of Ireland, 1996; Kilkelly, 2012). Concurrently, the 1990s saw the secularisation of society spurred on by sporadic and shocking cases of clerical child abuse linked to Catholic institutions. The Irish Government conducted inquiries which indicated that thousands of children were likely abused by Catholic priests in Ireland over decades (Keenan, 2013). As convictions were being secured for priests so too was the rapid decline of authority and influence of the Catholic Church becoming visible, such as through the later referendum to legalise abortion with associated implications for disability equality.

Due to media scandals, child protection and welfare had "achieved an unprecedented position on the public agenda" with considerable scrutiny directed toward services (Buckley et al., 1997). Official and centralised governmental child protection and welfare services were established by the 1990s, meaning that agencies such as the ISPCC (Irish Society for the Prevention of Cruelty to Children) had been replaced in their instrumental role in child protection. A rapid increase in child protection and welfare social workers in the 1990s, saw social workers firmly situated with central expertise in this field (Buckley et al., 1997; Skehill, 1999). Changes underway also led child protection and welfare services to be more regulated and standardised leading to greater transparency, such as with the transformative publication of Children First: National Guidelines for the Protection and Welfare of Children in 1999.

Meanwhile, the early 1990s had been a time of seismic changes to disability law and policy more broadly in Ireland. Much of this was tied to international influences such as the United Nations (Lundström et al., 2000). Children's rights discourses were greatly strengthened in the 1990s and a landmark change came in the form of ratification of the United Nations Convention on the Rights of the Child in 1992 (Kilkelly, 2012). Whilst the Convention made specific reference to disability and indeed had full applicability to disabled children, it was unfortunate that the United Nations Convention on the Rights of People with Disabilities would take much longer to ratify as the State aligned domestic legislative and policy arrangements to the Convention (Doyle & Flynn, 2013). Nonetheless, discourses around rights, inclusion and equality were becoming more pronounced in Irish society for disabled children and this occurred alongside tangible changes to policies and practices in Ireland. Since the 1800s, disabled children in Ireland had often been seen as exceptional and exempt from measures for their non-disabled peers, and this led to them often not getting the care and protection they required (Swan, 2000). Now, amid the 1990s, disabled children were generally included on equal footing in child protection and welfare services, at least on a superficial level. Yet, evidence was emerging that disabled children experienced higher rates of abuse (Jones et al., 2012). Moreover, unique barriers to safeguarding them were prevalent, including attitudinal and practical issues like problems gathering credible accounts from children who are non-verbal, and problems finding suitable placements for disabled children (Flynn, 2021a, 2021b; Flynn & McGregor, 2017; Miller & Brown 2014; Stalker & McArthur 2012; Stalker et al. 2010).

With the 1990s drawing to a close, one final transformative phase of history lay just around the corner. This would be a period when unique impediments and impasses around safeguarding disabled children would come into sharper focus. As with all stages of history that had come and gone before, the confluence of varied advancements would bode well for children in need of protection. Yet, this next phase of history, consistent with phases of the past, would also tend to many of the problems of child safeguarding, whilst letting many more endure largely unscathed and without resolution or remedy.

Phase three: Attention to disability as a facet of child protection from 2000 to 2023

The final phase of history to be examined spans from the end of the 1990s to 2023. Arguably, whilst the 1990s saw rapid expansion in child protection, and in a distinct capacity, advancements in disability rights and equality, the intersection of child protection and disability had not been foregrounded. Publicised scandals and atrocities continued to rupture public taboos. The Roscommon Child Care Case presented a landmark case in highlighting failures by authorities. The case entailed, among other things, the enduring taboo of a mother sexually abusing her children (Gibbons, 2010). Clerical abuse scandals continued to send shock waves through Irish society such as the publication of the Ferns Inquiry (Murphy et al., 2005). Of particular relevance to the case of disabled children, who had been institutionalised in segregated and congregated settings at extraordinarily high rates, were scandals depicting the unforgiving conditions under which Irish children had lived in congregated settings.

The McCoy Report provoked moral outrage following an inquiry between 1999 and 2007 led by Dr Kevin McCoy and Dr Elizabeth Healy into the Brothers of Charity Order's services. The report was published in 2007 and concluded that 17 staff, including clergy, had allegedly abused 21 intellectually disabled children (McCoy, 2007). Another watershed moment was the publication of the Ryan Report in 2009 depicting the tragic failings of Irish reformatory and industrial schools historically in Ireland (Ryan, 2009). The devastatingly high infant mortality rate within mother and baby homes in which 'wayward' and supposedly immoral unmarried mothers had been previously consigned, was another deeply troubling matter which began bearing down heavily upon public conscience (Skehill, 1999). Centrally relevant here, was media reports in 2014 of a 'septic tank grave' where the alleged skeletons of 800 infants were found in Tuam, county Galway, on the site of a former institution where unmarried mothers had been consigned. Scrutiny and Governmental investigation followed, and it became increasingly clear that among Ireland's dark history, was the unforgiveable treatment of women and children in denominational mother and baby homes (Garrett, 2016).

Specific to the situation of child protection and welfare for disabled children were several crossroad moments and climacteric cases. The Inquiry into Protected Disclosures SU1 report (2012), colloquially known as the 'Grace case', brought to public attention the circumstances of a disabled woman who had been in foster care for a period of 20 years, having first been placed in full-time care aged 10 years old. A reported failure to intervene had been on-going across 20 years despite alleged sexual and physical abuse with Grace only being removed in 2009 (Cullen, 2017). Additionally, in 2012, the death of General Practitioner Bernadette Scully's significantly disabled daughter, after Bernadette gave her a powerful sedative, was widely reported upon. By 2016, a jury at the Central Criminal Court determined that Dr Scully was not guilty of manslaughter, which dispelled some, but not all, suspicions held about intentional murder (Keegan, 2019). Cases such as these, as well as scandals that involved maltreatment of disabled adults such as at residential settings, led to increased attention on how disability could present unique safeguarding risks. The RTÉ broadcast of abuse at Áras Attracta care facility (Áras Attracta Swinford Review Group, 2016), and coverage of maltreatment at Leas Cross Nursing Home (Health Service Executive, 2006), were among forefront examples.

Notwithstanding individual cases, broader change was underway in 2014 when Tusla, the Child and Family Agency (CFA) (hereafter Tusla) was established under the Child and Family Agency Act 2013. Prior to this, child protection and welfare services were housed within the Health Service Executive, and prior still, within Health Boards. Tusla is now the dedicated state agency for managing the welfare of children in Ireland (McGregor, 2014) and within it is located contemporary child protection and welfare services. McGregor (2014, p.771) comments on the context of Tusla's formation, by conceding that 'a discourse of prevention, early intervention and the promotion of children's rights are most dominant in light of a quest to purge the mistakes of the past.' In this context, child protection and welfare services for disabled children specifically were handled by Tusla CFA in isolation, or in cooperation with Irish disability services. Yet the latter relationship has been far from a harmonious and steady one. In 2018, the Ombudsman for Children's Office published 'Molly's case'. The relevant report detailed a complaint to the Office regarding poor treatment by services of a disabled child in foster care. The case cracked the lid on years of concerning issues around coordinating supports and resources for

disabled children, as a direct result of poor working relations between child protective services and disability services (Ombudsman for Children's Office, 2018).

More broadly, legislative and policy changes continued to take place across this period. National Standards for Foster Care Services were instrumental and developed in 2003 (Department of Health and Children, 2003). These provided clarity around issues like the social work role and measures for assessment of foster carers. The Health Act 2007 led to the development of the Health Information and Quality Authority (HIQA) which conducts, among other things, monitoring investigations into child protection and welfare and disability services. Utilised in doing so, are a suite of quality standards such as the National Standards for the Protection and Welfare of Children (HIQA, 2012). Moreover, an updated edition of Children First: National Guidance for the Protection and Welfare of Children (Department of Children and Youth Affairs, 2017) was issued alongside various legislative changes over the time period, including the Children First Act 2015 and mandatory reporting.

Overall, 1999 to 2023 marked a period with some important advancements for disabled children and child protection in Ireland. Central to these were increased understanding of the multiple and unique barriers to effective safeguarding of disabled children (Flynn & McGregor, 2017). Further critical has been standardisation of services, with child protection and welfare services having become immensely bureaucratic and procedurally regulated (Buckley & Burns, 2015). Meanwhile, services for disabled children more broadly have also become less haphazard and location dependent. Central here has been the Progressing Disability Services for Children and Young People Programme. Additionally, National Disability Strategies and cornerstone legislative changes like the enactment of the Disability Act 2005 have seen vast improvements in the lives of disability communities more broadly, and whilst this is peripheral to the distinct matter of child protection and welfare, it is not entirely removed. Advocates, for instance, can be assigned to attend child protection conferences and assist with child protection related court work through the National Advocacy Service. Moreover, changes like these intersect with broader societal progressions, such as more availability of targeted supports for parenting disabled children, like the 'Stepping Stones Triple P' parenting program (Tellegen & Sofronoff, 2015).

With all these changes in place, and as we draw to a close on this third and most recent phase of history, it is conclusive that much legislative, policy and practice progressions were achieved, and yet equally, much is left to do. Disabled children continue, on an Irish and international scale, to experience increased likelihood of all kinds of abuse, in particular neglect (Flynn, 2019; Jones et al., 2012; Miller & Brown 2014; Stalker & McArthur 2012; Stalker et al. 2010). Data in Ireland remains grossly insufficient, but thankfully also growing, around this issue. Indications are that international problems such as failure of cases of disabled children's abuse to proceed to prosecution (Edwards et al., 2012); unequal child protection system outcomes like poorer likelihood of getting child protection plans and being placed on protection registers (Cooke & Standen, 2002); and disappointing outcomes for disability equality and rights more broadly (De Wispeleare & Walsh, 2008), remain relevant in the Irish context.

In order to now conceptualise what this means for present day policy and practice, in tandem with identifying lessons to be learned from the past, we turn toward theory. Specifically, theoretical exposition of key learning from the past, will involve the critical application of conventions of the 5-P child protection model. The model is highly simplistic, and yet is also one which cascades effortlessly downward in its relevance, from macro-societal policy and law, to the very intricacies of grass roots practice.

Discussion

Having brought into clearer focus the key events, turning points and changes in child protection and welfare for disabled children in the Republic of Ireland from 1960 to 2023, it is now opportune and timely to apply the socio-legal conventions of the 5-P child protection model. The conventions appear simplistic and intuitively correct, but in this sense, allow for a more open and gently guided reflection on history. They are generally recognised to stem from the legal interpretation of The Children

(Northern Ireland) Order 1995 which is underpinned in practice by these principles. The principles govern how the legislation, which has no legal authority in the Republic of Ireland, is used. The principles set out in the Act have enjoyed widespread support and uptake well beyond the legal scope of the legislation (O'Hagan, 2005). Additionally, principles articulate different aspects of child protection which may converge upon and mutually influence each another.

The first principle of 'prevention' refers to preventing abuse and neglect before it ever happens. The paramountcy principle designates that the child's best interests must be the paramount consideration in all decisions that affect the child. Partnership is about working collaboratively, whilst protection refers to keeping children safe from harm. Finally, parental responsibility is about not detracting from or diluting parental obligations (Vissing, 2023). With this established, it is now timely to critically interrogate history, toward achieving more insight about disability and child protection, through a less truncated and superficial view of the past.

Prevention

The first convention of the 5-P model to be examined is 'prevention' (Vissing, 2023). The argument that will be advanced in this section pertains to the evolution of the socio-cultural construction of prevention over recent history. Specifically, it is argued that the imperative of prevention was always present, but its expression evolved toward keeping disabled children in their families and communities. It would seem intuitively correct that one ought not just to combat abuse that is unfolding but seek to prevent such abuse to disabled children in the first instance (Conroy, 2018). To do so at the Irish societal level, means having the surplus resources to surpass firefighting of acute crises, to work preventatively and intervene early on. It is perhaps no surprise that the most recent phase of history is the one in which the preventative imperative was most geographically standardised and publicly articulated. McGregor (2014, p.771) locates 'prevention' as central to the espoused aim and discourse surrounding Tusla. As a tangible reflection, to support families with and without disabled children, Tusla have now implemented a Prevention, Partnership and Family Support (PPFS) program (Gillen et al., 2013).

Critically analysing history before this, it becomes clear that Ireland was oftentimes enamoured with a preventative imperative, which at worst, was misguided and harmful. Here, heavily criticised eras of institutionalisation, built upon the shoulders of reformatory schools, industrial schools and other congregated facilities (Rafferty & O'Sullivan, 1999; Redmond & Jennings, 2005), ostensibly prevented the abuse of children in powerful ways. Yet, as Kennedy contends, the true aim ought always to have been "preventing family breakdown" (Kennedy, 1970, p.6) and with hindsight, it is clear that institutionalisation was not best. Overall, the principle of prevention of child abuse has been a feature across all phases of recent Irish history (Skehill, 1999), from the blunt removal of disabled children to institutional settings, to the founding of the Irish Society for the Prevention of Cruelty to Children (ISPCC) in 1956, to the modern PPFS service. The trajectory, however, of this feature of history, is one that increasingly moves toward keeping children within their families and communities, working with them from first inklings of family problems, and building coping skills and supports to sever the causal link between present disadvantage and disadvantaged futures.

Paramountcy

Paramountcy is the second principle. It refers to the necessary placement of the child's safety as the paramount consideration (O'Hagan, 2005; Vissing, 2023). The proposition made in this section will be that the practical and discursive construction of paramountcy in child protection and welfare, has been placed within distinct legislative and policy parameters in recent history, which has particular benefits for disabled children. Arguably the 1990s were most germane here by embedding the principle of paramountcy through the enactment of the Child Care Act 1991 (Shehill, 1999). For managing child protection and welfare concerns for disabled children, the statutory articulation of this measure has perhaps been most vital, given existing research suggests over-empathy with parents and differing

application of thresholds, has diluted a child safety focus and an assertive children rights perspective for disabled children (Stalker et al., 2010).

Upholding the paramountcy of the disabled child's rights to safety and protection also means that historic evidence of a potentially different route for some mistreated disabled children, where they are admitted to care via disability services (Flynn & McGregor, 2017), would be unlikely to continue without proper child protection records being made. It therefore seems that a bedrock of legislation and policy that upholds paramountcy, is of utmost benefit to disabled children, otherwise uniquely vulnerable in the child protection and welfare system. Overall, it is clear that since the 1990s in particular, increased devotion to the paramountcy of child safety in Ireland, has been both evident and advantageous. At the coalface, this comes down to putting the child's safety and welfare first in all counts.

Partnership

As with many of the 5-P's of child protection, 'partnership' with children and families is a child protection mainstay (Turnell & Murphy, 2014), which Tusla has been able to strengthen at least at an espoused policy level, in recent years. In this section, the intention is to excavate insight about the nature of partnership across the three focal phases of Irish history. The sustaining proposition of this section is that changes to disability and child protection discourses and work practices, have led toward partnership becoming a practical imperative. In this context, the imposition of Signs of Safety as a new national practice model for child protection in Ireland, for instance, has brought with it a strong collaborative casework approach that challenges social workers to work in meaningful partnership with children and families (Spratt et al., 2019).

Partnership is now a pressing need as well as an intellectual crucible that builds upon a long tradition of collaboration with families and communities in child protection casework (Turnell & Murphy, 2014). Partnership was present as a principle spanning back to 1960, and indeed long before. With increased emphasis, however, on inclusion and participation in disability discourse (Flood, 2013), as well as deinstitutionalisation and moves toward more natural family care arrangements, partnership has become a practical necessity whereby services must work with families to maintain the safety of disabled children in the home environment, and to apply packages of support that keep disabled children in their communities. Here, it is conclusive, that changes to disability and child protection discourses and work practices, have led toward partnership moving further beyond a principled ideal, and more toward a practical imperative.

Protection

Protection represents the fourth, and the almost final, principle. It would be remiss to omit how protection forms an obvious and self-explanatory principle of child protection (Buckley et al., 1997; Buckley & Burns, 2015). Critique of phases of recent history, however, prompts the question of *whom* ought to do the protecting? The key proposition that will be made is that the answer to this question has substantially evolved. Practice wisdom and judicious planning contribute to the artistry of excellent child protection and welfare social work (O'Hagan, 2005). Across history, however, practitioner discretion in the application of these skills and aptitudes has collided with increasingly exact legal and policy requirements for how practice must be enacted. Risk aversion, fear and the burden accountability has meant that practitioners feel increasingly under pressure as they may be blamed for child deaths, by way of claimed professional negligence or ineptitude, to the same or a greater extent than the people who have killed the child.

The concern is that this blame may be justified and informed solely upon the presence of a child death and not based on any tangible practice error (Munro, 2011). Whilst a shift toward blaming professionals can be traced across one recent historical line, yet another line of demarcation pertains to rearticulation of the principle that child protection is everyone's problem. The introduction of

mandatory reporting legislation and initiatives such as the case co-ordination process Meitheal, have strengthened this message over recent history. In the context of these changes, the focus of this section has been upon protection, and within this, the proposition has been that it is the onus placed on selected others to protect disabled children and non-disabled children alike, that has changed to varying and evolving extents.

Parental responsibility

Finally, and not unrelated to discussion under the principle of protection, is the principle of parental responsibility. Socio-cultural discourses of professional accountability, service quality and consumer rights, arguably must never untether child protection and welfare practice from the fundamentality of parental responsibility (Munro, 2011). In particular, for disabled children in Ireland, domestic and international research suggests that parents may have been historically devolved of responsibility by way of disability services input, or not held accountable for their neglect or maltreatment of their disabled child in the same way as if the child had no disability (Conroy, 2018; Flynn & McGregor, 2017; Stalker et al., 2010).

Thankfully, phases of Irish history also show an increase in children's rights and disability rights discourses as well as breakthroughs in public awareness about the risks of abuse against disabled children posed by children's parents and caregivers (Kilkelly, 2012). It would seem that society is less likely to shy away from blaming parents for their maltreatment of their disabled children, simply because the public feel sorry for parents and perceive disability in itself to be a blameless tragedy. Rather, progressions have helped Irish society to increasingly view disabled children as autonomous rights holders, who can and should live fulfilling happy lives full of achievement and inclusion. This is a welcome change and one that directly and indirectly bolsters the protection and welfare mandate, for disabled children in the Republic of Ireland.

Conclusion

This focus of this article has been on presenting a history of child protection and welfare services for disabled children in the Republic of Ireland, from 1960 to 2023. In finalising our engagement with recent Irish history, the conceptual application of the 5-P model of child protection to three distinct historical phases, lends credence to the notion that disabled children, at times, experienced a different trajectory of safeguarding practice than that which was commonplace for non-disabled peers. Nonetheless, media scandals and publicised inefficiencies toward professional child protection of disabled children (such as in Cullen, 2019; Keegan, 2019), have raised the position of child safeguarding on the public agenda. As higher rates of maltreatment for disabled children above non-disabled peers have been persistent (Jones et al., 2012), this change is at least something to be thankful for. In looking ahead toward future policy and practice, the value of written history arguably remains relevant, as a resource to think through the inevitable complexity, of keeping disabled children safe.

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